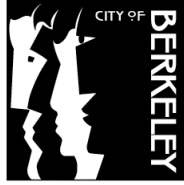


**REVISED AGENDA  
(ADDED CONTINUED ITEMS FROM JULY 16, 2019)**



**BERKELEY CITY COUNCIL MEETING**

**Tuesday, July 23, 2019  
6:00 PM**

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

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, 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.*

**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 – Continued Business

- A. Referral Response: Berkeley Municipal Code Revision Related to the Use of Gender Neutral Language** *(Continued from July 16, 2019)*  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,670-N.S. revising the Berkeley Municipal Code to include gender-neutral pronouns by eliminating any gender preference language within the Berkeley Municipal Code and amend Sections 1.04.020, 4.36.110, 4.38.110, 4.39.110, and 11.08.050 regarding grammatical interpretation to indicate that whenever a gender neutral personal pronoun is used, it shall be deemed to include the feminine and masculine also.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** General Fund - \$600  
Contact: Mark Numainville, City Clerk, 981-6900

## Consent Calendar – Continued Business

- B. Lease Amendment: Police Department Substation, 841 Folger Street/3000 Seventh Street** *(Continued from July 16, 2019)*  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,671-N.S. authorizing the City Manager to execute an amendment to the lease agreement with Sasha Shamszad for real property located at 841 Folger Street/3000 Seventh Street for the purpose of leasing office and parking space to the Berkeley Police Department Traffic and Parking Enforcement Units for the six months following approval of this amendment by the Berkeley City Council. A holding over clause in the amendment will also allow the City to continue to lease the property on a month to month basis if needed after the expiration of the six month extension.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Andrew Greenwood, Police, 981-5900
- C. Adopt an Ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code Prohibiting Natural Gas Infrastructure in New Buildings** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.) (Continued from July 16, 2019)*  
**From: Councilmembers Harrison, Davila, Bartlett, and Hahn**  
**Recommendation:** Adopt second reading of Ordinance No. 7,672-N.S. adding a new Chapter 12.80 to the Berkeley Municipal Code (BMC) prohibiting natural gas infrastructure in new buildings with an effective date of January 1, 2020.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, 981-7140

## Consent Calendar

- 1. Referral Response: Short-term referral to City Manager to amend Berkeley Municipal Code 7,441-N.S. to expand the control of flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code sections 9.80.020 and 9.80.035, and adding sections 9.80.031 and 9.80.032 to prohibit the sale of flavored tobacco products, to require a minimum package size for cigars and little cigars, and to require a minimum price for certain tobacco products sold in the City.  
**Financial Implications:** See report  
Contact: Farimah Brown, City Attorney, 981-6950; Kelly Wallace, Housing and Community Services, 981-5400

## Consent Calendar

### 2. Minutes for Approval

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of June 4, 2019 (special closed), June 11, 2019 (special closed, special, and regular), June 18, 2019 (special closed and special), and June 25, 2019 (special closed and regular).

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, 981-6900

### 3. Establish 2020 City Council Meeting Schedule

**From: City Manager**

**Recommendation:** Adopt a Resolution establishing the City Council regular meeting schedule for 2020, with starting times of 6:00 p.m. and providing for ceremonial items to be taken up as special items noticed to be heard in advance of the scheduled start time of regular meetings.

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, 981-6900

### 4. Voting Delegates – League of California Cities Annual Conference

**From: City Manager**

**Recommendation:** Designate Councilmember Kate Harrison as the voting delegate and Councilmember Rigel Robinson as the alternate for the business meeting of the Annual League of California Cities meeting to be held on Friday, October 18, 2019, at the Long Beach Convention Center.

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, 981-6900

### 5. Affordable Housing Projects; Federal Tax Law Reimbursement Resolution

**From: City Manager**

**Recommendation:** Adopt a Resolution allowing the City to pay certain costs of affordable and moderate income housing projects prior to the date of execution, delivery or issuance of tax-exempt bonds, and to use a portion of the proceeds of the tax-exempt bonds for reimbursement of expenditures for the projects that are paid before the date of execution, delivery or issuance of the obligations. The maximum principal amount of the obligations is expected to be \$175,000,000.

**Financial Implications:** See report

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

### 6. Animal Care Services Providing Mutual Aid in Disasters

**From: City Manager**

**Recommendation:** Adopt a Resolution approving Berkeley Animal Care Services (BACS) Mutual Aid Agreement policy to provide animal services in disaster and emergency situations.

**Financial Implications:** See report

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

## Consent Calendar

**7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 23, 2019**

**From: City Manager**

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

**Financial Implications:** Various Funds - \$1,860,000

Contact: Henry Oyekanmi, Finance, 981-7300

**8. Contract No. 10631A Amendment: Resource Development Associates for HOTT Evaluation Consulting Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 10631A with Resource Development Associates (RDA) to build a database for the Mental Health Division's Homeless Outreach and Treatment Team (HOTT), in an amount not to exceed \$6,500, for a total contract amount not to exceed \$54,500.

**Financial Implications:** See report

Contact: Kelly Wallace, Housing and Community Services, 981-5400

**9. Mental Health Services Act (MHSA) Fiscal Year 2019-2020 (FY20) Annual Update**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the Mental Health Services Act (MHSA) Fiscal Year 2019-2020 (FY20) Annual Update, which provides information on current and proposed uses of funds on mental health programming, and forwarding the MHSA FY20 Annual Update to appropriate state officials.

**Financial Implications:** See report

Contact: Kelly Wallace, Housing and Community Services, 981-5400

**10. Contract No. 9888A Amendment: Merritt Hawkins for Recruitment Services: Psychiatrist**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 9888A adding \$100,000 to the expenditure contract with Merritt Hawkins for Recruitment for Psychiatrist III for a total contract limit of \$149,990 for the period beginning March 2, 2015 and ending on June 30, 2021.

**Financial Implications:** Various Funds - \$100,000

Contact: Kelly Wallace, Housing and Community Services, 981-5400

## Consent Calendar

### 11. **Contract Amendments: Mental Health Services Act Community Services and Supports, and Prevention and Early Intervention**

**From: City Manager**

**Recommendation:** Adopt seven Resolutions authorizing the City Manager or her designee to execute amendments for the following contracts that are funded through Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI), and Community Services and Supports (CSS) increasing the contract amounts as outlined below, and extending the contracts through June 30, 2020:

1. Increasing PEI Contract No. 8573I with Albany Unified School District (AUSD) by \$64,192 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$566,508 for services to Asian Pacific Islander, Latino, and African American youth;

2. Increasing PEI Contract No. 8801H with Center for Independent Living (CIL) in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$256,584 for supports for senior citizens;

3. Increasing PEI Contract No. 8560I with G.O.A.L.S. For Women, Inc. in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total amount not to exceed \$283,104 to serve African American women and their families;

4. Increasing PEI Contract No. 8516J with Pacific Center for Human Growth in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$283,104 to serve Lesbian, Gay, Bi-sexual, Transgender, Queer/Questioning, and Intersex (LGBTQI) individuals;

5. Increasing PEI Contract No. 8606I with Covenant House California-YEAH! Program, in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$283,104 for support groups for Transition Age Youth (TAY);

6. Increasing PEI Contract No. 8975G with Berkeley Unified School District (BUSD) in the amount of \$55,000 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$435,000 for elementary school youth; and

7. Increasing CSS Contract No. 9553E with Covenant House California-YEAH! Program by \$122,856 from Mental Health Services Act Fund Account #: 315-51-503-526-2017-000-451-636110 for a total contract amount not to exceed \$755,286 for services for transition age youth.

**Financial Implications:** See report

Contact: Kelly Wallace, Housing and Community Services, 981-5400

## Consent Calendar

- 12. Contract: AMCS for Zero Waste Management Software System**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with AMCS for software hosting, implementation, maintenance and related services for a Zero Waste Management Software System for an amount not to exceed \$1,363,735 for the period commencing on July 24, 2019 through June 30, 2024.  
**Financial Implications:** Various Funds - \$1,363,735  
Contact: Savita Chaudhary, Information Technology, 981-6500
- 13. Contract: Assetworks for Fleet Management Software & Implementation Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Assetworks for software hosting, implementation, maintenance and related services for a Fleet Management Software, for an amount not to exceed \$487,249 for the projected period commencing on July 24, 2019 through June 30, 2024.  
**Financial Implications:** Various Funds - \$487,249  
Contact: Savita Chaudhary, Information Technology, 981-6500
- 14. Contract Amendment 11005: Communication Strategies for Consulting Services for Voice Over IP (VoIP) Support and Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend a contract with Communication Strategies for Consulting Services for developing requirements and conducting needs assessment for Voice over IP (VoIP) Support and Maintenance, increasing the contract amount by \$42,216 for a total not-to-exceed amount of \$76,811 from July 1, 2017 to June 30, 2020.  
**Financial Implications:** See Report  
Contact: Savita Chaudhary, Information Technology, 981-6500
- 15. Special Use Permit for Berkeley Tuolumne Camp**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a Special Use Permit, and any amendments thereto, with the United States Forest Service to construct, operate, maintain, and improve Berkeley Tuolumne Camp located in the Stanislaus National Forest for a period of thirty years.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

## Consent Calendar

16. **Contract: Left Coast Land Clearing for Berkeley Tuolumne Camp Sun City Hazard Mitigation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Left Coast Land Clearing in an amount not to exceed \$365,000 to provide hazard mitigation services for the Berkeley Tuolumne Camp Sun City Project for the period July 24, 2019 through July 24, 2020.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
17. **Contract: Leslie Heavy Haul, LLC for Berkeley Tuolumne Camp Tree Hazard Mitigation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Leslie Heavy Haul, LLC in an amount not to exceed \$584,354 to provide tree hazard mitigation services for the Berkeley Tuolumne Camp Project for the period July 24, 2019 through July 24, 2020.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
18. **Contract: McNabb Construction, Inc. for George Florence Park Playground Renovation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution:  
1. Approving the plans and specifications for the George Florence Park Playground Renovation project, Specification No. 19-11301-C; and  
2. Accepting the bid of the lowest responsive and responsible bidder, McNabb Construction, Inc.; and  
3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with McNabb Construction, Inc., for the George Florence Park Playground Renovation project at 2121 Tenth Street, Berkeley, CA 94710, in an amount not to exceed \$538,706, which includes a contract amount of \$468,706 and a 15% contingency in the amount of \$70,000.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700



## Consent Calendar

19. **Grant Application: Prop 84 Urban Greening Grant Program – Trees Build Communities Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a Prop 84 Urban Greening grant application for the “Trees Build Communities: A Berkeley Urban Forest Expansion Project” in the amount of \$725,878; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing 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, 981-6700
20. **Contract No. 31900125 Amendment: First Serve Productions for Additional Asphalt Repairs and Resurfacing at City Parks**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900125 with First Serve Productions for additional asphalt repairs and resurfacing at City parks by increasing the construction contract amount by \$55,000 for a not-to-exceed amount of \$250,000.  
**Financial Implications:** Parks Tax Fund - \$55,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
21. **Contract: Contract for John Hinkel Park Improvement Project \*\*\*Item Removed by the City Manager\*\*\***  
**From: City Manager**  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
22. **Authorizing the modification of the Measure T1 Phase 1 project list: removal of the King School Park Bioswale project and addition of alternate Green Infrastructure projects**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing:  
1. Removal of the King School Park Bioswale project from the list of approved Measure T1 projects ; and  
2. Addition of the following priority sites as T1 Phase 1 projects, identified by the Green Infrastructure (GI) plan at the Council worksession on June 18, 2019 and the Public Works Commission: Page Street between Fourth Street and the RR Tracks; Jones Street between Fourth Street and RR Tracks; Channing Way at the RR Tracks; Heinz Avenue near RR Tracks; Dwight Way between Fourth Street and the RR Tracks; Grayson Street near the RR Tracks; Tenth Street at Codornices Creek; Ninth Street at Codornices Creek; Piedmont Avenue Median between Durant Avenue and Channing Way; Piedmont Avenue Traffic Circle; San Pablo Park at Ward Street; and the evaluation of the Sacramento Street center median.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700; Phillip Harrington, Public Works, 981-6300

## Consent Calendar

- 23. Revenue Grant: California Office of Traffic Safety (OTS) for the 2020 "Selective Traffic Enforcement Program (STEP)" Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to accept the "Selective Traffic Enforcement Program (STEP)" Grant and enter into the resultant grant agreement and any amendments, with the California Office of Traffic Safety (OTS) to fund increased levels of impaired or distracted driving enforcement, nighttime seatbelt enforcement, motorcycle safety enforcement, and educational programs regarding bicycle and pedestrian safety. The approved OTS grant is for \$200,000 for the period of October 1, 2019 through September 30, 2020 which is Federal Fiscal Year 2020.  
**Financial Implications:** See report  
Contact: Andrew Greenwood, Police, 981-5900
- 24. Revenue Grant: Fiscal Year 2019-20 Alcoholic Beverage Control Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager, and/or the Chief of Police, to execute a grant contract and any subsequent amendments with the State of California Department of Alcoholic Beverage Control (ABC) in the amount of \$64,000 for one fiscal year, July 1, 2019 through June 30, 2020.  
**Financial Implications:** See report  
Contact: Andrew Greenwood, Police, 981-5900
- 25. Contract No. 9635 Amendment: Restoration Management Company for On-Call Remediation and Restoration Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9635 with Restoration Management Company, to increase the current contract by \$50,000 for a total not to exceed amount of \$100,000 and to extend the contract term to June 30, 2021.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300
- 26. Purchase Order: Stockton Tri Industries, Inc. for Front Loading and Rear Loading Container Purchase**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to accept a bid from Stockton Tri Industries, Inc. for front-loading and rear-loading containers and execute a purchase order in an amount not to exceed \$450,000 for fiscal years FY 2020 – FY 2023.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300

## Consent Calendar

27. **Contract No. 10485 Amendment: Fehr & Peers, Inc. for On-Call Transportation Planning Services \*\*\*Item Removed by the City Manager\*\*\***  
**From: City Manager**  
Contact: Phillip Harrington, Public Works, 981-6300
28. **Contract No. 121345-1 Amendment: W.A. Rose Construction, Inc. for Exterior Stucco Demolition Work at the Central Library**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 121345-1 with W.A. Rose Construction, Inc. to complete exterior stucco demolition work at the Central Library, increasing the amended contract amount of \$320,156 to a not to exceed amount of \$351,317 plus an allowable contingency amount of \$6,000 and to extend the term of the contract to December 31, 2019.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300; Elliot Warren, Library, 981-6100
29. **Agreements: Joint Exercise of Powers Agreement Establishing and Governing Operation of the Collection System Technical Advisory Committee and Defendants' Side Agreement to Facilitate Consent Decree Compliance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute the Joint Exercise of Powers Agreement with the City of Alameda, City of Albany, City of Berkeley, City of Emeryville, City of Oakland, City of Piedmont, the Stege Sanitary District, and East Bay Municipal Utility District, establishing and governing operation of the Collection System Technical Advisory Committee and the Defendants' Side Agreement to facilitate Consent Decree Compliance.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300
30. **Residential Preferential Parking (RPP) Program: Summer 2019 Update**  
**From: City Manager**  
**Recommendation:** Direct staff to conduct analysis of Fiscal Year (FY) 2020 Residential Preferential Parking (RPP) Program costs and revenues and return to Council early 2020 with updated fee increase proposal(s) to be effective April 1, 2020 for the FY 2021 permit year for Program enhancement and expansion.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300

## Council Consent Items

- 31. Implementing Vision Zero: Prioritizing High Collision Streets**  
**From: Mayor Arreguin, Councilmembers Droste, Hahn, and Wengraf**  
**Recommendation:** As street lights are being replaced and transportation infrastructure improvements are made throughout the City, and as work plans and schedules are developed, priority should be given to high-collision streets, as identified in the Pedestrian Master Plan and Vision Zero program. Examples include but are not limited to improving lighting, updating signage, and painting of crosswalks.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, 981-7100
- 32. Authorizing Transfer of Funds to Rent Board for Eviction Defense Contracts**  
**From: Mayor Arreguin**  
**Recommendation:** Adopt a Resolution authorizing the transfer of \$550,000 for Fiscal Years 2020 and 2021 to the Rent Stabilization Board to amend its contracts with the Eviction Defense Center and East Bay Community Law Center to provide eviction defense and various other anti-displacement services to low and moderate-income Berkeley residents.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, 981-7100
- 33. Designating Berkeley's portion of Ohlone Greenway and the West Street Bike Path as linear City parks**  
**From: Councilmember Kesarwani**  
**Recommendation:** Adopt a resolution designating the Berkeley-owned portions of the West Street Bike Path and the Ohlone Greenway as linear City parks and formally dedicate these sites for permanent recreational use. The City-owned portion of the West Street Bike Path begins adjacent to the basketball courts at Virginia Gardens and travels southward ending at Delaware Street. The City-owned section of the Ohlone Greenway begins northwest of the North Berkeley BART station at Cedar Street and continues north to the City's border with Albany.  
**Financial Implications:** See report  
Contact: Rashi Kesarwani, Councilmember, District 1, 981-7110
- 34. Letter of Support for California Bill SB 464, the Dignity in Pregnancy and Childbirth**  
**From: Councilmembers Bartlett and Davila**  
**Recommendation:** That the Mayor and Berkeley City Councilmembers support the Senate Bill 464 (SB 464) otherwise known as the California Dignity in Pregnancy and Childbirth Act and write a letter of support to Senator Holly J. Mitchell. Senate Bill 464 would attempt to find data relating to implicit bias and racial disparities in maternal mortality rates and institute measures to ensure equal treatment of all pregnant patients.  
**Financial Implications:** None  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130

## Council Consent Items

- 35. Resolution in Support of AB 1279 – Planning and zoning: housing development: high-resource areas**  
**From: Councilmember Harrison, Mayor Arreguin, and Councilmember Bartlett**  
**Recommendation:**
1. Adopt a resolution in support of AB 1279, which requires that housing development projects be issued a by-right use permit in designated high resource areas and mandate that they include a percentage of affordable units. If these affordability requirements are not met, developers would be charged fees that would be deposited in a local affordable housing fund.
  2. Send letters of support to Assemblymember Wicks, Senator Skinner, and Governor Newsom.
- Financial Implications:** None  
Contact: Kate Harrison, Councilmember, District 4, 981-7140

## Action Calendar

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

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

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

## Action Calendar – Public Hearings

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

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

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

## Action Calendar - Public Hearings

36. **Amendments to the Berkeley Election Reform Act; Amending BMC Chapter 2.12**  
**From: Fair Campaign Practices Commission**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt an ordinance amending the Berkeley Elections Reform Act, Berkeley Municipal Code Chapter 2.12, regarding the public financing program.  
**Financial Implications:** None  
Contact: Emma Soichet, Commission Secretary, 981-6950
37. **Substantial Amendments to the PY2018 and PY2019 HUD Annual Action Plans for Use of ESG Funds**  
**From: City Manager**  
**Recommendation:** Conduct a Public Hearing on substantial amendments to the PY2018 and PY2019 Annual Action Plans for use of Emergency Solutions Grant (ESG) funds, allocating the maximum allowable amount towards shelter and street outreach, and away from rapid rehousing, and adopt a Resolution authorizing the City Manager to submit the Substantial Amendments to the PY2018 and PY2019 Annual Action Plans to the U.S. Department of Housing and Urban Development (HUD).  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400

## Action Calendar

38. **Basic Criteria for Two-Week RV Permitting Process** (*Reviewed by the Health, Life Enrichment, Equity & Community Committee*)  
**From: Health, Life Enrichment, Equity & Community Committee:**  
**Councilmembers Hahn, Bartlett, and Kesarwani**  
**Recommendation:** Refer to the City Manager to develop a two-week permit and system for recreational vehicle (RV) parking based on recommendations from the Health, Life Enrichment, Equity & Community Committee.  
**Financial Implications:** Staff time  
Contact: Health, Life Enrichment, Equity & Community Committee members: Sophie Hahn, Committee Chair, District 5, 981-7150; Ben Bartlett, Councilmember, District 3, 981-7130; Rashi Kesarwani, Councilmember, District 1, 981-7110

## Action Calendar

**39. Identifying Locations for Managed Safe Recreational Vehicle (RV) Parking on City-Owned Land, Development of a Three-Month “Grace Period” Permit Program, and Requesting that the State Lands Commission Permit a Temporary Safe Parking Site at the Berkeley Waterfront**

**From: Mayor Arreguin, Councilmembers Kesarwani and Harrison  
Recommendation:**

1. Direct the City Manager to identify one or more locations on city-owned land, including at the Berkeley Waterfront, for the establishment of a managed safe RV parking site for individuals currently sheltering in an RV or oversized vehicle on the public right-of-way in the City of Berkeley. The site(s) shall be available specifically for individuals identified through outreach as meeting the priority populations criteria designated by City Council in its March 26, 2019 action and are therefore eligible for the city’s three-month Grace Period Permit Program.

A three-month Grace Period Permit (with possibility for renewal under limited specified circumstances) will be offered on a one-time basis to existing Berkeley RV dwellers who meet the priority populations criteria adopted by Council on March 26, 2019. The three-month Grace Period Permit will allow RV dwellers to park in a designated off-street safe location within City limits. As adopted and specified on March 26th, a safe parking location should be provided to priority populations prior to enforcement of RV parking regulations under Ordinance No. 7,643-N.S. (BMC Section 14.40.120) and shall include services to ensure health and safety, including sanitation services.

2. Once locations are identified, the City Manager should report back to the City Council on proposed locations and a proposed program model for the three-month Grace Period Permit program including a non-profit operator, service model, security measures, and sanitary facilities such as portable restrooms and hand-washing stations. The Council may at that time express its intent to allocate additional funding through Measure P tax receipts or other General Fund revenues to establish a long-term safe parking program for individuals who meet priority populations criteria and who have not previously received a three-month Grace Period Permit.

Program participants should be actively engaged with rehousing and other services, and their stay will be short-term while they are seeking permanent housing and/or a long-term off-street location to which they can relocate, such as an RV park.

3. The City Manager should explore all possible locations on city-owned land, including all vacant or partially-occupied city properties, “dead-end” streets, and the Berkeley Waterfront.

4. Direct the City Manager to submit a formal request to the California State Lands Commission for permission to establish a temporary safe parking location on City land at the Berkeley Waterfront based on the City of Berkeley’s declaration of a Homeless Shelter Crisis.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

## Action Calendar

**40. Referral Response: Update on Various Referrals and Recommendations Regarding Stop Data Collection, Data Analysis and Community Engagement**  
*(Reviewed by the Public Safety Committee)*

**From: Public Safety Committee: Councilmembers Bartlett, Wengraf, and Robinson**

**Recommendation:** That the City Council, with a qualified positive recommendation, for the Mayor to convene the task force, as outlined in Councilmember Harrison's amended referral (4/24/18), in an expeditious manner and to request that adequate budget resources be allocated to allow the task force to complete its work regarding the City Manager's Referred April 30th, 2019 item: Review and provide feedback on the Berkeley Police Department responses to inter-related Council and Police Review Commission referrals, reports and recommendations, including the Center for Policing Equity report recommendations, regarding stop data collection, data analysis, community engagement, and related topics.

**Financial Implications:** See report

Contact: Public Safety Committee members: Ben Bartlett, Committee Chair, District 3, 981-7130; Susan Wengraf, Councilmember, District 6, 981-7160; Rigel Robinson, Councilmember, District 7, 981-7170

**41. Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention**  
*(Continued from June 25, 2019)*

**From: Mayor Arreguin and Councilmember Harrison**

**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, 981-7100

## Action Calendar – Continued Business

**D. Annual Housing Pipeline Report** *(Continued from July 16, 2019)*

**From: City Manager**

**Recommendation:** Review and provide input on the data included in the Housing Pipeline Report.

**Financial Implications:** None

Contact: Timothy Burroughs, Planning and Development, 981-7400

## Information Reports

**42. City Council Short Term Referral Process – Monthly Update**

**From: City Manager**

Contact: Mark Numainville, City Clerk, 981-6900



## Information Reports

- 43. Update on Measure T1**  
**From: City Manager**  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700; Phillip Harrington, Public Works, 981-6300
- 44. Audit Status Report - PRW On-Call Program**  
**From: City Manager**  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 45. LPO NOD: 1619 Walnut Street -- #LMIN2019-0001**  
**From: City Manager**  
Contact: Timothy Burroughs, Planning and Development, 981-7400
- 46. LPO NOD: 1915 Fourth Street/#LMSAP2019-0003**  
**From: City Manager**  
Contact: Timothy Burroughs, Planning and Development, 981-7400
- 47. LPO NOD: 2580 Bancroft Way/#LMSAP-2019-0006**  
**From: City Manager**  
Contact: Timothy Burroughs, Planning and Development, 981-7400
- 48. FY2020 Public Art Plan and Budget**  
**From: Civic Arts Commission**  
Contact: Jennifer Lovvorn, Commission Secretary, 981-7530
- 49. Report on B.M.C. 13.79.050 (“Buyout Offers and Agreements”)**  
**From: Rent Stabilization Board**  
Contact: Jay Kelekian, Rent Stabilization Board, 981-7368
- 50. Zero Waste Commission 2019-20 Work Plan**  
**From: Zero Waste Commission**  
Contact: Heidi Obermeit, Commission Secretary, 981-6300
- 51. City Auditor Amended Fiscal Year 2019 Audit Plan and Fiscal Year 2020 Audit Plan**  
**From: Auditor**  
Contact: Jenny Wong, Auditor, 981-6750

## Public Comment – Items Not Listed on the Agenda

### Adjournment

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

barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

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

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

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

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <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 981-6418 (V) or 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 July 18, 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 #38: Basic Criteria for Two-Week RV Permitting Process**

1. Robert Gable
2. Change.org
3. Kimberly Kradel
4. Perla Barrientos
5. Peter Schiller
6. Alfred Manning
7. Anna Boersma

### **5G/Big Telecom**

8. Wanda Warkentin
9. Anne Herrick
10. Carol Wolman (2)
11. Phoebe Anne Sorgen (2)
12. Gar Smith
13. Joel Moskowitz
14. Ellen Marks
15. Lloyd Morgan
16. Adam Clayton

### **East Bay Community Energy Newsletter**

17. East Bay Community Energy

### **Blue Parking Zones at the Marina**

18. Jutyblue
19. Martin Nicolaus

### **4<sup>th</sup> Street and Solano Vacancies**

20. Barbara Gilbert

### **State Salary Database**

21. April Gilbert
22. Jessica Behrman

**West Campus Pool**

23. Howard Goldberg

**Safety at Harriet Tubman Terrace**

24. Darinxoso Oyamasela

**Dwight Way and California Street Intersection**

25. Ormit Oppenheimer

**EBMUD Leak on the 1700 Block of Francisco Street**

26. David Lerman

**Change.org – Predatory Displacement**

27. Unknown

**Cannabis Event at Cesar Chavez Park**

28. Carol Denney

**North Berkeley BART**

29. Jessica Fain

30. Noah Nathan

31. Elie Hassenfeld

**Bay Trail Garbage**

32. Richard Raushenbush

**Climate Change Related**

33. Donald Goldmacher

34. James McFadden

35. Councilmember Harrison

**Russbumper Dialogue**

36. Russbumper (23)

**Supplemental Communications and Reports**

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

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

ORDINANCE NO. 7,670–N.S.

AMENDING THE BERKELEY MUNICIPAL CODE TO MODIFY ANY AND ALL MASCULINE AND/OR FEMININE LANGUAGE TO GENDER NEUTRAL PRONOUNS

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

Section 1. That Berkeley Municipal Code Section 1.04.020 is amended to read as follows:

**Section 1.04.020** Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the City of Berkeley:

- A. Gender. The gender neutral pronoun includes the feminine and masculine genders.
- B. Pronoun Singularity. “They/them” shall indicate a singular individual, unless the context indicates the contrary. In most cases, the singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.
- D. Use of words and phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

Section 2. That Berkeley Municipal Code Section 4.36.110 is amended to read as follows:

**Section 4.36.110** Gender.

"Gender." Whenever a personal pronoun is used in the neutral gender, it shall be deemed to include the feminine and masculine also. “They/them” shall indicate a singular individual, unless the context indicates the contrary.

Section 3. That Berkeley Municipal Code is amended to read as follows:

**Section 4.38.110** Gender.

"Gender." Whenever a personal pronoun is used in the neutral gender, it shall be deemed to include the feminine and masculine also. “They/them” shall indicate a singular individual, unless the context indicates the contrary.

Section 4. That Berkeley Municipal Code is amended to read as follows:

**Section 4.39.110** Gender.

"Gender." Whenever a personal pronoun is used in the neutral gender, it shall be deemed to include the feminine and masculine also. "They/them", shall indicate a singular individual, unless the context indicates the contrary.

Section 5. That Berkeley Municipal Code is amended to read as follows:

**Section 11.08.050** Construction of genders.

The neutral gender includes the feminine and masculine. "They/them" shall indicate a singular individual, unless the context indicates the contrary.

Section 6. The pronouns throughout the municipal code are amended to promote gender-neutral pronouns.

Section 7. Subject to final approval by the City, the city's codifier, Code Publishing Company, has authority to degenderize the Berkeley Municipal Code and update pronouns when appropriate and also includes the updating of future ordinances by making changes such as the following:

- A. Gendered subject (he, she, etc.), object (him, her, etc.) and possessive (his, hers, etc.) pronouns shall be replaced by a gender-neutral description of the pronoun referent's title of office, employment or descriptor. For example, where a code section refers to a "Director" all subsequent gendered pronouns shall be replaced by "the Director" in the subjective case, "that Director" in the objective case and "the Director's" in the possessive case.
- B. Table 1 lists commonly encountered titles of office, employment and descriptors. All gendered pronouns within the BMC that refer back to a title of office, employment or descriptor found in Table 1 shall be replaced by the subjective, objective or possessive form of the that title of office, employment or descriptor, as the case may be. Table 1 is non-exhaustive and may be amended from time to time.

| <b>Table 1</b>                         |                                                                         |
|----------------------------------------|-------------------------------------------------------------------------|
| <b>Gendered Terms in Existing Code</b> | <b>Common Non-Gendered Titles of Office, Employment and Descriptors</b> |
| He, She, Him, Her, Himself, Herself    | The Agent                                                               |
| He, She, Him, Her, Himself, Herself    | The Alternate member                                                    |
| He, She, Him, Her, Himself, Herself    | The Applicant                                                           |
| He, She, Him, Her, Himself, Herself    | The Architect                                                           |
| He, She, Him, Her, Himself, Herself    | The Assessor                                                            |
| He, She, Him, Her, Himself, Herself    | The Attorney                                                            |
| He, She, Him, Her, Himself, Herself    | The Candidate                                                           |

|                                     |                         |
|-------------------------------------|-------------------------|
| He, She, Him, Her, Himself, Herself | The Chief officer       |
| He, She, Him, Her, Himself, Herself | The Clerk               |
| He, She, Him, Her, Himself, Herself | The Complainant         |
| He, She, Him, Her, Himself, Herself | The Consignee           |
| He, She, Him, Her, Himself, Herself | The Councilmember       |
| He, She, Him, Her, Himself, Herself | The Dancer              |
| He, She, Him, Her, Himself, Herself | The Dealer              |
| He, She, Him, Her, Himself, Herself | The Declarant           |
| He, She, Him, Her, Himself, Herself | The Department director |
| He, She, Him, Her, Himself, Herself | The Deputy              |
| He, She, Him, Her, Himself, Herself | The Designee            |
| He, She, Him, Her, Himself, Herself | The Detainee            |
| He, She, Him, Her, Himself, Herself | The Director            |
| He, She, Him, Her, Himself, Herself | The Driver              |
| He, She, Him, Her, Himself, Herself | The Employee            |
| He, She, Him, Her, Himself, Herself | The Engineer            |
| He, She, Him, Her, Himself, Herself | The Entertainer         |
| He, She, Him, Her, Himself, Herself | The Examiner            |
| He, She, Him, Her, Himself, Herself | The Executive           |
| He, She, Him, Her, Himself, Herself | The Executor            |
| He, She, Him, Her, Himself, Herself | The Felon               |
| He, She, Him, Her, Himself, Herself | The Fire Marshall       |
| He, She, Him, Her, Himself, Herself | The Franchisee          |
| He, She, Him, Her, Himself, Herself | The Franchisor          |
| He, She, Him, Her, Himself, Herself | The Guarantee           |
| He, She, Him, Her, Himself, Herself | The Guarantor           |
| He, She, Him, Her, Himself, Herself | The Individual          |
| He, She, Him, Her, Himself, Herself | The Inspector           |
| He, She, Him, Her, Himself, Herself | The Investigator        |
| He, She, Him, Her, Himself, Herself | The Leaver              |
| He, She, Him, Her, Himself, Herself | The Lessee              |
| He, She, Him, Her, Himself, Herself | The Lessor              |
| He, She, Him, Her, Himself, Herself | The Licensee            |
| He, She, Him, Her, Himself, Herself | The Lobbyist            |
| He, She, Him, Her, Himself, Herself | The Manager             |
| He, She, Him, Her, Himself, Herself | The Member              |
| He, She, Him, Her, Himself, Herself | The Merchant            |
| He, She, Him, Her, Himself, Herself | The Mortgagee           |
| He, She, Him, Her, Himself, Herself | The Mortgagor           |
| He, She, Him, Her, Himself, Herself | The Offender            |
| He, She, Him, Her, Himself, Herself | The Officer             |

|                                     |                            |
|-------------------------------------|----------------------------|
| He, She, Him, Her, Himself, Herself | The Official               |
| He, She, Him, Her, Himself, Herself | The Operator               |
| He, She, Him, Her, Himself, Herself | The Owner                  |
| He, She, Him, Her, Himself, Herself | The Pawn broker            |
| He, She, Him, Her, Himself, Herself | The Permit holder          |
| He, She, Him, Her, Himself, Herself | The Permittee              |
| He, She, Him, Her, Himself, Herself | The Person                 |
| He, She, Him, Her, Himself, Herself | The Physician              |
| He, She, Him, Her, Himself, Herself | The Principal              |
| He, She, Him, Her, Himself, Herself | The Prisoner               |
| He, She, Him, Her, Himself, Herself | The Probationer            |
| He, She, Him, Her, Himself, Herself | The Promoter               |
| He, She, Him, Her, Himself, Herself | The Public records officer |
| He, She, Him, Her, Himself, Herself | The Purchaser              |
| He, She, Him, Her, Himself, Herself | The Respondent             |
| He, She, Him, Her, Himself, Herself | The Secondhand dealer      |
| He, She, Him, Her, Himself, Herself | The Seller                 |
| He, She, Him, Her, Himself, Herself | The Servant                |
| He, She, Him, Her, Himself, Herself | The Sheriff                |
| He, She, Him, Her, Himself, Herself | The Solicitor              |
| He, She, Him, Her, Himself, Herself | The Sponsor                |
| He, She, Him, Her, Himself, Herself | The Station manager's      |
| He, She, Him, Her, Himself, Herself | The Suspended person       |
| He, She, Him, Her, Himself, Herself | The Tenant                 |
| He, She, Him, Her, Himself, Herself | The Trespasser             |
| He, She, Him, Her, Himself, Herself | The Trustee                |
| He, She, Him, Her, Himself, Herself | The Vendor                 |

C. Each specifically gendered term identified in column A of Table 2, and which is also found within the Berkeley Municipal Code, shall be replaced by the corresponding non-gendered term identified in column B. Table 2 is non-exhaustive and may be amended from time to time.

| <b>Table 2</b>                                        |                                      |
|-------------------------------------------------------|--------------------------------------|
| <b>Gendered Terms Commonly Found in Existing Code</b> | <b>Non-Gendered Term Replacement</b> |
| "Bondsman"                                            | "Bonds-person"                       |
| "Brother"                                             | "Sibling"                            |
| "Chairman"                                            | "Chair," "chairperson"               |



|                                                           |                                                                               |
|-----------------------------------------------------------|-------------------------------------------------------------------------------|
| “Craftsmen”                                               | “Craftspeople,” “artisans”                                                    |
| “Fireman,” “Firewoman,” “Firemen,”<br>“Firewomen”         | “Firefighter,” “firefighters”                                                 |
| “Fraternal”                                               | “Social”                                                                      |
| “Heirs”                                                   | “Beneficiaries”                                                               |
| “Journeyman”                                              | “Journey”                                                                     |
| “Maiden”                                                  | “Family”                                                                      |
| “Male” and “female”                                       | “People of different genders”                                                 |
| “Manhole”                                                 | “Maintenance hole”                                                            |
| “Manmade”                                                 | “Human-made” “Artificial” “manufactured”<br>“machine made” “synthetic”        |
| “Manpower”                                                | “Human effort”                                                                |
| “Manpower”                                                | “Workforce”                                                                   |
| “Master”                                                  | “Captain,” “Skipper,” “Pilot,” “Safety Officer,”<br>“Central”                 |
| “Men and women”                                           | “People”                                                                      |
| “Men or women”                                            | “A single gender”                                                             |
| “Ombudsman”                                               | “Ombuds,” “Investigating Official”                                            |
| “Patrolmen”                                               | “Patrol,” “Guards”                                                            |
| “Policeman,” “Policewoman,”<br>“Policemen,” “Policewomen” | “Police Officer,” “Police Officers”                                           |
| “Pregnant” (woman, women)                                 | “Pregnant employees”                                                          |
| “Repairman”                                               | “Repairs,” “Repairer”                                                         |
| “Salesman”                                                | “Salesperson,” “Salespeople”                                                  |
| “Sister”                                                  | “Sibling”                                                                     |
| “Sorority,” “Fraternity”                                  | “Collegiate Greek system residence”                                           |
| “Sportsman”                                               | “Hunters”                                                                     |
| “The masculine pronoun includes the<br>feminine”          | “Words referring to a specific gender may be<br>extended to any other gender” |
| “Watchmen”                                                | “Guards”                                                                      |

Section 8. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on July 16, 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.

ORDINANCE NO. 7,671-N.S.

AUTHORIZING LEASE AMENDMENT FOR THE USE OF 841 FOLGER STREET AND  
3000 7<sup>TH</sup> STREET

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

Section 1. FINDINGS

- A. The City adopted Ordinance No. 7,079-N.S. authorizing a Lease Agreement with Sasha Shamszad (Lessor) effective July 15, 2009 (“Lease”) to use Lessor’s property, located at 841 Folger Street and 3000 7<sup>th</sup> Street, as set forth in the Lease Agreement..
- B. In the Lease, the City and Lessor agreed to an initial term, beginning on July 15, 2009 and ending July 15, 2014 and City exercised its right to an option term, beginning on July 16, 2014. The lease is set to expire on July 16, 2019.
- C. The City is preparing to move its Traffic Substation to 125/127 University Avenue. This move will require various modifications to the building and adjacent parking area at 125/127 University Avenue. These modifications are scheduled for completion in February of 2020.
- D. The existing lease agreement expires July 16, 2019 and the new facility won’t be available until at least February 2020. A six month lease extension plus holdover period are needed to bridge the gap in order to maintain our current level of service to the community.

Section 2. AUTHORIZATION FOR CITY MANAGER TO AMEND LEASE AGREEMENT WITH SASHA SHAMSZAD

The City Manager is hereby authorized to amend the lease agreement with Sasha Shamszad for improved real property at 841 Folger Street and 3000 7<sup>th</sup> Street, and to make any amendments thereto. Such lease amendment shall be on substantially the terms set forth in Exhibit A.

Section 3. POSTING

Copies of this Ordinance shall be posted for two consecutive 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 fifteen 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 July 16, 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.

**AMENDMENT TO LEASE AGREEMENT**

This Lease amendment (“Amendment”) is made on July \_\_\_\_, 2019, between the CITY OF BERKELEY (“City” or “Lessee”) and SASHA SHAMSZAD (“Lessor”), who agree as follows:

*This Amendment is made with reference to the following facts and objectives:*

A. The City entered into a Lease Agreement with Lessor which was effective on July 15, 2009 (“Lease”) to use Lessor’s property, located at 841 Folger Street and 3000 7<sup>th</sup> Street, as set forth in the Lease Agreement. A copy of Ordinance No. 7,079-N.S authorizing the lease agreement is attached hereto as Exhibit A.

B. In the Lease, the City and Lessor agreed to an initial term, beginning on July 15, 2009 and ending July 15, 2014 and City exercised its right to an option term, beginning on July 16, 2014. The lease is set to expire on July 16, 2019.

C. City and Lessor now wish to amend certain terms of the Lease, as set forth below.

Therefore, the Lessor and Lessee agree as follows:

1. Section 3 (Term) is hereby amended to read: “The Commencement Date and Original Term of this Lease are as specified in Paragraph 1.3, except that the term of this Lease shall expire six months following approval of this amendment by the Berkeley City Council and executed by both Lessee and Lessor.”
2. Section 63 (Holding Over) is added as follows:

If, without objection by Lessor, Lessee holds possession of the Premises after expiration of the lease term, as extended by this amendment, Lessee shall become a Lessee from month-to-month upon all provisions of this Lease applicable immediately prior to the expiration of such Term. Each party shall give the other at least thirty (30) days' written notice of its intention to terminate such month-to-month tenancy.

3. In all other respects, the Lease Agreement with an effective date of July 15, 2009, shall remain in full force and effect.

**IN WITNESS WHEREOF**, City and Lessor have executed this Amendment as of the date written on the first paragraph above.

CITY OF BERKELEY

BY:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Manager

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

REGISTERED BY:

ATTEST:

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

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

LESSOR  
SASHA SHAMSZAD

\_\_\_\_\_  
By: SASHA SHAMSZAD  
Title:

\_\_\_\_\_  
City of Berkeley Business License No.

ORDINANCE NO. 7,672–N.S.

ADDING A NEW CHAPTER 12.80 TO THE BERKELEY MUNICIPAL CODE PROHIBITING NATURAL GAS INFRASTRUCTURE IN NEW BUILDINGS EFFECTIVE JANUARY 1, 2020

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

Section 1. That Chapter 12.80 of the Berkeley Municipal Code is added to read as follows:

**Chapter 12.80**

**PROHIBITION OF NATURAL GAS INFRASTRUCTURE IN NEW BUILDINGS**

**Sections:**

**12.80.010 Findings and Purpose.**

**12.80.020 Applicability.**

**12.80.030 Definitions.**

**12.80.040 Prohibited Natural Gas Infrastructure in Newly Constructed Buildings.**

**12.80.050 Public Interest Exemption.**

**12.80.060 Periodic Review of the Ordinance.**

**12.80.070 Severability.**

**12.80.080 Effective Date.**

**12.80.010 Findings and Purpose.**

In addition to the findings set forth in Resolution No. 67,736-N.S., the Council finds and expressly declares as follows:

- A. Scientific evidence has established that natural gas combustion, procurement and transportation produce significant greenhouse gas emissions that contribute to global warming and climate change.
- B. The following addition to the Berkeley Municipal Code is reasonably necessary because of local climatic, geologic and topographical conditions as listed below:
  - (1) As a coastal city located on the San Francisco Bay, Berkeley is vulnerable to sea level rise, and human activities releasing greenhouse gases into the atmosphere cause increases in worldwide average temperature, which contribute to melting of glaciers and thermal expansion of ocean water—resulting in rising sea levels.
  - (2) Berkeley is already experiencing the repercussions of excessive greenhouse gas emissions as rising sea levels threaten the City’s shoreline and infrastructure, have caused significant erosion, have increased impacts to infrastructure during extreme tides, and have caused the City to expend funds to modify the sewer system.
  - (3) Berkeley is situated along a wildland-urban interface and is extremely vulnerable to wildfires and firestorms, and human activities releasing greenhouse gases into the atmosphere cause increases in worldwide average temperature, drought conditions, vegetative fuel, and length of fire seasons.
  - (4) Structures in Berkeley are located along or near the Hayward fault, which is likely to produce a large earthquake in the Bay Area.
- C. The following addition to the Berkeley Municipal Code is also reasonably necessary because of health and safety concerns as Berkeley residents suffer from asthma and other health conditions associated with poor indoor and outdoor air quality exacerbated by the combustion of natural gas.
- D. The people of Berkeley, as codified through Measure G (Resolution No. 63,518-N.S.), the City of Berkeley Climate Action Plan (Resolution No. 64,480-N.S.), and Berkeley Climate Emergency Declaration (Resolution No. 68,486-N.S.) all recognize that rapid, far-reaching and unprecedented changes in all aspects of society are required to limit global warming and the resulting environmental threat posed by climate change, including the prompt phasing out of natural gas as a fuel for heating and cooling infrastructure in new buildings.
- E. Substitute electric heating and cooling infrastructure in new buildings fueled by less greenhouse gas intensive electricity is linked to significantly lower greenhouse gas emissions and is cost competitive because of the cost savings associated with all-electric designs that avoid new gas infrastructure.
- F. All-electric building design benefits the health, welfare, and resiliency of Berkeley and its residents.
- G. The most cost-effective time to integrate electrical infrastructure is in the design phase of a building project because building systems and spaces can be designed to optimize the performance of electrical systems and the project can take full advantage of avoided costs and space requirements from the elimination of natural gas piping and venting for combustion air safety.



- H. It is the intent of the council to eliminate obsolete natural gas infrastructure and associated greenhouse gas emissions in new buildings where all-electric infrastructure can be most practicably integrated, thereby reducing the environmental and health hazards produced by the consumption and transportation of natural gas.

**12.80.020 Applicability.**

- A. The requirements of this Chapter shall apply to Use Permit or Zoning Certificate applications submitted on or after the effective date of this Chapter for all Newly Constructed Buildings proposed to be located in whole or in part within the City.
- B. The requirements of this Chapter shall not apply to the use of portable propane appliances for outdoor cooking and heating.
- C. This chapter shall in no way be construed as amending California Energy Code requirements under California Code of Regulations, Title 24, Part 6, nor as requiring the use or installation of any specific appliance or system as a condition of approval.
- D. The requirements of this Chapter shall be incorporated into conditions of approval for Use Permits or Zoning Certificates under BMC Chapter 23.B.

**12.80.030 Definitions.**

- A. "Applicant" shall mean an applicant for a Use Permit or Zoning Certification under Chapter 23B,
- B. "Energy Code" shall mean the California Energy Code as amended and adopted in BMC Chapter 19.36.
- C. "Greenhouse Gas Emissions" mean gases that trap heat in the atmosphere.
- D. "Natural Gas" shall have the same meaning as "Fuel Gas" as defined in California Plumbing Code and Mechanical Code.
- E. "Natural Gas Infrastructure" shall be defined as fuel gas piping, other than service pipe, in or in connection with a building, structure or within the property lines of premises, extending from the point of delivery at the gas meter as specified in the California Mechanical Code and Plumbing Code.
- F. "Newly Constructed Building" shall be defined as a building that has never before been used or occupied for any purpose.
- G. "Use Permit" shall have the same meaning as specified in Chapter 23B.32.
- H. "Zoning Certificate" shall have the same meaning as specified in Chapter 23B.20.

**12.80.040 Prohibited Natural Gas Infrastructure in Newly Constructed Buildings.**

- A. Natural Gas Infrastructure shall be prohibited in Newly Constructed Buildings.
  - 1. Exception: Natural Gas Infrastructure may be permitted in a Newly Constructed Building if the Applicant establishes that it is not physically feasible to construct the building without Natural Gas Infrastructure. For purposes of this exception, "physically feasible" to construct the building means either an all-electric prescriptive compliance approach is available for the building under the Energy Code or the building is able to achieve the performance compliance standards under the Energy Code using commercially available technology and an approved calculation method.

- B. To the extent that Natural Gas Infrastructure is permitted, it shall be permitted to extend to any system, device, or appliance within a building for which an equivalent all-electric system or design is not available.
- C. Newly Constructed Buildings shall nonetheless be required at a minimum to have sufficient electric capacity, wiring and conduit to facilitate future full building electrification.
- D. The requirements of this section shall be deemed objective planning standards under Government Code section 65913.4 and objective development standards under Government Code section 65589.5.

**12.80.050 Public Interest Exemption.**

- A. Notwithstanding the requirements of this Chapter and the Greenhouse Gas Emissions and other public health and safety hazards associated with Natural Gas Infrastructure, minimally necessary and specifically tailored Natural Gas Infrastructure may be allowed in a Newly Constructed Building provided that the entitling body establishes that the use serves the public interest. In determining whether the construction of Natural Gas Infrastructure is in the public interest, the City may consider:
  - 1. The availability of alternative technologies or systems that do not use natural gas;
  - 2. Any other impacts that the decision to allow Natural Gas Infrastructure may have on the health, safety, or welfare of the public.
- B. If the installation of Natural Gas Infrastructure is granted under a public interest exemption, the Newly Constructed Buildings shall nonetheless be required at the minimum to have sufficient electric capacity, wiring and conduit to facilitate future full building electrification.

**12.80.060 Periodic Review of Ordinance.**

The City shall review the requirements of this ordinance every 18 months for consistency with the California Energy Code and the Energy Commission's mid-cycle amendments and triennial code adoption cycle as applicable.

**12.80.070 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 prescribed 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 of this Chapter, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases is declared invalid or unconstitutional.

**12.80.080 Effective Date.**

The provisions of this chapter shall become effective on January 1, 2020.

Section 2. This Ordinance shall be submitted to the California Building Standards Commission following adoption as consistent with state law.

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.

At a regular meeting of the Council of the City of Berkeley held on July 16, 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.





Office of the City Manager

ACTION CALENDAR  
July 23, 2019  
(Continued from July 16, 2019)

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Timothy Burroughs, Director, Planning  
Subject: Annual Housing Pipeline Report

RECOMMENDATION

Review and provide input on the data included in the Housing Pipeline Report.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

This report responds to a standing City Council request, initially delivered on November 28, 2017, to present information annually about recent housing development in Berkeley, including:

- Projects that have been submitted and are pending approval/entitlements;
- Projects that were issued a use permit but have not had building permits issued;
- Projects that were issued a building permit;
- Projects that were issued a Certificate of Occupancy; and
- Regional Housing Needs Allocation (RHNA) goals and progress report.

This report aligns with the annual reporting required by the State Department of Housing and Community Development and Department of Finance. Alignment with State-level reporting requirements is important for maximizing the efficiency of the staff time needed to produce these data. Staff seeks to avoid compiling multiple versions of these data multiple times per year.

The California Department of Finance tracks the number and type of building permits finalized each year. Data from cities is due to the Department of Finance by February 1 of each year.

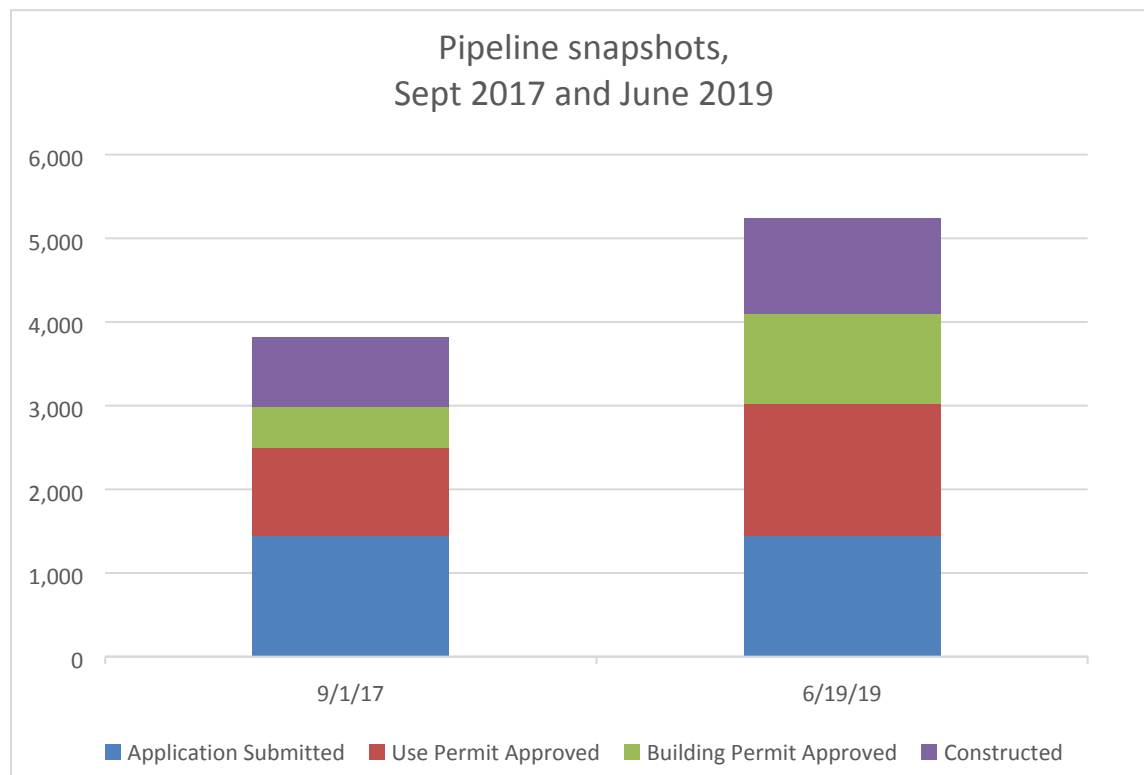
The Department of Housing and Community Development requires jurisdictions to submit an annual progress report (APR) that tracks status of implementation of each jurisdiction's Housing Element of its General Plan. These data are important because the Housing Element allows the city to adequately plan to meet the housing needs of

everyone in the community. The APR ensures the City is following the policies and programs outlined in the Housing Element. The APR requirements were expanded greatly in the past year to require local jurisdictions to track project addresses; building permit numbers; and dates of completed application submittals, entitlements issued, building permits issued, and building permits finalized between January 1 and December 31 of a given year. Affordability levels, housing tenure (ownership and rentals) and SB-35 applications are also recorded. The APR is due by April 1 each year.

Given that all local data must be submitted to the State by April 1 of each year, staff propose that the annual housing pipeline report be submitted to the City Council each July moving forward.

**Summary of Housing Pipeline Data**

The following chart summarizes the number of units proposed or produced, from projects comprising five units or more, in each stage of the development pipeline: submitted Use Permit Application; Approved Use Permit application; Building Permit issued; and Construction completed/Certificate of Occupancy issued. The chart provides a snapshot of these data taken on June 19, 2019, and the last such snapshot on Sept. 1, 2017.



The chart above is a summary of the more detailed information provided in Tables 1-4 attached. The detailed data Tables include:

**Table 1 – Projects with more than five units submitted and pending approval.**

Table 1 provides the address, Zoning District, total units and status of review by the City of pending projects, regardless of submittal date. This table does not report on the number of affordable units, because those may change prior to Zoning approval, and later prior to Certificate of Occupancy. For many projects in Berkeley, the total number of units and the total number and type of affordable units within a proposed project may change until an applicant pays the Affordable Housing Mitigation Fee, which, per BMC Section 22.20.065.C, is due only prior to issuance of a Certificate of Occupancy.

The number of dwelling units pending review by the Land Use Division is 1,448, which is slightly less than the same figure in the pipeline report presented to Council in November 2017, which was 1,452 units. These units included in Table 1 would be created within fewer projects: 18 projects in this report, compared with 23 projects that were pending in 2017.

As reported to Council in 2017, the information presented in the “Project Status” column tends to change quickly and often (several rounds of staff review, for example, often require changes to a project’s description), and thus this annual pipeline report would not provide the most current project-by-project information. The City’s Current Zoning Applications Log, which is updated weekly for all pending applications, provides the most up-to-date information and can be found here: [https://www.cityofberkeley.info/Planning\\_and\\_Development/Land\\_Use\\_Division/Current\\_Zoning\\_Applications\\_Log.aspx](https://www.cityofberkeley.info/Planning_and_Development/Land_Use_Division/Current_Zoning_Applications_Log.aspx).

Table 1 also includes a “Submittal Date” column that may be useful to understand the overall timeline for review of a project as applicants respond to City requests for additional documents needed to complete or clarify applications and comply with CEQA, to input provided by the community, and to suggestions or direction from the Landmarks Preservation Commission, Design Review Committee, Zoning Adjustments Board, and (when appealed) the City Council.

**Table 2 – Projects with more than five units that were approved but have not yet received a building permit.** Table 2 provides the address, Zoning District and number of units by income category for projects that received Zoning approval, but have not received a building permit. The number of dwelling units in this category is 1,573 (up from 1,042 in the last report).

Table 2 provides the first opportunity to report more reliable information about the number and levels of affordability a project will provide, however, as noted above, the number of below market rate units is only certain at the issuance of Certificate of Occupancy.

Table 2 also includes “Entitlement Year” and “By” columns to report on the year the use permit was granted and the final approving body (ZAB or Council).

For projects in Table 2, the median time period between when use permit applications were deemed complete and the use permit was issued by either ZAB or City Council was 4.9 months.

Building permits will be issued in the near future for the projects shown in Table 2 as having applied for a building permit, with the exception of 3020 San Pablo Ave. While the project owners for this address applied for a building permit in 2015, staff is not aware of any project activity by the applicants since that time.

Notable among the 18 projects in Table 2 which have not yet submitted a building permit application are 2720 San Pablo Ave. and 2701 Shattuck Ave., both of which were approved in 2007. While each site has a use permit for a new building, the current owners submitted use permit applications for new, different projects at these sites. These new use permit applications are included within Table 1 as pending projects.

**Table 3 – Projects with more than five units for which a building permit was issued, but are not yet occupied.** Table 3 provides the address, Zoning District and number of units by income category for projects that have received a building permit following their Zoning approval. The number of dwelling units in this category is 1,074 (up from 525 in the last report). All projects included in this table are now under construction.

This table also demonstrates the range of timelines between entitlement and building permit issuance. Of the 18 projects that are currently under construction, 10 received a building permit within 24 months of receiving a use permit. Of the eight projects that took longer, seven were sold prior to submittal of a building permit. Of note is the project known as Acheson Commons (shown in Table 3 as 2111, 2131 & 2145 University Avenue & 1900 Walnut), a project site that was also sold after the City issued the use permit. The timeline between use permit and building permit issuance was also affected by the complexity of this particular site, which comprises four parcels.

The median time period between use permit issuance and building permit issuance for projects in Table 3 was 20.6 months.



New to Table 3 is the “Projected Completion Date” column, which provides an estimated calendar year of construction completion (more specific dates cannot be reliably furnished, as many factors can prolong date of completion, such as season, costs, and economic trends).

**Table 4 – Projects with more than five units, that received a building permit after 2014, and which have been issued a Certificate of Occupancy.** The baseline for this table is 2014 because the current Regional Housing Needs Assessment (RHNA) started on January 1, 2014 and runs through to October 31, 2022. This table provides the most accurate information about the number of units and the breakdown of affordable units, because these numbers generally do not change after the Certificate of Occupancy is issued. The number of dwelling units in this category is 1,141 (up from 952 in the last report).

Unlike the 2017 housing pipeline report, Table 4 now provides the date a building permit was issued along with the date the project was completed. Table 4 also reports the year a project was approved, and the final approving body (ZAB or Council). The median time from building permit issuance to Certificate of Occupancy issuance for these projects was 24.2 months.

**Table 5 – Status of Regional Housing Needs Allocation (RHNA) - all housing types.** Unlike in 2017, Table 5 now provides the City’s progress towards RHNA numbers for all housing production, regardless of the number of dwelling units within a project (the prior report only included projects with five or more dwellings). Table 5 continues to report on building permits issued after January 1, 2014, and is current through 2018 (per RHNA reporting requirements). Through 56% of the reporting period, the City’s progress ranges from 65% for Very Low Income units to 141% for Above-Moderate units (for Very Low, this is an improvement over the 34% reported to Council in 2017).

As is reported in Table 2, over 200 additional below market rate units have been entitled, but are not yet included in the RHNA numbers because they have not received a building permit.

Within the numbers in Table 5 is a trend that merits highlighting in this report: the production of Accessory Dwelling Units (ADUs). The number of building permits issued for new ADUs increased from one in 2015 to 80 in 2018, for a building permit total of 171 since 2015.

## BACKGROUND

The City Council made its original request for a periodic Housing Pipeline report on June 13, 2017, in response to a request authored by Council Member Harrison. Planning presented its first housing pipeline report on October 31, 2017 (and later on November 28, 2017, with a few corrections). On December 11, 2018, Council approved another related referral from Council Member Harrison that requested further information on the time between phases of the development process, particularly between entitlement and building permit issuance.

#### ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts from this report. The implications of housing development on sustainability issues is considered at length in the City's Climate Action Plan, available at: <https://www.cityofberkeley.info/climate/>.

#### CONTACT PERSON

Timothy Burroughs, Director, Planning and Development, 510-981-7410

#### Attachments:

- 1: Table 1 – Projects submitted and pending approval
- 2: Table 2 – Projects approved
- 3: Table 3 – Projects with Building Permit issued
- 4: Table 4 – Projects with Certificate of Occupancy issued
- 5: Table 5 – Status of Regional Housing Needs Allocation

| <b>Table 1 – Projects with more than 5 units submitted and pending approval by ZAB or Council.</b> |             |        |              |                |                                                                                               |
|----------------------------------------------------------------------------------------------------|-------------|--------|--------------|----------------|-----------------------------------------------------------------------------------------------|
| #                                                                                                  | Street Name | Zoning | Total Units  | Submittal Date | Project Status as of 6/19/2019                                                                |
| 3031                                                                                               | Adeline     | C-SA   | 42           | 7/24/18        | Incomplete                                                                                    |
| 2590                                                                                               | Bancroft    | C-T    | 87           | 6/5/19         | Incomplete                                                                                    |
| 2015                                                                                               | Blake       | R-4    | 155          | 12/20/18       | Incomplete                                                                                    |
| 2000                                                                                               | Dwight      | R-4    | 126          | 4/24/19        | Incomplete                                                                                    |
| 1155                                                                                               | Hearst      | R-2A   | 11           | 2/2/16         | Under Appeal, Council tbd                                                                     |
| 2176                                                                                               | Kittredge   | C-DMU  | 165          | 2/7/19         | Incomplete                                                                                    |
| 2099                                                                                               | MLK         | C-DMU  | 72           | 5/2/19         | Incomplete                                                                                    |
| 2425                                                                                               | Prospect    | R-3(H) | 17           | 7/6/18         | Incomplete                                                                                    |
| 1835                                                                                               | San Pablo   | C-W    | 95           | 11/19/18       | Incomplete, ZAB & DRC Previews Pending                                                        |
| 2371                                                                                               | San Pablo   | C-W    | 14           | 5/15/19        | Incomplete                                                                                    |
| 2720                                                                                               | San Pablo   | C-W    | 40           | 1/20/16        | Complete May 2019; ZAB Preview Fall 2019                                                      |
| 1951                                                                                               | Shattuck    | C-DMU  | 156          | 6/29/18        | ZAB Hearing June 2019                                                                         |
| 2023                                                                                               | Shattuck    | C-DMU  | 48           | 3/5/19         | Complete; ZAB & DRC Previews Fall 2019                                                        |
| 2352                                                                                               | Shattuck    | C-DMU  | 237          | 6/28/18        | ZAB Preview May 2019, DRC June 2019                                                           |
| 2701                                                                                               | Shattuck    | C-SA   | 57           | 12/13/16       | Under Appeal, ZAB June 2019                                                                   |
| 2650                                                                                               | Telegraph   | C-1    | 45           | 4/18/19        | Incomplete                                                                                    |
| 1110                                                                                               | University  | C-1    | 36           | 3/3/17         | Incomplete; on hold per applicant                                                             |
| 1486                                                                                               | University  | C-1    | 45           | 10/28/16       | Complete December 2017, then on hold per applicant until May 2019. ZAB & DRC Previews Pending |
| <b>Total:</b>                                                                                      |             |        | <b>1,448</b> |                |                                                                                               |

Note: Proposed #s of affordable units are not reported at this pre-approval stage, as they tend to change significantly.

| Table 2 - Approved projects with more than 5 units: No Active Building Permit. |              |            |                        |                       |                      |                       |              |              |                |                     |         |                                    |                                                                                |
|--------------------------------------------------------------------------------|--------------|------------|------------------------|-----------------------|----------------------|-----------------------|--------------|--------------|----------------|---------------------|---------|------------------------------------|--------------------------------------------------------------------------------|
| #                                                                              | Street Name  | Zoning     | Ext Low<br><30%<br>AMI | VLI<br>31%-50%<br>AMI | LI<br>51%-80%<br>AMI | MOD<br>81-120%<br>AMI | BMR<br>Total | Above<br>MOD | Total<br>Units | Entitlement<br>Year | By:     | Building<br>Permit<br>Applied For? | Subtotals                                                                      |
| 2009                                                                           | Addison      | C-DMU      |                        |                       |                      |                       | 0            | 44           | 44             | 2018/2019           | ZAB     | No                                 | Units in<br>Approved<br>projects, no<br>BP yet applied<br>for:<br><b>1,289</b> |
| 2902                                                                           | Adeline      | C-SA & R-4 |                        | 4                     | 4                    | 1                     | 9            | 41           | 50             | 2017                | Council |                                    |                                                                                |
| 3051                                                                           | Adeline      | C-SA       |                        | 0                     | 0                    | 0                     | 0            | 11           | 11             | 2016                | ZAB     |                                    |                                                                                |
| 2028                                                                           | Bancroft     | C-DMU      |                        | 2                     |                      |                       | 2            | 35           | 37             | 2019                | ZAB     |                                    |                                                                                |
| 2012                                                                           | Berkeley Way | C-DMU      | 53                     | 54                    | 17                   |                       | 124          | 1            | 125            | 2018                | SB35    |                                    |                                                                                |
| 2211                                                                           | Harold       | C-DMU      |                        | 0                     | 0                    | 0                     | 0            | 302          | 302            | 2015                | Council |                                    |                                                                                |
| 1601                                                                           | Oxford       | R-3        |                        | 13                    | 21                   | 0                     | 34           | 3            | 37             | 2018                | SB35    |                                    |                                                                                |
| 1200                                                                           | San Pablo    | C-W        |                        | 5                     |                      |                       | 5            | 52           | 57             | 2018                | ZAB     |                                    |                                                                                |
| 1201                                                                           | San Pablo    | C-W        |                        | 0                     | 0                    | 5                     | 5            | 22           | 27             | 2006                | Council |                                    |                                                                                |
| 1740                                                                           | San Pablo    | C-W        |                        | 4                     |                      |                       | 4            | 48           | 52             | 2018                | ZAB     |                                    |                                                                                |
| 2100                                                                           | San Pablo    | C-W        |                        | 0                     | 0                    | 0                     | 0            | 96           | 96             | 2017/2019           | ZAB     |                                    |                                                                                |
| 2198                                                                           | San Pablo    | C-W        |                        | 5                     |                      |                       | 5            | 52           | 57             | 2019                | ZAB     |                                    |                                                                                |
| 2720                                                                           | San Pablo    | C-W        |                        | 0                     | 3                    | 0                     | 3            | 15           | 18             | 2007                | ZAB     |                                    |                                                                                |
| 2190                                                                           | Shattuck     | C-DMU      |                        | 0                     | 0                    | 0                     | 0            | 274          | 274            | 2019                | Council |                                    |                                                                                |
| 2701                                                                           | Shattuck     | C-SA       |                        | 0                     | 0                    | 4                     | 4            | 20           | 24             | 2007                | Council |                                    |                                                                                |
| 3000                                                                           | Shattuck     | C-SA       |                        | 2                     | 2                    | 0                     | 4            | 19           | 23             | 2018                | Council |                                    |                                                                                |
| 1040                                                                           | University   | C-W & R-3  |                        | 27                    | 0                    | 0                     | 27           | 0            | 27             | 2012                | ZAB     |                                    |                                                                                |
| 1717                                                                           | University   | C-1        |                        | 3                     | 0                    | 0                     | 3            | 25           | 28             | 2017                | ZAB     |                                    |                                                                                |
| 2072                                                                           | Addison      | C-DMU      |                        |                       |                      |                       | 0            | 55           | 55             | 2018/2019           | ZAB     | 10/26/18                           | Units in<br>Approved<br>projects, BP<br>applied for:<br><b>284</b>             |
| 2542                                                                           | Durant       | C-T        |                        | 0                     | 0                    | 0                     | 0            | 32           | 32             | 2018                | ZAB     | 4/4/19                             |                                                                                |
| 2527                                                                           | San Pablo    | C-W        |                        | 6                     | 5                    | 0                     | 11           | 57           | 68             | 2018                | Council | 8/17/18                            |                                                                                |
| 3020                                                                           | San Pablo    | C-W        |                        | 2                     | 2                    | 0                     | 4            | 25           | 29             | 2007                | ZAB     | 2/11/15                            |                                                                                |
| 2628                                                                           | Shattuck     | C-SA       |                        |                       |                      |                       | 0            | 78           | 78             | 2019                | ZAB     | 5/9/19                             |                                                                                |
| 2556                                                                           | Telegraph    | C-T        |                        |                       |                      |                       | 0            | 22           | 22             | 2018                | ZAB     | 12/19/18                           |                                                                                |
| <b>Totals:</b>                                                                 |              |            | <b>53</b>              | <b>127</b>            | <b>54</b>            | <b>10</b>             | <b>244</b>   | <b>1,329</b> | <b>1,573</b>   |                     |         |                                    |                                                                                |

Table 3 – Approved projects with more than 5 units: Building permit issued.

| #              | Street Name | Zoning     | VLI<br>31%-50%<br>AMI | LI<br>51%-80%<br>AMI | MOD<br>81-120%<br>AMI | BMR<br>Total | Above<br>MOD | Total<br>Units | Entitlement<br>Year | By:     | Building<br>Permit<br>Issued | Est.<br>Completion<br>Date |
|----------------|-------------|------------|-----------------------|----------------------|-----------------------|--------------|--------------|----------------|---------------------|---------|------------------------------|----------------------------|
| 1950           | Addison     | C-DMU      | 5                     | 0                    | 0                     | 5            | 106          | 111            | 2016                | ZAB     | 11/17/17                     | 2019                       |
| 2126           | Bancroft    | C-DMU      | 5                     | 0                    | 0                     | 5            | 45           | 50             | 2016                | ZAB     | 11/6/17                      | 2019                       |
| 2580           | Bancroft    | C-T        | 11                    |                      |                       | 11           | 111          | 122            | 2018                | ZAB     | 5/21/19                      | 2020                       |
| 2035           | Blake       | C-SA       | 4                     | 0                    | 0                     | 4            | 78           | 82             | 2016                | Council | 8/10/17                      | 2020                       |
| 739            | Channing    | MU-R       |                       |                      |                       | 0            | 10           | 10             | 2018                | ZAB     | 6/12/18                      | Unknown                    |
| 2510           | Channing    | C-T        | 3                     |                      |                       | 3            | 37           | 40             | 2018                | ZAB     | 4/5/18                       | 2020                       |
| 2631           | Durant      | R-SMU      | 0                     | 0                    | 0                     | 0            | 56           | 56             | 2016                | Council | 12/1/17                      | 2020                       |
| 1500           | San Pablo   | C-W & R-1A | 16                    | 0                    | 0                     | 16           | 154          | 170            | 2016                | Council | 12/21/17                     | 2020                       |
| 2747           | San Pablo   | C-W        | 3                     | 3                    | 0                     | 6            | 33           | 39             | 2007                | ZAB     | 8/18/17                      | 2020                       |
| 2748           | San Pablo   | C-W        | 23                    | 0                    | 0                     | 23           | 0            | 23             | 2014                | ZAB     | 5/17/18                      | 2019                       |
| 2539           | Telegraph   | C-T        | 6                     | 0                    | 0                     | 6            | 64           | 70             | 2016                | ZAB     | 10/20/17                     | 2019                       |
| 2597           | Telegraph   | C-T & R-2  | 1                     | 0                    | 0                     | 1            | 9            | 10             | 2017                | Council | 8/9/18                       | 2020                       |
| 1698           | University  | C-1        | 3                     | 0                    | 0                     | 3            | 33           | 36             | 2014                | ZAB     | 10/19/18                     | 2020                       |
| 2067           | University  | C-DMU      | 4                     | 0                    | 0                     | 4            | 46           | 50             | 2016                | ZAB     | 10/10/18                     | 2020                       |
| 2111           | University  | C-DMU      | 6                     | 0                    | 0                     | 6            | 62           | 68             | 2013                | ZAB     | 6/27/18                      | 2020                       |
| 2131           | University  | C-DMU      | 2                     | 0                    | 0                     | 2            | 19           | 21             | 2013                | ZAB     | 6/27/18                      | 2020                       |
| 2145           | University  | C-DMU      | 3                     | 0                    | 0                     | 3            | 33           | 36             | 2013                | ZAB     | 6/27/18                      | 2020                       |
| 1900           | Walnut      | C-DMU      | 7                     | 0                    | 0                     | 7            | 73           | 80             | 2013                | ZAB     | 6/27/18                      | 2020                       |
| <b>Totals:</b> |             |            | <b>102</b>            | <b>3</b>             | <b>0</b>              | <b>105</b>   | <b>969</b>   | <b>1,074</b>   |                     |         |                              |                            |

| <b>Table 4 – Approved projects with more than 5 units: Building Permit Issued after 2014 and now occupied.</b> |             |             |                       |                      |                       |              |              |                |                     |         |                              |                  |
|----------------------------------------------------------------------------------------------------------------|-------------|-------------|-----------------------|----------------------|-----------------------|--------------|--------------|----------------|---------------------|---------|------------------------------|------------------|
| #                                                                                                              | Street Name | Zoning      | VLI<br>31%-50%<br>AMI | LI<br>51%-80%<br>AMI | MOD<br>81-120%<br>AMI | BMR<br>Total | Above<br>MOD | Total<br>Units | Entitlement<br>Year | By:     | Building<br>Permit<br>Issued | Complete<br>Date |
| 1935                                                                                                           | Addison     | C-DMU       | 0                     | 0                    | 0                     | 0            | 69           | 69             | 2013                | Council | 10/17/14                     | 5/26/17          |
| 2002                                                                                                           | Addison     | C-DMU       | 0                     | 0                    | 0                     | 0            | 6            | 6              | 2016                | ZAB     | 2/1/18                       | 8/28/18          |
| 2024                                                                                                           | Durant      | C-DMU       | 0                     | 0                    | 0                     | 0            | 78           | 78             | 2013                | Council | 7/8/14                       | 12/7/15          |
| 2526                                                                                                           | Durant      | C-T         | 0                     | 0                    | 0                     | 0            | 44           | 44             | 2014                | ZAB     | 2/18/14                      | 6/30/17          |
| 2532                                                                                                           | Durant      | C-T         | 0                     | 0                    | 0                     | 0            | 7            | 7              | 2016                | ZAB     | 6/23/17                      | 1/30/19          |
| 2107                                                                                                           | Dwight      | C-DMU       | 9                     | 0                    | 0                     | 9            | 90           | 99             | 2012                | ZAB     | 12/1/17                      | 3/24/17          |
| 2201                                                                                                           | Dwight      | R-S         | 7                     | 0                    | 0                     | 7            | 70           | 77             | 2013                | ZAB     | 6/3/15                       | 11/17/16         |
| 2227                                                                                                           | Dwight      | R-3         | 0                     | 0                    | 0                     | 0            | 6            | 6              | 2013                | Council | 9/7/15                       | 5/25/18          |
| 2001                                                                                                           | Fourth      | C-W         | 12                    | 0                    | 0                     | 12           | 140          | 152            | 2014                | ZAB     | 4/1/16                       | 7/31/18          |
| 2441                                                                                                           | Haste       | C-T         | 0                     | 0                    | 0                     | 0            | 42           | 42             | 2013                | ZAB     | 5/7/14                       | 6/27/16          |
| 3132                                                                                                           | MLK         | C-SA        | 0                     | 41                   | 0                     | 41           | 1            | 42             | 2007                | ZAB     | 11/20/15                     | 12/7/17          |
| 3015                                                                                                           | San Pablo   | C-W         | 8                     | 7                    | 0                     | 15           | 83           | 98             | 2007                | Council | 3/19/14                      | 2/16/16          |
| 2598                                                                                                           | Shattuck    | C-SA & R-2A | 4                     | 3                    | 0                     | 7            | 25           | 32             | 2014                | Council | 5/1/15                       | 5/31/17          |
| 2600                                                                                                           | Shattuck    | C-SA & R-2A | 12                    | 12                   | 0                     | 24           | 99           | 123            | 2014                | Council | 1/1/14                       | 3/17/17          |
| 2711                                                                                                           | Shattuck    | C-SA        | 0                     | 0                    | 0                     | 0            | 18           | 18             | 2016                | ZAB     | 9/6/17                       | 9/1/18           |
| 800                                                                                                            | University  | C-W         | 4                     | 0                    | 0                     | 4            | 54           | 58             | 2013                | ZAB     | 7/15/14                      | 12/2/15          |
| 824                                                                                                            | University  | C-W         | 4                     | 0                    | 0                     | 4            | 44           | 48             | 2015                | ZAB     | 8/20/15                      | 2/6/18           |
| 1812                                                                                                           | University  | C-1         | 4                     | 0                    | 0                     | 4            | 40           | 44             | 2014                | ZAB     | 6/25/15                      | 3/7/17           |
| 1974                                                                                                           | University  | C-DMU       | 8                     | 0                    | 0                     | 8            | 90           | 98             | 2014                | ZAB     | 9/29/15                      | 10/3/17          |
| <b>Totals:</b>                                                                                                 |             |             | <b>72</b>             | <b>63</b>            | <b>0</b>              | <b>135</b>   | <b>1,006</b> | <b>1,141</b>   |                     |         |                              |                  |

**Table 5 – Status of Regional Housing Needs Allocation - All Housing Types.****Progress towards 2014-2022 RHNA: Approved Building Permits****January 1, 2014 – December 31, 2018**

| <b>Building Permit Action Year</b>         | <b>Ext Low<br/>&lt;30%<br/>AMI</b> | <b>VLI<br/>31%-50%<br/>AMI</b> | <b>LI<br/>51%-80%<br/>AMI</b> | <b>MOD<br/>81-120%<br/>AMI</b> | <b>BMR<br/>Total</b> | <b>Above<br/>MOD</b> | <b>Total</b> |
|--------------------------------------------|------------------------------------|--------------------------------|-------------------------------|--------------------------------|----------------------|----------------------|--------------|
| <b>January 1, 2014 – December 31, 2018</b> | <b>0</b>                           | <b>174</b>                     | <b>66</b>                     | <b>0</b>                       | 240                  | <b>1,975</b>         | <b>2,215</b> |
| RHNA                                       | 266                                | 266                            | 442                           | 584                            | 1,558                | 1,401                | 2,959        |
| Remaining RHNA Capacity Requirement        | 266                                | 92                             | 376                           | 584                            |                      | -574                 |              |
| <b>Percent of Goal Achieved</b>            | <b>0%</b>                          | <b>65%</b>                     | <b>15%</b>                    | <b>0%</b>                      |                      | <b>141%</b>          |              |

The current RHNA is for an 8.8-year period, from January 1, 2014 through October 31, 2022.





# AGENDA



## BERKELEY CITY COUNCIL MEETING

Tuesday, July 23, 2019

6:00 PM

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

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, 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.*

**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. Referral Response: Short-term referral to City Manager to amend Berkeley Municipal Code 7,441-N.S. to expand the control of flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code sections 9.80.020 and 9.80.035, and adding sections 9.80.031 and 9.80.032 to prohibit the sale of flavored tobacco products, to require a minimum package size for cigars and little cigars, and to require a minimum price for certain tobacco products sold in the City.  
**Financial Implications:** See report  
Contact: Farimah Brown, City Attorney, 981-6950; Kelly Wallace, Housing and Community Services, 981-5400
- 2. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of June 4, 2019 (special closed), June 11, 2019 (special closed, special, and regular), June 18, 2019 (special closed and special), and June 25, 2019 (special closed and regular).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, 981-6900

## Consent Calendar

- 3. Establish 2020 City Council Meeting Schedule**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing the City Council regular meeting schedule for 2020, with starting times of 6:00 p.m. and providing for ceremonial items to be taken up as special items noticed to be heard in advance of the scheduled start time of regular meetings.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, 981-6900
- 4. Voting Delegates – League of California Cities Annual Conference**  
**From: City Manager**  
**Recommendation:** Designate Councilmember Kate Harrison as the voting delegate and Councilmember Rigel Robinson as the alternate for the business meeting of the Annual League of California Cities meeting to be held on Friday, October 18, 2019, at the Long Beach Convention Center.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, 981-6900
- 5. Affordable Housing Projects; Federal Tax Law Reimbursement Resolution**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution allowing the City to pay certain costs of affordable and moderate income housing projects prior to the date of execution, delivery or issuance of tax-exempt bonds, and to use a portion of the proceeds of the tax-exempt bonds for reimbursement of expenditures for the projects that are paid before the date of execution, delivery or issuance of the obligations. The maximum principal amount of the obligations is expected to be \$175,000,000.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, City Manager's Office, 981-7000
- 6. Animal Care Services Providing Mutual Aid in Disasters**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving Berkeley Animal Care Services (BACS) Mutual Aid Agreement policy to provide animal services in disaster and emergency situations.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, City Manager's Office, 981-7000
- 7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 23, 2019**  
**From: City Manager**  
**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.  
**Financial Implications:** Various Funds - \$1,860,000  
Contact: Henry Oyekanmi, Finance, 981-7300

## Consent Calendar

- 8. Contract No. 10631A Amendment: Resource Development Associates for HOTT Evaluation Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 10631A with Resource Development Associates (RDA) to build a database for the Mental Health Division's Homeless Outreach and Treatment Team (HOTT), in an amount not to exceed \$6,500, for a total contract amount not to exceed \$54,500.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400
- 9. Mental Health Services Act (MHSA) Fiscal Year 2019-2020 (FY20) Annual Update**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Mental Health Services Act (MHSA) Fiscal Year 2019-2020 (FY20) Annual Update, which provides information on current and proposed uses of funds on mental health programming, and forwarding the MHSA FY20 Annual Update to appropriate state officials.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400
- 10. Contract No. 9888A Amendment: Merritt Hawkins for Recruitment Services: Psychiatrist**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 9888A adding \$100,000 to the expenditure contract with Merritt Hawkins for Recruitment for Psychiatrist III for a total contract limit of \$149,990 for the period beginning March 2, 2015 and ending on June 30, 2021.  
**Financial Implications:** Various Funds - \$100,000  
Contact: Kelly Wallace, Housing and Community Services, 981-5400

## Consent Calendar

### 11. **Contract Amendments: Mental Health Services Act Community Services and Supports, and Prevention and Early Intervention**

**From: City Manager**

**Recommendation:** Adopt seven Resolutions authorizing the City Manager or her designee to execute amendments for the following contracts that are funded through Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI), and Community Services and Supports (CSS) increasing the contract amounts as outlined below, and extending the contracts through June 30, 2020:

1. Increasing PEI Contract No. 8573I with Albany Unified School District (AUSD) by \$64,192 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$566,508 for services to Asian Pacific Islander, Latino, and African American youth;

2. Increasing PEI Contract No. 8801H with Center for Independent Living (CIL) in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$256,584 for supports for senior citizens;

3. Increasing PEI Contract No. 8560I with G.O.A.L.S. For Women, Inc. in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total amount not to exceed \$283,104 to serve African American women and their families;

4. Increasing PEI Contract No. 8516J with Pacific Center for Human Growth in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$283,104 to serve Lesbian, Gay, Bi-sexual, Transgender, Queer/Questioning, and Intersex (LGBTQI) individuals;

5. Increasing PEI Contract No. 8606I with Covenant House California-YEAH! Program, in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$283,104 for support groups for Transition Age Youth (TAY);

6. Increasing PEI Contract No. 8975G with Berkeley Unified School District (BUSD) in the amount of \$55,000 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$435,000 for elementary school youth; and

7. Increasing CSS Contract No. 9553E with Covenant House California-YEAH! Program by \$122,856 from Mental Health Services Act Fund Account #: 315-51-503-526-2017-000-451-636110 for a total contract amount not to exceed \$755,286 for services for transition age youth.

**Financial Implications:** See report

Contact: Kelly Wallace, Housing and Community Services, 981-5400

## Consent Calendar

- 12. Contract: AMCS for Zero Waste Management Software System**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with AMCS for software hosting, implementation, maintenance and related services for a Zero Waste Management Software System for an amount not to exceed \$1,363,735 for the period commencing on July 24, 2019 through June 30, 2024.  
**Financial Implications:** Various Funds - \$1,363,735  
Contact: Savita Chaudhary, Information Technology, 981-6500
- 13. Contract: Assetworks for Fleet Management Software & Implementation Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Assetworks for software hosting, implementation, maintenance and related services for a Fleet Management Software, for an amount not to exceed \$487,249 for the projected period commencing on July 24, 2019 through June 30, 2024.  
**Financial Implications:** Various Funds - \$487,249  
Contact: Savita Chaudhary, Information Technology, 981-6500
- 14. Contract Amendment 11005: Communication Strategies for Consulting Services for Voice Over IP (VoIP) Support and Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend a contract with Communication Strategies for Consulting Services for developing requirements and conducting needs assessment for Voice over IP (VoIP) Support and Maintenance, increasing the contract amount by \$42,216 for a total not-to-exceed amount of \$76,811 from July 1, 2017 to June 30, 2020.  
**Financial Implications:** See Report  
Contact: Savita Chaudhary, Information Technology, 981-6500
- 15. Special Use Permit for Berkeley Tuolumne Camp**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a Special Use Permit, and any amendments thereto, with the United States Forest Service to construct, operate, maintain, and improve Berkeley Tuolumne Camp located in the Stanislaus National Forest for a period of thirty years.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

## Consent Calendar

16. **Contract: Left Coast Land Clearing for Berkeley Tuolumne Camp Sun City Hazard Mitigation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Left Coast Land Clearing in an amount not to exceed \$365,000 to provide hazard mitigation services for the Berkeley Tuolumne Camp Sun City Project for the period July 24, 2019 through July 24, 2020.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
17. **Contract: Leslie Heavy Haul, LLC for Berkeley Tuolumne Camp Tree Hazard Mitigation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Leslie Heavy Haul, LLC in an amount not to exceed \$584,354 to provide tree hazard mitigation services for the Berkeley Tuolumne Camp Project for the period July 24, 2019 through July 24, 2020.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
18. **Contract: McNabb Construction, Inc. for George Florence Park Playground Renovation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution:  
1. Approving the plans and specifications for the George Florence Park Playground Renovation project, Specification No. 19-11301-C; and  
2. Accepting the bid of the lowest responsive and responsible bidder, McNabb Construction, Inc.; and  
3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with McNabb Construction, Inc., for the George Florence Park Playground Renovation project at 2121 Tenth Street, Berkeley, CA 94710, in an amount not to exceed \$538,706, which includes a contract amount of \$468,706 and a 15% contingency in the amount of \$70,000.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

## Consent Calendar

19. **Grant Application: Prop 84 Urban Greening Grant Program – Trees Build Communities Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a Prop 84 Urban Greening grant application for the “Trees Build Communities: A Berkeley Urban Forest Expansion Project” in the amount of \$725,878; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing 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, 981-6700
20. **Contract No. 31900125 Amendment: First Serve Productions for Additional Asphalt Repairs and Resurfacing at City Parks**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900125 with First Serve Productions for additional asphalt repairs and resurfacing at City parks by increasing the construction contract amount by \$55,000 for a not-to-exceed amount of \$250,000.  
**Financial Implications:** Parks Tax Fund - \$55,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
21. **Contract: Contract for John Hinkel Park Improvement Project \*\*\*Item Removed by the City Manager\*\*\***  
**From: City Manager**  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
22. **Authorizing the modification of the Measure T1 Phase 1 project list: removal of the King School Park Bioswale project and addition of alternate Green Infrastructure projects**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing:  
1. Removal of the King School Park Bioswale project from the list of approved Measure T1 projects ; and  
2. Addition of the following priority sites as T1 Phase 1 projects, identified by the Green Infrastructure (GI) plan at the Council worksession on June 18, 2019 and the Public Works Commission: Page Street between Fourth Street and the RR Tracks; Jones Street between Fourth Street and RR Tracks; Channing Way at the RR Tracks; Heinz Avenue near RR Tracks; Dwight Way between Fourth Street and the RR Tracks; Grayson Street near the RR Tracks; Tenth Street at Codornices Creek; Ninth Street at Codornices Creek; Piedmont Avenue Median between Durant Avenue and Channing Way; Piedmont Avenue Traffic Circle; San Pablo Park at Ward Street; and the evaluation of the Sacramento Street center median.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700; Phillip Harrington, Public Works, 981-6300



## Consent Calendar

- 23. Revenue Grant: California Office of Traffic Safety (OTS) for the 2020 "Selective Traffic Enforcement Program (STEP)" Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to accept the "Selective Traffic Enforcement Program (STEP)" Grant and enter into the resultant grant agreement and any amendments, with the California Office of Traffic Safety (OTS) to fund increased levels of impaired or distracted driving enforcement, nighttime seatbelt enforcement, motorcycle safety enforcement, and educational programs regarding bicycle and pedestrian safety. The approved OTS grant is for \$200,000 for the period of October 1, 2019 through September 30, 2020 which is Federal Fiscal Year 2020.  
**Financial Implications:** See report  
Contact: Andrew Greenwood, Police, 981-5900
- 24. Revenue Grant: Fiscal Year 2019-20 Alcoholic Beverage Control Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager, and/or the Chief of Police, to execute a grant contract and any subsequent amendments with the State of California Department of Alcoholic Beverage Control (ABC) in the amount of \$64,000 for one fiscal year, July 1, 2019 through June 30, 2020.  
**Financial Implications:** See report  
Contact: Andrew Greenwood, Police, 981-5900
- 25. Contract No. 9635 Amendment: Restoration Management Company for On-Call Remediation and Restoration Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9635 with Restoration Management Company, to increase the current contract by \$50,000 for a total not to exceed amount of \$100,000 and to extend the contract term to June 30, 2021.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300
- 26. Purchase Order: Stockton Tri Industries, Inc. for Front Loading and Rear Loading Container Purchase**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to accept a bid from Stockton Tri Industries, Inc. for front-loading and rear-loading containers and execute a purchase order in an amount not to exceed \$450,000 for fiscal years FY 2020 – FY 2023.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300

## Consent Calendar

27. **Contract No. 10485 Amendment: Fehr & Peers, Inc. for On-Call Transportation Planning Services \*\*\*Item Removed by the City Manager\*\*\***  
**From: City Manager**  
Contact: Phillip Harrington, Public Works, 981-6300
28. **Contract No. 121345-1 Amendment: W.A. Rose Construction, Inc. for Exterior Stucco Demolition Work at the Central Library**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 121345-1 with W.A. Rose Construction, Inc. to complete exterior stucco demolition work at the Central Library, increasing the amended contract amount of \$320,156 to a not to exceed amount of \$351,317 plus an allowable contingency amount of \$6,000 and to extend the term of the contract to December 31, 2019.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300; Elliot Warren, Library, 981-6100
29. **Agreements: Joint Exercise of Powers Agreement Establishing and Governing Operation of the Collection System Technical Advisory Committee and Defendants' Side Agreement to Facilitate Consent Decree Compliance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute the Joint Exercise of Powers Agreement with the City of Alameda, City of Albany, City of Berkeley, City of Emeryville, City of Oakland, City of Piedmont, the Stege Sanitary District, and East Bay Municipal Utility District, establishing and governing operation of the Collection System Technical Advisory Committee and the Defendants' Side Agreement to facilitate Consent Decree Compliance.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300
30. **Residential Preferential Parking (RPP) Program: Summer 2019 Update**  
**From: City Manager**  
**Recommendation:** Direct staff to conduct analysis of Fiscal Year (FY) 2020 Residential Preferential Parking (RPP) Program costs and revenues and return to Council early 2020 with updated fee increase proposal(s) to be effective April 1, 2020 for the FY 2021 permit year for Program enhancement and expansion.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300

## Council Consent Items

- 31. Implementing Vision Zero: Prioritizing High Collision Streets**  
**From: Mayor Arreguin, Councilmembers Droste, Hahn, and Wengraf**  
**Recommendation:** As street lights are being replaced and transportation infrastructure improvements are made throughout the City, and as work plans and schedules are developed, priority should be given to high-collision streets, as identified in the Pedestrian Master Plan and Vision Zero program. Examples include but are not limited to improving lighting, updating signage, and painting of crosswalks.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, 981-7100
- 32. Authorizing Transfer of Funds to Rent Board for Eviction Defense Contracts**  
**From: Mayor Arreguin**  
**Recommendation:** Adopt a Resolution authorizing the transfer of \$550,000 for Fiscal Years 2020 and 2021 to the Rent Stabilization Board to amend its contracts with the Eviction Defense Center and East Bay Community Law Center to provide eviction defense and various other anti-displacement services to low and moderate-income Berkeley residents.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, 981-7100
- 33. Designating Berkeley's portion of Ohlone Greenway and the West Street Bike Path as linear City parks**  
**From: Councilmember Kesarwani**  
**Recommendation:** Adopt a resolution designating the Berkeley-owned portions of the West Street Bike Path and the Ohlone Greenway as linear City parks and formally dedicate these sites for permanent recreational use. The City-owned portion of the West Street Bike Path begins adjacent to the basketball courts at Virginia Gardens and travels southward ending at Delaware Street. The City-owned section of the Ohlone Greenway begins northwest of the North Berkeley BART station at Cedar Street and continues north to the City's border with Albany.  
**Financial Implications:** See report  
Contact: Rashi Kesarwani, Councilmember, District 1, 981-7110
- 34. Letter of Support for California Bill SB 464, the Dignity in Pregnancy and Childbirth**  
**From: Councilmembers Bartlett and Davila**  
**Recommendation:** That the Mayor and Berkeley City Councilmembers support the Senate Bill 464 (SB 464) otherwise known as the California Dignity in Pregnancy and Childbirth Act and write a letter of support to Senator Holly J. Mitchell. Senate Bill 464 would attempt to find data relating to implicit bias and racial disparities in maternal mortality rates and institute measures to ensure equal treatment of all pregnant patients.  
**Financial Implications:** None  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130

## Council Consent Items

- 35. Resolution in Support of AB 1279 – Planning and zoning: housing development: high-resource areas**  
**From: Councilmember Harrison, Mayor Arreguin, and Councilmember Bartlett**  
**Recommendation:**
1. Adopt a resolution in support of AB 1279, which requires that housing development projects be issued a by-right use permit in designated high resource areas and mandate that they include a percentage of affordable units. If these affordability requirements are not met, developers would be charged fees that would be deposited in a local affordable housing fund.
  2. Send letters of support to Assemblymember Wicks, Senator Skinner, and Governor Newsom.
- Financial Implications:** None  
Contact: Kate Harrison, Councilmember, District 4, 981-7140

## Action Calendar

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

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

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

## Action Calendar – Public Hearings

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

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

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

## Action Calendar - Public Hearings

36. **Amendments to the Berkeley Election Reform Act; Amending BMC Chapter 2.12**  
**From: Fair Campaign Practices Commission**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt an ordinance amending the Berkeley Elections Reform Act, Berkeley Municipal Code Chapter 2.12, regarding the public financing program.  
**Financial Implications:** None  
Contact: Emma Soichet, Commission Secretary, 981-6950
37. **Substantial Amendments to the PY2018 and PY2019 HUD Annual Action Plans for Use of ESG Funds**  
**From: City Manager**  
**Recommendation:** Conduct a Public Hearing on substantial amendments to the PY2018 and PY2019 Annual Action Plans for use of Emergency Solutions Grant (ESG) funds, allocating the maximum allowable amount towards shelter and street outreach, and away from rapid rehousing, and adopt a Resolution authorizing the City Manager to submit the Substantial Amendments to the PY2018 and PY2019 Annual Action Plans to the U.S. Department of Housing and Urban Development (HUD).  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400

## Action Calendar

38. **Basic Criteria for Two-Week RV Permitting Process** (*Reviewed by the Health, Life Enrichment, Equity & Community Committee*)  
**From: Health, Life Enrichment, Equity & Community Committee:**  
**Councilmembers Hahn, Bartlett, and Kesarwani**  
**Recommendation:** Refer to the City Manager to develop a two-week permit and system for recreational vehicle (RV) parking based on recommendations from the Health, Life Enrichment, Equity & Community Committee.  
**Financial Implications:** Staff time  
Contact: Health, Life Enrichment, Equity & Community Committee members: Sophie Hahn, Committee Chair, District 5, 981-7150; Ben Bartlett, Councilmember, District 3, 981-7130; Rashi Kesarwani, Councilmember, District 1, 981-7110

## Action Calendar

**39. Identifying Locations for Managed Safe Recreational Vehicle (RV) Parking on City-Owned Land, Development of a Three-Month “Grace Period” Permit Program, and Requesting that the State Lands Commission Permit a Temporary Safe Parking Site at the Berkeley Waterfront**

**From: Mayor Arreguin, Councilmembers Kesarwani and Harrison  
Recommendation:**

1. Direct the City Manager to identify one or more locations on city-owned land, including at the Berkeley Waterfront, for the establishment of a managed safe RV parking site for individuals currently sheltering in an RV or oversized vehicle on the public right-of-way in the City of Berkeley. The site(s) shall be available specifically for individuals identified through outreach as meeting the priority populations criteria designated by City Council in its March 26, 2019 action and are therefore eligible for the city’s three-month Grace Period Permit Program.

A three-month Grace Period Permit (with possibility for renewal under limited specified circumstances) will be offered on a one-time basis to existing Berkeley RV dwellers who meet the priority populations criteria adopted by Council on March 26, 2019. The three-month Grace Period Permit will allow RV dwellers to park in a designated off-street safe location within City limits. As adopted and specified on March 26th, a safe parking location should be provided to priority populations prior to enforcement of RV parking regulations under Ordinance No. 7,643-N.S. (BMC Section 14.40.120) and shall include services to ensure health and safety, including sanitation services.

2. Once locations are identified, the City Manager should report back to the City Council on proposed locations and a proposed program model for the three-month Grace Period Permit program including a non-profit operator, service model, security measures, and sanitary facilities such as portable restrooms and hand-washing stations. The Council may at that time express its intent to allocate additional funding through Measure P tax receipts or other General Fund revenues to establish a long-term safe parking program for individuals who meet priority populations criteria and who have not previously received a three-month Grace Period Permit.

Program participants should be actively engaged with rehousing and other services, and their stay will be short-term while they are seeking permanent housing and/or a long-term off-street location to which they can relocate, such as an RV park.

3. The City Manager should explore all possible locations on city-owned land, including all vacant or partially-occupied city properties, “dead-end” streets, and the Berkeley Waterfront.

4. Direct the City Manager to submit a formal request to the California State Lands Commission for permission to establish a temporary safe parking location on City land at the Berkeley Waterfront based on the City of Berkeley’s declaration of a Homeless Shelter Crisis.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

## Action Calendar

- 40. Referral Response: Update on Various Referrals and Recommendations Regarding Stop Data Collection, Data Analysis and Community Engagement**  
*(Reviewed by the Public Safety Committee)*  
**From: Public Safety Committee: Councilmembers Bartlett, Wengraf, and Robinson**  
**Recommendation:** That the City Council, with a qualified positive recommendation, for the Mayor to convene the task force, as outlined in Councilmember Harrison's amended referral (4/24/18), in an expeditious manner and to request that adequate budget resources be allocated to allow the task force to complete its work regarding the City Manager's Referred April 30th, 2019 item: Review and provide feedback on the Berkeley Police Department responses to inter-related Council and Police Review Commission referrals, reports and recommendations, including the Center for Policing Equity report recommendations, regarding stop data collection, data analysis, community engagement, and related topics.  
**Financial Implications:** See report  
Contact: Public Safety Committee members: Ben Bartlett, Committee Chair, District 3, 981-7130; Susan Wengraf, Councilmember, District 6, 981-7160; Rigel Robinson, Councilmember, District 7, 981-7170
- 41. Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention**  
*(Continued from June 25, 2019)*  
**From: Mayor Arreguin and Councilmember Harrison**  
**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, 981-7100

## Information Reports

- 42. City Council Short Term Referral Process – Monthly Update**  
**From: City Manager**  
Contact: Mark Numainville, City Clerk, 981-6900
- 43. Update on Measure T1**  
**From: City Manager**  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700; Phillip Harrington, Public Works, 981-6300
- 44. Audit Status Report - PRW On-Call Program**  
**From: City Manager**  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

## Information Reports

45. **LPO NOD: 1619 Walnut Street -- #LMIN2019-0001**  
**From: City Manager**  
Contact: Timothy Burroughs, Planning and Development, 981-7400
46. **LPO NOD: 1915 Fourth Street/#LMSAP2019-0003**  
**From: City Manager**  
Contact: Timothy Burroughs, Planning and Development, 981-7400
47. **LPO NOD: 2580 Bancroft Way/#LMSAP-2019-0006**  
**From: City Manager**  
Contact: Timothy Burroughs, Planning and Development, 981-7400
48. **FY2020 Public Art Plan and Budget**  
**From: Civic Arts Commission**  
Contact: Jennifer Lovvorn, Commission Secretary, 981-7530
49. **Report on B.M.C. 13.79.050 (“Buyout Offers and Agreements”)**  
**From: Rent Stabilization Board**  
Contact: Jay Kelekian, Rent Stabilization Board, 981-7368
50. **Zero Waste Commission 2019-20 Work Plan**  
**From: Zero Waste Commission**  
Contact: Heidi Obermeit, Commission Secretary, 981-6300
51. **City Auditor Amended Fiscal Year 2019 Audit Plan and Fiscal Year 2020 Audit Plan**  
**From: Auditor**  
Contact: Jenny Wong, Auditor, 981-6750

## 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.



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

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <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 981-6418 (V) or 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.

~~~~~  
***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 July 11, 2019.***

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

Mark Numainville, City Clerk

## **Communications**

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

### **Item #38: Basic Criteria for Two-Week RV Permitting Process**

1. Robert Gable
2. Change.org
3. Kimberly Kradel
4. Perla Barrientos
5. Peter Schiller
6. Alfred Manning
7. Anna Boersma

### **5G/Big Telecom**

8. Wanda Warkentin
9. Anne Herrick
10. Carol Wolman (2)
11. Phoebe Anne Sorgen (2)
12. Gar Smith
13. Joel Moskowitz
14. Ellen Marks
15. Lloyd Morgan
16. Adam Clayton

### **East Bay Community Energy Newsletter**

17. East Bay Community Energy

### **Blue Parking Zones at the Marina**

18. Jutyblue
19. Martin Nicolaus

### **4<sup>th</sup> Street and Solano Vacancies**

20. Barbara Gilbert

### **State Salary Database**

21. April Gilbert
22. Jessica Behrman

### **West Campus Pool**

23. Howard Goldberg

### **Safety at Harriet Tubman Terrace**

24. Darinxoso Oyamasela

### **Dwight Way and California Street Intersection**

25. Ormit Oppenheimer

**EBMUD Leak on the 1700 Block of Francisco Street**

26. David Lerman

**Change.org – Predatory Displacement**

27. Unknown

**Cannabis Event at Cesar Chavez Park**

28. Carol Denney

**North Berkeley BART**

29. Jessica Fain

30. Noah Nathan

31. Elie Hassenfeld

**Bay Trail Garbage**

32. Richard Raushenbush

**Climate Change Related**

33. Donald Goldmacher

34. James McFadden

35. Councilmember Harrison

**Russbumper Dialogue**

36. Russbumper (23)

**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  
July 23, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Farimah Brown, City Attorney

Kelly Wallace, Director, Health, Housing, and Community Services  
Department

Subject: Referral Response: Short-term referral to City Manager to amend Berkeley Municipal Code 7,441-N.S. to expand the control of flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use

RECOMMENDATION

Adopt first reading of an Ordinance amending Berkeley Municipal Code sections 9.80.020 and 9.80.035, and adding sections 9.80.031 and 9.80.032 to prohibit the sale of flavored tobacco products, to require a minimum package size for cigars and little cigars, and to require a minimum price for certain tobacco products sold in the City.

FISCAL IMPACTS OF RECOMMENDATION

Prohibiting the sale of flavored tobacco products, which are currently allowed to be sold in the City with some restrictions, could lower tax revenues to the City. If increasing cigar package size achieves its goal of lowering sales of those products, then the ordinance could further lower tax revenues. Requiring a minimum price for tobacco products would increase overall prices and tax revenues, but is also intended to lower sales, which may have the net effect of lowering tax revenues.

CURRENT SITUATION AND ITS EFFECTS

This report responds to a short-term referral from the City Council that originally appeared on the agenda of the December 11, 2018 Council meeting and was sponsored by Councilmembers Davila, Hahn, and Harrison (Attachment 2). At the December 11 meeting, the City Council approved a recommendation to refer to the City Manager to amend the Berkeley Municipal Code to prohibit the sale of flavored tobacco products and require a minimum package size and/or price for cigars and little cigars across the City of Berkeley. (Attachment 3.)

Staff in the Health, Housing, and Community Services Department and the City Attorney's Office have collaborated to review the proposed ordinance referred by

Council, and have prepared a revised ordinance. (Attachment 1a [version with tracked changes]; Attachment 1b [clean version].)

Staff added two sections to the ordinance. The first of these sections, section 9.80.031 (“Sale of Flavored Tobacco Prohibited”), is identical to the prohibition on flavored tobacco as proposed in the referral from Council, but moves it to a stand-alone code section. The second section, section 9.80.032 (“Tobacco Product Pricing and Packaging”), makes slight revisions to the proposed package-size restrictions. It also adds new minimum price requirements for cigarettes, little cigars, and cigars, while prohibiting discounts on tobacco products to prevent the sale of these products below the set base prices. The revised ordinance also includes standard severability and preemption clauses intended to aide with interpretation of the ordinance, as well as additional definitions for two new terms used in section 9.80.032.

### BACKGROUND

During the Council meeting held on December 11, 2018 Councilmembers Davila, Hahn, and Harrison sponsored a referral to the City Manager “to amend Berkeley Municipal Code 7,441-N.S.” Staff recommends the amendment of several sections of BMC chapter 9.80, which was last revised on April 7, 2015 by Ordinance 7,441-N.S.

### ENVIRONMENTAL SUSTAINABILITY

By restricting tobacco sales near schools and parks, this recommendation will potentially reduce tobacco waste. Tobacco waste is toxic and makes up 34 percent of the total litter collected in California. It is a significant component of storm drain debris and contributes to stormwater pollution that negatively impacts water quality and wildlife in the San Francisco Bay.

### RATIONALE FOR RECOMMENDATION

The primary purpose of the amendment to the ordinance is to increase efforts to prevent youth and young adult tobacco use.

### ALTERNATIVE ACTIONS CONSIDERED

As requested, staff considered setting a minimum price for cigar and little cigar prices, an approach adopted most recently by the City of Alameda. It is not entirely conclusive whether setting minimum package size or minimum price is more effective, therefore either and both were considered. With flavors being one of the more compelling reasons for use of tobacco products among youth, both minimum package size and minimum price were included.

### CONTACT PERSON

Janice Chin, Public Health Manager, HHCS, (510) 981-5121  
Emma Soichet, Deputy City Attorney, City Attorney’s Office, (510) 981-6998

### Attachments:

- 1a: Ordinance (track changes version)
- 1b: Ordinance (clean version)
- 2: Original Referral Report from December 11, 2018



Office of the City Manager

3: Page 12 of Annotated Minutes of December 11, 2018 meeting

ORDINANCE NO.

AMENDING BERKELEY MUNICIPAL CODE SECTIONS 9.80.020, 9.80.030, AND 9.80.035 TO PROHIBIT THE SALE OF FLAVORED TOBACCO PRODUCTS AND TO REQUIRE A MINIMUM PACKAGE SIZE FOR CIGARS AND LITTLE CIGARS

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

Section 1. Legislative findings:

The City Council hereby finds that:

1. Approximately 480,000 people die in the United States from smoking-related diseases and exposure to secondhand smoke every year, making tobacco use the nation's leading cause of preventable death;<sup>i</sup>

2. 5.6 million of today's Americans who are younger than 18 are projected to die prematurely from a smoking-related illness;<sup>ii</sup>

3. Despite the state's efforts to limit youth access to tobacco, youth are still able to access tobacco products, as evidenced by the following:

- In California, over 67% of current and former adult smokers started by the age of 18 and almost 100% start by age 26;<sup>iii</sup>

- In 2017, 22.8% of high school students in California had tried cigarette smoking;<sup>iv</sup>

4. The federal Family Smoking Prevention and Tobacco Control Act ("Tobacco Control Act"), enacted in 2009, prohibited candy- and fruit-flavored cigarettes,<sup>v</sup> largely because these flavored products are marketed to youth and young adults,<sup>vi</sup> and younger smokers were more likely than older smokers to have tried these products;<sup>vii</sup>

5. Neither federal nor California state laws restrict the sale of menthol cigarettes or flavored non-cigarette tobacco products, such as cigars, cigarillos, smokeless tobacco, hookah tobacco, electronic smoking devices, and the solutions used in these devices;

6. In 2016, an estimated 82% of tobacco retailers in California sold flavored non-cigarette tobacco products, over 90% of tobacco retailers sold menthol cigarettes, and 8 out of 10 tobacco retailers near schools sold flavored non-cigarette tobacco products;<sup>viii</sup>

7. Mentholated and flavored products have been shown to be "starter" products for youth who begin using tobacco<sup>ix</sup> and these products help establish tobacco habits that can lead to long-term addiction;<sup>x</sup>

8. Flavored tobacco has significant public health implications for youth, people of color, low income populations, and members of LGBTQ+ communities as a result of targeted industry marketing strategies and product manipulation;<sup>xi</sup>

9. As a result of the FDA ban on all flavored cigarette products (except menthol), tobacco use by youth decreased by 6% and the likelihood of a youth becoming a cigarette smoker post flavor ban fell by 17%;<sup>xii</sup>

10. Similar to flavored cigars and little cigars, electronic cigarette companies have marketed to minors with sweet flavors to "graduate" users toward unflavored tobacco products;

- The National Youth Tobacco Survey reported that the most commonly selected reasons for use of e-cigarettes among middle and high school students included the availability of "flavors such as mint candy, fruit, or chocolate" (31% of respondents);<sup>xiii</sup> There was also a 7% increase of high school students who used flavored e-cigarettes



from 61% in 2017 to 68% in 2018, unlike the steady decline of cigarette use seen among youth.<sup>xiv</sup>

- The Surgeon General has concluded that e-cigarette use among youths and young adults is of public health concern; exposure to nicotine during adolescence can cause addiction and can harm the developing adolescent brain.

- E-cigarette use is strongly associated with the use of other tobacco products among youth and young adults, particularly the use of combustible tobacco products. For example, in 2015, 58.8% of high school students who were current users of combustible tobacco products were also current users of e-cigarettes.<sup>xv</sup>

11. Youth whose first tobacco product was flavored are more likely to become current tobacco users than those whose first product was tobacco-flavored.<sup>xvi</sup> Data from the National Youth Tobacco Survey indicate that more than two-fifths of U.S. middle and high school smokers report using flavored little cigars or flavored cigarettes;

12. Although federal and state law ban the sale of individual cigarettes,<sup>xvii</sup> neither federal nor California state laws restrict the sale of individual little cigars and cigars;

13. Many retailers sell little cigars and cigars individually, making them more affordable and appealing to youth.<sup>xviii</sup> For example:

- 87.4% of California tobacco retailers sell a popular brand of youth-friendly cigars for less than \$1.00;<sup>xix</sup>

- From 1995 to 2008, annual sales of cigarillos increased by 255%, and sales of little cigars increased by 316%; and<sup>xx</sup>

14. The availability of inexpensive tobacco products leads to increased tobacco use as evidenced by more than 100 academic studies that conclusively show that when tobacco products are made more expensive, fewer people use tobacco, fewer initiate tobacco use, and more people quit tobacco use.<sup>xxi</sup>

Section 2. That Section 9.80.020 of the Berkeley Municipal Code is hereby amended to read as follows:

**Section 9.80.020 Definitions.**

The following words and phrases, whenever used in this article, shall have the meanings defined in this section unless the context clearly requires otherwise:

A. "Cigar" means any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing more than three pounds per thousand units.

B. "Cigarette" means: (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; and (2) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (1).

C. "Characterizing flavor" means a distinguishable taste or aroma, other than the taste or aroma of tobacco, that is imparted either prior to or during consumption of a tobacco product, or any byproduct produced by the tobacco product, including but not limited to tastes or aromas of menthol, mint, wintergreen, chocolate, vanilla, honey, cocoa, any candy, any dessert, any alcoholic beverage, any fruit, any herb, and any spice; provided, however, that no tobacco product shall be determined to have a characterizing

flavor solely because of the use of additives or flavorings or the provision of ingredient information. ~~A public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate such statements, that a tobacco product has or produces a characterizing flavor shall establish that the product is a flavored tobacco product.~~

D. "Consumer" means a person who purchases a tobacco product for consumption and not for sale to another.

A-E. "Coupon" means any voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue, whether in paper, digital, or other form, used for commercial purposes to obtain an article, product, service, or accommodation without charge or at a discounted price.

~~B. "Constituent" means any ingredient, substance, chemical, or compound, other than tobacco, water, or reconstituted tobacco sheet, that is added by the manufacturer to a Tobacco Product during the processing, manufacture, or packing of the Tobacco Product.~~

~~C. "Distinguishable" means perceivable by an ordinary consumer by either the sense of smell or taste.~~

D-F. "Electronic nicotine delivery system" means any electronic and/or battery-operated device that can be used to deliver an inhaled dose of nicotine or other substances, including but not limited to electronic cigarettes, vaporizer pens, electronic cigars, electronic cigarillos, electronic pipes, electronic hookahs, or any other product name or descriptor, and including any component, part, or accessory of such a device, whether or not sold separately, including but not limited to cartomizers, clearomizers, atomizers, and tips.

E-G. "E-liquid" means any liquid, gel or other substance designed for use with an electronic nicotine delivery system, including but not limited to e-juice, smoke juice or any other product name or descriptor. Excluded from this definition is any non-nicotine containing liquid, gel or other substance that contains cannabis in any form as its active ingredient.

H. "Flavored tobacco product" means any tobacco product that imparts a characterizing flavor. ~~containing, made of, or derived from tobacco or nicotine that contains a constituent that imparts a characterizing flavor.~~

I. "Full Retail Price" means the price listed for a Tobacco Product on its Packaging or on any related shelving, advertising, or display where the Tobacco Product is sold or offered for Sale, plus all applicable taxes and fees if such taxes and fees are not included in the listed price.

J. "Labeling" means written, printed, or graphic matter upon any tobacco product or any of its packaging, or accompanying such tobacco product.

K. "Little cigar" means any roll of tobacco, other than a cigarette, wrapped entirely or in part in tobacco or any substance containing tobacco and weighing no more than three pounds per thousand units. "Little cigar" includes, but is not limited to, tobacco products known or labeled as small cigar, little cigar, or cigarillo.

L. "Manufacturer" means any person, including any repacker or relabeler, who manufactures, fabricates, assembles, processes, or labels a tobacco product; or imports a finished tobacco product for sale or distribution into the United States.

F-M. "Package" or "Packaging" means a pack, box, carton, or container of any

kind or, if no other container, any wrapping (including cellophane) in which a tobacco product is sold or offered for sale to a consumer.

G.N. "Pharmacy" means any retail establishment in which the profession of pharmacy is practiced by a pharmacist licensed by the State of California in accordance with the Business and Professions Code and where prescription pharmaceuticals are offered for sale, regardless of whether the retail establishment sells other retail goods in addition to prescription pharmaceuticals.

H.O. "Proprietor" means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten percent (10%) or greater interest in the stock, assets or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have, or can or does share, ultimate control over the day-to-day operations of a business.

P. "School" means a building or group of buildings and associated grounds used for educational and/or classroom purposes operated by the Berkeley Unified School District (BUSD) and/or other public or private educational institutions offering a general course of study at primary, secondary or high school levels (grades K through 12) which is equivalent to the courses of study at such levels offered by the BUSD, as specified by City Council Resolution from time to time. Pre-school, vocational or trade programs shall be considered schools only when incidental to the primary use as a school as defined herein. Excluded from this definition are buildings operated by public or private education institutions in which the total student enrollment is less than 25 students and private residences at which students participate in home-based or independent study programs.

I.Q. "Sale" or "Sell" means any transfer, exchange, barter, gift, offer for sale, or distribution for a commercial purpose, in any manner or by any means whatsoever.

J.R. "Tobacco paraphernalia" means items or instruments designed for the consumption, or preparation for consumption, of any substance containing tobacco or derived from tobacco, including but not limited to cigarette papers or wrappers, pipes, hookahs, and cigarette rolling machines.

K.S. "Tobacco product" means:

- 1: any substance containing, made of, or derived from tobacco or nicotine including but not limited to cigarettes, cigars, cigarillos, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, and shisha;
- 2: Any e-liquid;
- 3: Any electronic nicotine delivery system; and
- 4: Any tobacco paraphernalia.

"Tobacco product" does not include drugs, devices or combination products, any cessation product specifically approved authorized by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act. for use in treating nicotine or tobacco dependence.2

L.T. "Tobacco retailer" means any person or business that operates a store, stand, booth concession or other place at which the sales of tobacco products are made to purchasers for personal consumption or use. (Ord. 7441-NS § 3, 2015: Ord. 7377-NS § 2, 2014: Ord. 6720-NS § 2, 2002)

Section 3. That [Section 9.80.031 of the](#) Berkeley Municipal Code is hereby [added](#) to read

as follows:

Section 9.80.031 Sale of Flavored Tobacco Prohibited.

A. 1. It shall be a violation of a tobacco retailer's license for a licensee or his or her agent or employee to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product.

B. There shall be a rebuttable presumption that a tobacco retailer in possession of four or more flavored tobacco products, including, but not limited to, individual flavored tobacco products, packages of flavored tobacco products, or any combination thereof, possesses such flavored tobacco products with intent to sell or offer for sale.

A-C. There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a tobacco retailer, manufacturer, or any employee or agent of a tobacco retailer or manufacturer has:

1. Made a public statement or claim that the tobacco product imparts a characterizing flavor;

2. Used text, color, and/or images on the tobacco product's labeling or packaging to explicitly or implicitly indicate that the tobacco product imparts a characterizing flavor; or

3. Taken action directed to consumers that would be reasonably expected to cause consumers to believe the tobacco product imparts a characterizing flavor.

Section 4. That Section 9.80.032 of the Berkeley Municipal Code is hereby added to read as follows:

Section 9.80.032 Tobacco Product Pricing and Packaging.

A. It shall be a violation of a tobacco retailer's license for a licensee or his or her agent or employee to sell or offer for sale, or to possess with the intent to sell or offer for sale, any tobacco product to any consumer unless such product: (1) is sold in the original manufacturer's packaging intended for sale to consumers; and (2) conforms to all applicable federal labeling requirements.

B. The price of each tobacco product offered for sale shall be clearly and conspicuously displayed to indicate the price of the product.

C. It shall be a violation of a tobacco retailer's license for a licensee or his or her agent or employee to sell or offer for sale, or to possess with the intent to sell or offer for sale, to a consumer:

1. Any little cigar unless it is sold in a package of at least 20 (twenty) little cigars ; or

2. Any cigar unless it is sold in a package of at least 6 (six) cigars [provided, however, that this subsection shall not apply to a cigar that has a price of at least \$7.00 per cigar, including all applicable taxes and fees].

D. No tobacco retailer shall sell to a consumer:

1. Cigarettes at a price that is less than \$8.00 per package of 20 cigarettes, including all applicable taxes and fees;

2. Little cigars at a price that is less than \$20.00 per package of little cigars, including all applicable taxes and fees; or

3. Cigars at a price that is less \$7.00 per cigar, including all applicable taxes and fees.

E. The minimum prices established in subdivision D shall be adjusted annually by the annual average of the percentage change in the Consumer Price Index for all urban consumers for all items for the San Francisco-Oakland-Hayward statistical area as reported by the United States Bureau of Labor Statistics or any successor to that index.

F. No tobacco retailer shall:

1. Honor or redeem, or offer to honor or redeem, a coupon to allow a consumer to purchase a tobacco product for less than the full retail price;

2. Sell any tobacco product to a consumer through a multiple-package discount or otherwise provide any such product to a consumer for less than the full retail price in consideration for the purchase of any tobacco product or any other item; or

3. Provide any free or discounted item to a consumer in consideration for the purchase of any tobacco product.

Section 5. That Berkeley Municipal Code Section 9.80.035 is hereby amended to read as follows:

**Section 9.80.035 Limits on eligibility for a tobacco retailer license.**

A. No new tobacco retailer license may be issued to a pharmacy.

B. No existing tobacco retailer license may be renewed by a pharmacy.

C. No new tobacco retailer license may be issued to authorize the sale of tobacco products with six hundred (600) feet of any school as measured by a straight line from the nearest point of the property line of the parcel on which the school is located to the nearest point of the property line of the parcel on which the business is located.

~~D. 1. Effective January 1, 2017, no person shall sell, give away, barter, exchange, or otherwise deal in flavored tobacco products within six hundred (600) feet of any school as measured by a straight line from the nearest point of the property line of the parcel on which the school is located to the nearest point of the property line of the parcel on which the business is located.~~

E.D. 1. Effective January 1, 2017, no person shall sell, give away, barter, exchange, or otherwise deal in electronic nicotine delivery systems or e-liquid within six hundred (600) feet of any school as measured by a straight line from the nearest point of the property line of the parcel on which the school is located to the nearest point of the property line of the parcel on which the business is located.

2. Subdivision ~~E~~D.1 shall not prohibit the sale of electronic nicotine delivery systems to persons who demonstrate that they are qualified patients or primary caregivers as defined in Health and Safety Code section 11362.7 or persons with identification cards issued pursuant to Health and Safety Code section 11362.71, provided that such electronic nicotine delivery systems are unaccompanied by any tobacco product defined in Sections 9.80.020.K.1 or 9.80.020.K.2.

~~F. A tobacco retailer lawfully operating prior to March 1, 2015, that is engaged primarily in the sale of electronic nicotine delivery systems or e-liquid and is prohibited from selling electronic nicotine delivery systems and e-liquid due to the proximity to a~~

~~school as specified in subdivision E.1 may obtain an exemption from subdivision E.1 yearly for up to a total of three years, beginning January 1, 2017, if it makes a showing, as determined by the City Manager or his or her designee, that application of subdivision E.1 would result in a taking without just compensation under either the California or the United States Constitution. "Engaged primarily" for purposes of this subsection means that the sale of electronic nicotine delivery systems and e-liquids account for more than 50% of the tobacco retailer's calendar year 2014 gross receipts.~~

~~G.E.~~ A map identifying the areas falling within six hundred (600) feet of schools shall be adopted by the City Council by resolution, and may be amended from time to time. (Ord. 7441-NS § 5, 2015: Ord. 7377-NS § 3, 2014)

#### Section 5. Effective date.

This Ordinance shall take effect and be in force from and after 30 days after date of enactment; provided, however, that Sections 9.80.031 and 9.80.032~~(C)~~ shall not take effect until 6 months after date of enactment.

#### Section 6. Preemption.

It is the intent of the City Council of the City of Berkeley to supplement applicable state and federal law and not to duplicate or contradict such law, and this ordinance shall be construed consistently with that intention. Nothing in this ordinance shall be interpreted or applied so as to create any requirement, power, or duty that is preempted by federal or state law.

#### Section 7. Severability.

If any section, subsection, sentence, clause, phrase, or word of this ordinance, or any application thereof to any person or circumstance, is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the ordinance. The City Council of the City of Berkeley hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, phrase, and word not declared invalid, unconstitutional, or unenforceable without regard to whether any other portion of this ordinance or application thereof would be subsequently declared invalid, unconstitutional, or unenforceable.

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<sup>i</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. Available at: <https://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

<sup>ii</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. Available at: <https://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

<sup>iii</sup> California Department of Public Health California Tobacco Control Program. *California Tobacco Facts and Figures 2016*. Sacramento, CA: California Department of Public Health. 2016. Available at:

<https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/2016FactsFiguresWeb.pdf>.

<sup>iv</sup> Kann L, McManus T, Harris WA, et al. Youth Risk Behavior Surveillance - United States, 2017. *MMWR Surveill Summ*. 2018;67(8):1-114. doi: 10.15585/mmwr.ss6708a1; Centers for Disease Control and Prevention. Youth Risk Behavior Surveillance — United States, 2017. Supplementary Tables 52-93: Tobacco Use. 2018;

[https://www.cdc.gov/healthyyouth/data/yrbs/2017\\_tables/tobacco\\_use.htm](https://www.cdc.gov/healthyyouth/data/yrbs/2017_tables/tobacco_use.htm).

<sup>v</sup> 21 U.S.C. § 387g(a)(1)(A).

<sup>vi</sup> U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/>; Villanti AC, Collins LK, Niaura RS, Gagosian SY, Abrams DB. Menthol cigarettes and the public health standard: a systematic review. *BMC Public Health*. 2017;17(1):983. doi: 10.1186/s12889-017-4987-z; Villanti AC, Johnson AL, Ambrose BK, et al. Flavored Tobacco Product Use in Youth and Adults: Findings From the First Wave of the PATH Study (2013-2014). *Am J Prev Med*. 2017;53(2):139-151. doi: 10.1016/j.amepre.2017.01.026.

<sup>vii</sup> U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/>.

<sup>viii</sup> California Department of Public Health California Tobacco Control Program. *2016 Healthy Stores for a Healthy Community Survey Results-all counties*. 2016. Available at: <http://healthystoreshealthycommunity.com/media-center/?campaign>.

<sup>ix</sup> U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/>; Hersey JC, Ng SW, Nonnemaker JM, et al. Are menthol cigarettes a starter product for youth? *Nicotine Tob Res*. 2006;8(3):403-413. doi: 10.1080/14622200600670389; Wackowski O, Delnevo CD. Menthol cigarettes and indicators of tobacco dependence among adolescents. *Addict Behav*. 2007;32(9):1964-1969. doi: 10.1016/j.addbeh.2006.12.023.

<sup>x</sup> U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/>; Oliver AJ, Jensen JA, Vogel RI, Anderson AJ, Hatsukami DK. Flavored and nonflavored smokeless tobacco products: rate, pattern of use, and effects. *Nicotine Tob Res*. 2013;15(1):88-92. doi: 10.1093/ntr/nts093.

<sup>xi</sup> United States v. Philip Morris USA, Inc., 449 F. Supp. 2d 1 (D.D.C. 2006), *aff'd in part, vacated in part*, 566 F.3d 1095 (D.C. Cir. 2009), and order clarified, 778 F. Supp. 2d 8 (D.D.C. 2011); U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/>; Yerger VB, Przewoznik J, Malone RE. Racialized geography, corporate activity, and health disparities: tobacco industry targeting of inner cities. *J Health Care Poor Underserved*. 2007;18(4 Suppl):10-38. doi: 10.1353/hpu.2007.0120; Kreslake JM, Wayne GF, Alpert HR, Koh HK, Connolly GN. Tobacco industry control of menthol in cigarettes and targeting of adolescents and young adults. *Am J Public Health*. 2008;98(9):1685-1692. doi: 10.2105/AJPH.2007.125542; Fallin A, Goodin AJ, King BA. Menthol cigarette smoking among lesbian, gay, bisexual, and transgender adults. *Am J Prev Med*. 2015;48(1):93-97. doi: 10.1016/j.amepre.2014.07.044.

<sup>xii</sup> Courtemanche CJ, Palmer MK, Pesko MF. Influence of the Flavored Cigarette Ban on Adolescent Tobacco Use. *Am J Prev Med*. 2017;52(5):e139-e146. doi: 10.1016/j.amepre.2016.11.019.

<sup>xiii</sup> Tsai J, Walton K, Coleman BN, et al. Reasons for Electronic Cigarette Use Among Middle and High School Students — National Youth Tobacco Survey, United States, 2016. *MMWR Morb Mortal Wkly Rep* 2018;67:196–200. Available at: <https://www.cdc.gov/mmwr/volumes/67/wr/mm6706a5.htm>

<sup>xiv</sup> Cullen KA, Ambrose BK, Gentzke AS, Apelberg BJ, Jamal A, King BA. *Notes from the Field: Use of Electronic Cigarettes and Any Tobacco Product Among Middle and High School Students — United States, 2011–2018*. *MMWR Morb Mortal Wkly Rep* 2018;67:1276–1277. DOI: [http://dx.doi.org/10.15585/mmwr.mm6745a5external icon](http://dx.doi.org/10.15585/mmwr.mm6745a5external%20icon)

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- <sup>xv</sup> US Department of Health and Human Services. *E-cigarette use among youth and young adults: a report of the Surgeon General*. 2016. Available at: [https://www.cdc.gov/tobacco/data\\_statistics/sgr/e-cigarettes/pdfs/2016\\_sgr\\_entire\\_report\\_508.pdf](https://www.cdc.gov/tobacco/data_statistics/sgr/e-cigarettes/pdfs/2016_sgr_entire_report_508.pdf)
- <sup>xvi</sup> Villanti, A.C., A.L. Johnson, B.K. Ambrose, et al., “Flavored Tobacco Product Use in Youth and Adults: Findings From the First Wave of the PATH Study (2013–2014),” *American Journal of Preventive Medicine*, 53(2):139–151, 2017.
- <sup>xvii</sup> 21 C.F.R. § 1140.16(b); Cal. Penal Code §§ 308.2-308.3(a).
- <sup>xviii</sup> California Department of Public Health California Tobacco Control Program. *Tobacco in the Retail Environment*. 2012. Available at: <https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/TobaccoRetailEnvironmentFactSheetEasyPrint.pdf>.
- <sup>xix</sup> California Department of Public Health California Tobacco Control Program. *2016 Healthy Stores for a Healthy Community Survey Results-all counties*. 2016. Available at: <http://healthystoreshealthycommunity.com/media-center/?campaign>.
- <sup>xx</sup> Cullen J, Mowery P, Delnevo C, et al. Seven-year patterns in US cigar use epidemiology among young adults aged 18-25 years: a focus on race/ethnicity and brand. *Am J Public Health*. 2011;101(10):1955-1962. doi: 10.2105/AJPH.2011.300209.
- <sup>xxi</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. Available at: <https://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>; Institute of Medicine. *Ending the Tobacco Problem: A Blueprint for the Nation*. Washington, DC. 2007. Available at: <https://www.nap.edu/catalog/11795/ending-the-tobacco-problem-a-blueprint-for-the-nation>; Community Preventive Services Task Force. *Reducing Tobacco Use and Secondhand Smoke Exposure: Interventions to Increase the Unit Price for Tobacco Products*. 2012. Available at: <https://www.thecommunityguide.org/sites/default/files/assets/Tobacco-Increasing-Unit-Price.pdf>; Centers for Disease Control and Prevention. State Cigarette Minimum Price Laws—United States, 2009. *MMWR Morb Mortal Wkly Rep*. 2010;59(13):389-392; Chaloupka FJ, Cummings KM, Morley C, Horan J. Tax, price and cigarette smoking: evidence from the tobacco documents and implications for tobacco company marketing strategies. *Tob Control*. 2002;11(Supplement 1):i62-i72. doi: 10.1136/tc.11.suppl\_1.i62; Chaloupka FJ, Yurekli A, Fong GT. Tobacco taxes as a tobacco control strategy. *Tob Control*. 2012;21(2):172-180. doi: 10.1136/tobaccocontrol-2011-050417; Huang J, Gwamnicki C, Xu X, Caraballo RS, Wada R, Chaloupka FJ. A comprehensive examination of own- and cross-price elasticities of tobacco and nicotine replacement products in the U.S. *Prev Med*. 2018. doi: 10.1016/j.ypmed.2018.04.024; Pesko MF, Huang J, Johnston LD, Chaloupka FJ. E-cigarette price sensitivity among middle- and high-school students: evidence from monitoring the future. *Addiction*. 2018;113(5):896-906. doi: 10.1111/add.14119; Jawad M, Lee JT, Glantz S, Millett C. Price elasticity of demand of non-cigarette tobacco products: a systematic review and meta-analysis. *Tob Control*. 2018. doi: 10.1136/tobaccocontrol-2017-054056.



ORDINANCE NO.

AMENDING BERKELEY MUNICIPAL CODE SECTIONS 9.80.020, 9.80.030, AND 9.80.035 TO PROHIBIT THE SALE OF FLAVORED TOBACCO PRODUCTS AND TO REQUIRE A MINIMUM PACKAGE SIZE FOR CIGARS AND LITTLE CIGARS

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

Section 1. Legislative findings:

The City Council hereby finds that:

1. Approximately 480,000 people die in the United States from smoking-related diseases and exposure to secondhand smoke every year, making tobacco use the nation's leading cause of preventable death;<sup>i</sup>

2. 5.6 million of today's Americans who are younger than 18 are projected to die prematurely from a smoking-related illness;<sup>ii</sup>

3. Despite the state's efforts to limit youth access to tobacco, youth are still able to access tobacco products, as evidenced by the following:

- In California, over 67% of current and former adult smokers started by the age of 18 and almost 100% start by age 26;<sup>iii</sup>

- In 2017, 22.8% of high school students in California had tried cigarette smoking;<sup>iv</sup>

4. The federal Family Smoking Prevention and Tobacco Control Act ("Tobacco Control Act"), enacted in 2009, prohibited candy- and fruit-flavored cigarettes,<sup>v</sup> largely because these flavored products are marketed to youth and young adults,<sup>vi</sup> and younger smokers were more likely than older smokers to have tried these products;<sup>vii</sup>

5. Neither federal nor California state laws restrict the sale of menthol cigarettes or flavored non-cigarette tobacco products, such as cigars, cigarillos, smokeless tobacco, hookah tobacco, electronic smoking devices, and the solutions used in these devices;

6. In 2016, an estimated 82% of tobacco retailers in California sold flavored non-cigarette tobacco products, over 90% of tobacco retailers sold menthol cigarettes, and 8 out of 10 tobacco retailers near schools sold flavored non-cigarette tobacco products;<sup>viii</sup>

7. Mentholated and flavored products have been shown to be "starter" products for youth who begin using tobacco<sup>ix</sup> and these products help establish tobacco habits that can lead to long-term addiction;<sup>x</sup>

8. Flavored tobacco has significant public health implications for youth, people of color, low income populations, and members of LGBTQ+ communities as a result of targeted industry marketing strategies and product manipulation;<sup>xi</sup>

9. As a result of the FDA ban on all flavored cigarette products (except menthol), tobacco use by youth decreased by 6% and the likelihood of a youth becoming a cigarette smoker post flavor ban fell by 17%;<sup>xii</sup>

10. Similar to flavored cigars and little cigars, electronic cigarette companies have marketed to minors with sweet flavors to "graduate" users toward unflavored tobacco products;

- The National Youth Tobacco Survey reported that the most commonly selected reasons for use of e-cigarettes among middle and high school students included the availability of "flavors such as mint candy, fruit, or chocolate" (31% of respondents);<sup>xiii</sup> There was also a 7% increase of high school students who used flavored e-cigarettes

from 61% in 2017 to 68% in 2018, unlike the steady decline of cigarette use seen among youth.<sup>xiv</sup>

- The Surgeon General has concluded that e-cigarette use among youths and young adults is of public health concern; exposure to nicotine during adolescence can cause addiction and can harm the developing adolescent brain.

- E-cigarette use is strongly associated with the use of other tobacco products among youth and young adults, particularly the use of combustible tobacco products. For example, in 2015, 58.8% of high school students who were current users of combustible tobacco products were also current users of e-cigarettes.<sup>xv</sup>

11. Youth whose first tobacco product was flavored are more likely to become current tobacco users than those whose first product was tobacco-flavored.<sup>xvi</sup> Data from the National Youth Tobacco Survey indicate that more than two-fifths of U.S. middle and high school smokers report using flavored little cigars or flavored cigarettes;

12. Although federal and state law ban the sale of individual cigarettes,<sup>xvii</sup> neither federal nor California state laws restrict the sale of individual little cigars and cigars;

13. Many retailers sell little cigars and cigars individually, making them more affordable and appealing to youth.<sup>xviii</sup> For example:

- 87.4% of California tobacco retailers sell a popular brand of youth-friendly cigars for less than \$1.00;<sup>xix</sup>

- From 1995 to 2008, annual sales of cigarillos increased by 255%, and sales of little cigars increased by 316%; and<sup>xx</sup>

14. The availability of inexpensive tobacco products leads to increased tobacco use as evidenced by more than 100 academic studies that conclusively show that when tobacco products are made more expensive, fewer people use tobacco, fewer initiate tobacco use, and more people quit tobacco use.<sup>xxi</sup>

Section 2. That Section 9.80.020 of the Berkeley Municipal Code is hereby amended to read as follows:

**Section 9.80.020 Definitions.**

The following words and phrases, whenever used in this article, shall have the meanings defined in this section unless the context clearly requires otherwise:

A. "Cigar" means any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing more than three pounds per thousand units.

B. "Cigarette" means: (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; and (2) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (1).

C. "Characterizing flavor" means a distinguishable taste or aroma, other than the taste or aroma of tobacco, that is imparted either prior to or during consumption of a tobacco product, or any byproduct produced by the tobacco product, including but not limited to tastes or aromas of menthol, mint, wintergreen, chocolate, vanilla, honey, cocoa, any candy, any dessert, any alcoholic beverage, any fruit, any herb, and any spice; provided, however, that no tobacco product shall be determined to have a characterizing

flavor solely because of the use of additives or flavorings or the provision of ingredient information.

D. "Consumer" means a person who purchases a tobacco product for consumption and not for sale to another.

E. "Coupon" means any voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue, whether in paper, digital, or other form, used for commercial purposes to obtain an article, product, service, or accommodation without charge or at a discounted price.

F. "Electronic nicotine delivery system" means any electronic and/or battery-operated device that can be used to deliver an inhaled dose of nicotine or other substances, including but not limited to electronic cigarettes, vaporizer pens, electronic cigars, electronic cigarillos, electronic pipes, electronic hookahs, or any other product name or descriptor, and including any component, part, or accessory of such a device, whether or not sold separately, including but not limited to cartomizers, clearomizers, atomizers, and tips.

G. "E-liquid" means any liquid, gel or other substance designed for use with an electronic nicotine delivery system, including but not limited to e-juice, smoke juice or any other product name or descriptor. Excluded from this definition is any non-nicotine containing liquid, gel or other substance that contains cannabis in any form as its active ingredient.

H. "Flavored tobacco product" means any tobacco product that imparts a characterizing flavor.

I. "Full Retail Price" means the price listed for a Tobacco Product on its Packaging or on any related shelving, advertising, or display where the Tobacco Product is sold or offered for Sale, plus all applicable taxes and fees if such taxes and fees are not included in the listed price.

J. "Labeling" means written, printed, or graphic matter upon any tobacco product or any of its packaging, or accompanying such tobacco product.

K. "Little cigar" means any roll of tobacco, other than a cigarette, wrapped entirely or in part in tobacco or any substance containing tobacco and weighing no more than three pounds per thousand units. "Little cigar" includes, but is not limited to, tobacco products known or labeled as small cigar, little cigar, or cigarillo.

L. "Manufacturer" means any person, including any repacker or relabeler, who manufactures, fabricates, assembles, processes, or labels a tobacco product; or imports a finished tobacco product for sale or distribution into the United States.

M. "Package" or "Packaging" means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a tobacco product is sold or offered for sale to a consumer.

N. "Pharmacy" means any retail establishment in which the profession of pharmacy is practiced by a pharmacist licensed by the State of California in accordance with the Business and Professions Code and where prescription pharmaceuticals are offered for sale, regardless of whether the retail establishment sells other retail goods in addition to prescription pharmaceuticals.

O. "Proprietor" means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten percent (10%) or greater interest in the stock, assets or income of a business other than the sole

interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have, or can or does share, ultimate control over the day-to-day operations of a business.

P. "School" means a building or group of buildings and associated grounds used for educational and/or classroom purposes operated by the Berkeley Unified School District (BUSD) and/or other public or private educational institutions offering a general course of study at primary, secondary or high school levels (grades K through 12) which is equivalent to the courses of study at such levels offered by the BUSD, as specified by City Council Resolution from time to time. Pre-school, vocational or trade programs shall be considered schools only when incidental to the primary use as a school as defined herein. Excluded from this definition are buildings operated by public or private education institutions in which the total student enrollment is less than 25 students and private residences at which students participate in home-based or independent study programs.

Q. "Sale" or "Sell" means any transfer, exchange, barter, gift, offer for sale, or distribution for a commercial purpose, in any manner or by any means whatsoever.

R. "Tobacco paraphernalia" means items or instruments designed for the consumption, or preparation for consumption, of any substance containing tobacco or derived from tobacco, including but not limited to cigarette papers or wrappers, pipes, hookahs, and cigarette rolling machines.

S. "Tobacco product" means:

1: Any substance containing, made of, or derived from tobacco or nicotine including but not limited to cigarettes, cigars, cigarillos, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, and shisha;

2: Any e-liquid;

3: Any electronic nicotine delivery system; and

4: Any tobacco paraphernalia.

"Tobacco product" does not include drugs, devices or combination products, authorized by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.<sup>2</sup>

T. "Tobacco retailer" means any person or business that operates a store, stand, booth concession or other place at which the sales of tobacco products are made to purchasers for personal consumption or use. (Ord. 7441-NS § 3, 2015; Ord. 7377-NS § 2, 2014; Ord. 6720-NS § 2, 2002)

Section 3. That Section 9.80.031 of the Berkeley Municipal Code is hereby added to read as follows:

**Section 9.80.031 Sale of Flavored Tobacco Prohibited.**

A. It shall be a violation of a tobacco retailer's license for a licensee or his or her agent or employee to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product.

B. There shall be a rebuttable presumption that a tobacco retailer in possession of four or more flavored tobacco products, including, but not limited to, individual flavored tobacco products, packages of flavored tobacco products, or any combination thereof, possesses such flavored tobacco products with intent to sell or offer

for sale.

C. There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a tobacco retailer, manufacturer, or any employee or agent of a tobacco retailer or manufacturer has:

1. Made a public statement or claim that the tobacco product imparts a characterizing flavor;
2. Used text, color, and/or images on the tobacco product's labeling or packaging to explicitly or implicitly indicate that the tobacco product imparts a characterizing flavor; or
3. Taken action directed to consumers that would be reasonably expected to cause consumers to believe the tobacco product imparts a characterizing flavor.

Section 4. That Section 9.80.032 of the Berkeley Municipal Code is hereby added to read as follows:

**Section 9.80.032 Tobacco Product Pricing and Packaging.**

A. It shall be a violation of a tobacco retailer's license for a licensee or his or her agent or employee to sell or offer for sale, or to possess with the intent to sell or offer for sale, any tobacco product to any consumer unless such product: (1) is sold in the original manufacturer's packaging intended for sale to consumers; and (2) conforms to all applicable federal labeling requirements.

B. The price of each tobacco product offered for sale shall be clearly and conspicuously displayed to indicate the price of the product.

C. It shall be a violation of a tobacco retailer's license for a licensee or his or her agent or employee to sell or offer for sale, or to possess with the intent to sell or offer for sale, to a consumer:

1. Any little cigar unless it is sold in a package of at least 20 (twenty) little cigars ; or
2. Any cigar unless it is sold in a package of at least 6 (six) cigars.

D. No tobacco retailer shall sell to a consumer:

1. Cigarettes at a price that is less than \$8.00 per package of 20 cigarettes, including all applicable taxes and fees;
2. Little cigars at a price that is less than \$20.00 per package of little cigars, including all applicable taxes and fees; or
3. Cigars at a price that is less \$7.00 per cigar, including all applicable taxes and fees.

E. The minimum prices established in subdivision D shall be adjusted annually by the annual average of the percentage change in the Consumer Price Index for all urban consumers for all items for the San Francisco-Oakland-Hayward statistical area as reported by the United States Bureau of Labor Statistics or any successor to that index.

F. No tobacco retailer shall:

1. Honor or redeem, or offer to honor or redeem, a coupon to allow a consumer to purchase a tobacco product for less than the full retail price;
2. Sell any tobacco product to a consumer through a multiple-package discount or otherwise provide any such product to a consumer for less than the full retail price in

consideration for the purchase of any tobacco product or any other item; or

3. Provide any free or discounted item to a consumer in consideration for the purchase of any tobacco product.

Section 5. That Berkeley Municipal Code Section 9.80.035 is hereby amended to read as follows:

**Section 9.80.035 Limits on eligibility for a tobacco retailer license.**

A. No new tobacco retailer license may be issued to a pharmacy.  
B. No existing tobacco retailer license may be renewed by a pharmacy.  
C. No new tobacco retailer license may be issued to authorize the sale of tobacco products with six hundred (600) feet of any school as measured by a straight line from the nearest point of the property line of the parcel on which the school is located to the nearest point of the property line of the parcel on which the business is located.

D. 1. Effective January 1, 2017, no person shall sell, give away, barter, exchange, or otherwise deal in electronic nicotine delivery systems or e-liquid within six hundred (600) feet of any school as measured by a straight line from the nearest point of the property line of the parcel on which the school is located to the nearest point of the property line of the parcel on which the business is located.

2. Subdivision D.1 shall not prohibit the sale of electronic nicotine delivery systems to persons who demonstrate that they are qualified patients or primary caregivers as defined in Health and Safety Code section 11362.7 or persons with identification cards issued pursuant to Health and Safety Code section 11362.71, provided that such electronic nicotine delivery systems are unaccompanied by any tobacco product defined in Sections 9.80.020.K.1 or 9.80.020.K.2.

E. A map identifying the areas falling within six hundred (600) feet of schools shall be adopted by the City Council by resolution, and may be amended from time to time. (Ord. 7441-NS § 5, 2015: Ord. 7377-NS § 3, 2014)

Section 5. Effective date.

This Ordinance shall take effect and be in force from and after 30 days after date of enactment; provided, however, that Sections 9.80.031 and 9.80.032 shall not take effect until 6 months after date of enactment.

Section 6. Preemption.

It is the intent of the City Council of the City of Berkeley to supplement applicable state and federal law and not to duplicate or contradict such law, and this ordinance shall be construed consistently with that intention. Nothing in this ordinance shall be interpreted or applied so as to create any requirement, power, or duty that is preempted by federal or state law.

Section 7. Severability.

If any section, subsection, sentence, clause, phrase, or word of this ordinance, or any application thereof to any person or circumstance, is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the ordinance. The City Council of the City of Berkeley hereby declares that it would have passed this ordinance, and each

section, subsection, sentence, clause, phrase, and word not declared invalid, unconstitutional, or unenforceable without regard to whether any other portion of this ordinance or application thereof would be subsequently declared invalid, unconstitutional, or unenforceable.

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<sup>i</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014.

Available at: <https://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

<sup>ii</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. Available at: <https://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

<sup>iii</sup> California Department of Public Health California Tobacco Control Program. *California Tobacco Facts and Figures 2016*. Sacramento, CA: California Department of Public Health. 2016. Available at:

<https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/2016FactsFiguresWeb.pdf>.

<sup>iv</sup> Kann L, McManus T, Harris WA, et al. Youth Risk Behavior Surveillance - United States, 2017. *MMWR Surveill Summ*. 2018;67(8):1-114. doi: 10.15585/mmwr.ss6708a1; Centers for Disease Control and Prevention. Youth Risk Behavior Surveillance — United States, 2017. Supplementary Tables 52-93: Tobacco Use. 2018;

[https://www.cdc.gov/healthyyouth/data/yrbs/2017\\_tables/tobacco\\_use.htm](https://www.cdc.gov/healthyyouth/data/yrbs/2017_tables/tobacco_use.htm).

<sup>v</sup> 21 U.S.C. § 387g(a)(1)(A).

<sup>vi</sup> U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/>; Villanti AC, Collins LK, Niaura RS, Gagosian SY, Abrams DB. Menthol cigarettes and the public health standard: a systematic review. *BMC Public Health*. 2017;17(1):983. doi: 10.1186/s12889-017-4987-z; Villanti AC, Johnson AL, Ambrose BK, et al. Flavored Tobacco Product Use in Youth and Adults: Findings From the First Wave of the PATH Study (2013-2014). *Am J Prev Med*. 2017;53(2):139-151. doi: 10.1016/j.amepre.2017.01.026.

<sup>vii</sup> U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/>.

<sup>viii</sup> California Department of Public Health California Tobacco Control Program. *2016 Healthy Stores for a Healthy Community Survey Results-all counties*. 2016. Available at: <http://healthystoreshealthycommunity.com/media-center/?campaign>.

<sup>ix</sup> U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/>;

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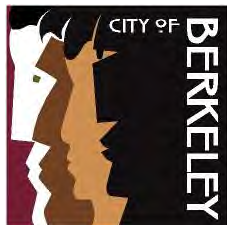
<sup>x</sup> U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/>; Oliver AJ, Jensen JA, Vogel RI, Anderson AJ, Hatsukami DK. Flavored and nonflavored smokeless tobacco products: rate, pattern of use, and effects. *Nicotine Tob Res*. 2013;15(1):88-92. doi: 10.1093/ntr/nts093.

- <sup>xi</sup> United States v. Philip Morris USA, Inc., 449 F. Supp. 2d 1 (D.D.C. 2006), *aff'd in part, vacated in part*, 566 F.3d 1095 (D.C. Cir. 2009), and order clarified, 778 F. Supp. 2d 8 (D.D.C. 2011); U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/>; Yerger VB, Przewoznik J, Malone RE. Racialized geography, corporate activity, and health disparities: tobacco industry targeting of inner cities. *J Health Care Poor Underserved*. 2007;18(4 Suppl):10-38. doi: 10.1353/hpu.2007.0120; Kreslake JM, Wayne GF, Alpert HR, Koh HK, Connolly GN. Tobacco industry control of menthol in cigarettes and targeting of adolescents and young adults. *Am J Public Health*. 2008;98(9):1685-1692. doi: 10.2105/AJPH.2007.125542; Fallin A, Goodin AJ, King BA. Menthol cigarette smoking among lesbian, gay, bisexual, and transgender adults. *Am J Prev Med*. 2015;48(1):93-97. doi: 10.1016/j.amepre.2014.07.044.
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- <sup>xv</sup> US Department of Health and Human Services. *E-cigarette use among youth and young adults: a report of the Surgeon General*. 2016. Available at: [https://www.cdc.gov/tobacco/data\\_statistics/sgr/e-cigarettes/pdfs/2016\\_sgr\\_entire\\_report\\_508.pdf](https://www.cdc.gov/tobacco/data_statistics/sgr/e-cigarettes/pdfs/2016_sgr_entire_report_508.pdf)
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- <sup>xvii</sup> 21 C.F.R. § 1140.16(b); Cal. Penal Code §§ 308.2-308.3(a).
- <sup>xviii</sup> California Department of Public Health California Tobacco Control Program. *Tobacco in the Retail Environment*. 2012. Available at: <https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/TobaccoRetailEnvironmentFactSheetEasyPrint.pdf>.
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- <sup>xx</sup> Cullen J, Mowery P, Delnevo C, et al. Seven-year patterns in US cigar use epidemiology among young adults aged 18-25 years: a focus on race/ethnicity and brand. *Am J Public Health*. 2011;101(10):1955-1962. doi: 10.2105/AJPH.2011.300209.
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Cheryl Davila  
Councilmember District 2

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 1**

**Meeting Date:** December 11, 2018

**Item Number:** 21

**Item Description:** Short-term referral to City Attorney and Health Housing and Community Service to amend Berkeley Municipal Code 7,441-N.S. to expand the control of flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use

**Submitted by:** Councilmember Cheryl Davila

Changed referral from City Attorney and HHCS to City Manager.



Cheryl Davila  
Councilmember  
District 2

CONSENT CALENDAR  
December 11, 2018

To: Honorable Mayor and Members of the City Council

From: Councilmembers Cheryl Davila

Subject: Short-term referral to City Manager to amend Berkeley Municipal Code 7,441-N.S. to expand the control of flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use

RECOMMENDATION

Short-term referral to City Manager to amend Berkeley Municipal Code 7,441-N.S. according to the changes made in the attached amended ordinance to prohibit the sale of flavored tobacco products and require a minimum package size for cigars and little cigars across the City of Berkeley. The primary purpose of the amendment to the ordinance is to do more to prevent youth and young adult tobacco use.

FISCAL IMPACTS OF RECOMMENDATION

No fiscal impacts.

ENVIRONMENTAL SUSTAINABILITY

Smoking is an environmental pollutant and a fire hazard, and has resulted in a smoking-related public health crisis as well as causes other damage to the environment as a result of the trees and forests destroyed for the creation of rolling paper and packaging, pesticides and the washing of cigarette butts into storm drains that washes them into the ocean, rivers and lakes.<sup>1</sup>

BACKGROUND

In support of the Food and Drug Administration's (FDA) announcement about a series of tobacco restriction regulations aimed at combating flavored e-cigarettes and tobacco products that have lured young people into vaping and smoking, we propose doing the same in Berkeley. In addition, the FDA said it would move to outlaw two traditional tobacco products that disproportionately harm African-Americans: menthol cigarettes

<sup>1</sup> City of Berkeley, Tobacco Facts and The Environment,  
[https://www.cityofberkeley.info/Health\\_Human\\_Services/Public\\_Health/Tobacco\\_Facts\\_and\\_the\\_Environment.aspx](https://www.cityofberkeley.info/Health_Human_Services/Public_Health/Tobacco_Facts_and_the_Environment.aspx).

and flavored cigars.<sup>2</sup>

Currently, Berkeley has an ordinance that prohibits the sale of flavored tobacco, including menthol, electronic cigarettes, within six hundred (600) feet of any school.<sup>3</sup>

The proposal to eliminate the sale of flavored tobacco, including menthol, and single or small package cigars and little cigars recognizes the targeting of young people, and African American young people disproportionately, by marketing and sales of flavored tobacco as well as sales of individual or small package cigars or little cigars. The City of Berkeley can and should follow San Francisco, Richmond and San Mateo in passing an aggressive tobacco control measure to stop the sale of flavored tobacco, including menthol, and require a minimum package size for cigars and little cigars across the City of Berkeley.

Approximately 480,000 people die in the United States from smoking-related diseases and exposure to secondhand smoke every year, making tobacco use the nation's leading cause of preventable death;<sup>4</sup> more than 16 million Americans are currently living with a disease caused by smoking.<sup>5</sup> About 1 in 5 deaths each year is attributable to cigarette smoking.<sup>6</sup> Each year 45,000 African Americans die from tobacco-related deaths.<sup>7</sup> The World Health Organization has predicted that by the year 2025, 500 million people worldwide will have died from a tobacco related illness.<sup>8</sup> Tobacco causes more deaths than AIDS, auto accidents, alcohol and drugs, homicides and suicides and fires combined.<sup>9</sup>

Ninety percent of all U.S. smokers start smoking as teenagers.<sup>10</sup> In California, over 67% of current and former adult smokers started by the age of 18 and almost 100% start by age 26.<sup>11</sup> In 2017, 22.8% of high school students in California had tried cigarette

<sup>2</sup> New York Times, [F.D.A. Seeks Restrictions on Teens' Access to Flavored E-Cigarettes and a Ban on Menthol Cigarettes](#), November 15, 2018.

<sup>3</sup> As measured by a straight line from the nearest point of the property line of the parcel on which the school is located to the nearest point of the property line of the parcel on which the business is located.

<sup>4</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. Available at: <https://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

<sup>5</sup> City of Berkeley, Health Status Report 2018, City of Berkeley Public Health Division, [https://www.cityofberkeley.info/uploadedFiles/Health\\_Human\\_Services/Level\\_3\\_-\\_Public\\_Health/2018-health-status-report-berkeley.pdf](https://www.cityofberkeley.info/uploadedFiles/Health_Human_Services/Level_3_-_Public_Health/2018-health-status-report-berkeley.pdf), page 64.

<sup>6</sup> City of Berkeley, Health Status Report 2018, City of Berkeley Public Health Division, [https://www.cityofberkeley.info/uploadedFiles/Health\\_Human\\_Services/Level\\_3\\_-\\_Public\\_Health/2018-health-status-report-berkeley.pdf](https://www.cityofberkeley.info/uploadedFiles/Health_Human_Services/Level_3_-_Public_Health/2018-health-status-report-berkeley.pdf), page 64.

<sup>7</sup> US Department of Health and Human Services (HHS), "Tobacco Use Among US Racial/Ethnic Minority Groups—African Americans, American Indians and Alaskan Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General," 1998, [http://www.cdc.gov/tobacco/data\\_statistics/sqr/1998/complete\\_report/pdfs/complete\\_report.pdf](http://www.cdc.gov/tobacco/data_statistics/sqr/1998/complete_report/pdfs/complete_report.pdf).

<sup>8</sup> City of Berkeley, Tobacco Facts and The Environment, [https://www.cityofberkeley.info/Health\\_Human\\_Services/Public\\_Health/Tobacco\\_Facts\\_and\\_the\\_Environment.aspx](https://www.cityofberkeley.info/Health_Human_Services/Public_Health/Tobacco_Facts_and_the_Environment.aspx).

<sup>9</sup> Ibid

<sup>10</sup> Ibid

<sup>11</sup> California Department of Public Health California Tobacco Control Program. *California Tobacco Facts and Figures 2016*. Sacramento, CA: California Department of Public Health. 2016. Available at: <https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/2016FactsFiguresWeb.pdf>.

smoking.<sup>12</sup> Each day in California 300 youth light up for the first time; about one-third of them will die from a tobacco related disease.<sup>13</sup> 5.6 million of today's Americans who are younger than 18 are projected to die prematurely from a smoking-related illness.<sup>14</sup>

Approximately 11% of youth self-report smoking cigarettes.<sup>15</sup> The number is most likely higher. In Berkeley, according to the Health Status Report 2018, cigarette smoking has continued to drop for 7th and 9th graders but fluctuated for 11th graders.<sup>16</sup> The number of students and youth using cigarette quadruples by eleventh grade.<sup>17</sup> There has been a drop in e-cigarette use for students at all grade levels and we want to see these number continue to drop.

Mentholated and flavored products have been shown to be “starter” products for youth who begin using tobacco<sup>18</sup> and these products help establish tobacco habits that can lead to long-term addiction.<sup>19</sup> Flavored tobacco has significant public health implications for youth, people of color, low income populations, and members of LGBTQ+ communities as a result of targeted industry marketing strategies and product manipulation.<sup>20</sup> Unlike cigarette use that has steadily declined among youth, the prevalence of the use of non-cigarette tobacco products has remained statistically unchanged and in some cases actually increased among youth.<sup>21</sup>

<sup>12</sup> Kann L, McManus T, Harris WA, et al. Youth Risk Behavior Surveillance - United States, 2017. *MMWR Surveill Summ.* 2018;67(8):1-114. doi: 10.15585/mmwr.ss6708a1; Centers for Disease Control and Prevention. Youth Risk Behavior Surveillance — United States, 2017. Supplementary Tables 52-93: Tobacco Use. 2018; [https://www.cdc.gov/healthyyouth/data/yrbs/2017\\_tables/tobacco\\_use.htm](https://www.cdc.gov/healthyyouth/data/yrbs/2017_tables/tobacco_use.htm).

<sup>13</sup> City of Berkeley, Tobacco Facts and The Environment, [https://www.cityofberkeley.info/Health\\_Human\\_Services/Public\\_Health/Tobacco\\_Facts\\_and\\_the\\_Environment.aspx](https://www.cityofberkeley.info/Health_Human_Services/Public_Health/Tobacco_Facts_and_the_Environment.aspx).

<sup>14</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General.* Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. Available at: <https://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

<sup>15</sup> <http://healthystoreshealthycommunity.com/counties/berkeley/>

<sup>16</sup> City of Berkeley, Health Status Report 2018, City of Berkeley Public Health Division, [https://www.cityofberkeley.info/uploadedFiles/Health\\_Human\\_Services/Level\\_3\\_-\\_Public\\_Health/2018-health-status-report-berkeley.pdf](https://www.cityofberkeley.info/uploadedFiles/Health_Human_Services/Level_3_-_Public_Health/2018-health-status-report-berkeley.pdf), page 30.

<sup>17</sup> *Ibid*, page 64.

<sup>18</sup> U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General.* Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/>; Hersey JC, Ng SW, Nonnemaker JM, et al. Are menthol cigarettes a starter product for youth? *Nicotine Tob Res.* 2006;8(3):403-413. doi: 10.1080/14622200600670389; Wackowski O, Delnevo CD. Menthol cigarettes and indicators of tobacco dependence among adolescents. *Addict Behav.* 2007;32(9):1964-1969. doi: 10.1016/j.addbeh.2006.12.023.

<sup>19</sup> *Ibid*; Oliver AJ, Jensen JA, Vogel RI, Anderson AJ, Hatsukami DK. Flavored and nonflavored smokeless tobacco products: rate, pattern of use, and effects. *Nicotine Tob Res.* 2013;15(1):88-92. doi: 10.1093/ntr/nts093.

<sup>20</sup> *United States v. Philip Morris USA, Inc.*, 449 F. Supp. 2d 1 (D.D.C. 2006), *aff'd in part, vacated in part*, 566 F.3d 1095 (D.C. Cir. 2009), and order clarified, 778 F. Supp. 2d 8 (D.D.C. 2011); U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General.* Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/>; Yerger VB, Przewoznik J, Malone RE. Racialized geography, corporate activity, and health disparities: tobacco industry targeting of inner cities. *J Health Care Poor Underserved.* 2007;18(4 Suppl):10-38. doi: 10.1353/hpu.2007.0120; Kreslake JM, Wayne GF, Alpert HR, Koh HK, Connolly GN. Tobacco industry control of menthol in cigarettes and targeting of adolescents and young adults. *Am J Public Health.* 2008;98(9):1685-1692. doi: 10.2105/AJPH.2007.125542; Fallin A, Goodin AJ, King BA. Menthol cigarette smoking among lesbian, gay, bisexual, and transgender adults. *Am J Prev Med.* 2015;48(1):93-97. doi: 10.1016/j.amepre.2014.07.044.

<sup>21</sup> U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General.* Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/>; Johnston LD, O'Malley PM, Bachman JG, Schulenberg JE, Miech RA. *Monitoring the Future national survey results on drug use, 1975–2013: Volume I, Secondary school students.* Ann Arbor, MI: Institute for Social Research, The University of Michigan. 2014. Available at:

Although federal and state law ban the sale of individual cigarettes,<sup>22</sup> neither federal nor California state laws restrict the sale of individual little cigars and cigars. Many retailers sell little cigars and cigars individually, making them more affordable and appealing to youth.<sup>23</sup> For example: 87.4% of California tobacco retailers sell a popular brand of youth-friendly cigars for less than \$1.00.<sup>24</sup> And, from 1995 to 2008, annual sales of cigarillos increased by 255%, and sales of little cigars increased by 316%.<sup>25</sup>

The availability of inexpensive tobacco products leads to increased tobacco use as evidenced by more than 100 academic studies that conclusively show that when tobacco products are made more expensive, fewer people use tobacco, fewer initiate tobacco use, and more people quit tobacco use.<sup>26</sup>

In Berkeley in 2016, 91.4% of stores selling cigarettes sold menthol. That year there was also a 14% increase in percent of stores that sell swisher sweets (akin to a cigarillo) for less than a dollar: In 2013 70.0% sold them versus 84.2% in 2016. There was a 25% increase in stores selling electronic smoking devices: In 2013 57.8% sold them versus 72.9% in 2016.<sup>27</sup>

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<sup>22</sup> 21 C.F.R. § 1140.16(b); Cal. Penal Code § 308.3(a).

<sup>23</sup> California Department of Public Health California Tobacco Control Program. *Tobacco in the Retail Environment*. 2012. Available at:

<https://www.cdph.ca.gov/Programs/CCDCPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/TobaccoRetailEnvironmentFactSheetEasyPrint.pdf>.

<sup>24</sup> California Department of Public Health California Tobacco Control Program. *2016 Healthy Stores for a Healthy Community Survey Results-all counties*. 2016. Available at: <http://healthystoreshealthycommunity.com/media-center/?campaign>.

<sup>25</sup> Cullen J, Mowery P, Delnevo C, et al. Seven-year patterns in US cigar use epidemiology among young adults aged 18-25 years: a focus on race/ethnicity and brand. *Am J Public Health*. 2011;101(10):1955-1962. doi: 10.2105/AJPH.2011.300209.

<sup>26</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. Available at:

<https://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>; Institute of Medicine. *Ending the Tobacco Problem: A Blueprint for the Nation*. Washington, DC. 2007. Available at: <https://www.nap.edu/catalog/11795/ending-the-tobacco-problem-a-blueprint-for-the-nation>; Community Preventive Services Task Force. *Reducing Tobacco Use and Secondhand Smoke Exposure: Interventions to Increase the Unit Price for Tobacco Products*. 2012. Available at:

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<sup>27</sup> <http://healthystoreshealthycommunity.com/counties/berkeley/>

As a result of the FDA ban on all flavored cigarette products (except menthol), tobacco use by youth decreased by 6% and the likelihood of a youth becoming a cigarette smoker post flavor ban fell by 17%.<sup>28</sup>

CONTACT PERSON

Cheryl Davila, Councilmember District 2                      510.981.7120

ATTACHMENT:

1: [Tobacco Buffer Zone Ordinance No. 7,441-N.S.](#)

2: [Buffer Zone Resolution](#)

3: Washington Post article on FDA New Tobacco Rules:

[https://www.washingtonpost.com/opinions/the-fdas-new-tobacco-rules-are-a-victory-for-public-health/2018/11/17/58116d9a-e9bf-11e8-bbdb-72fdbf9d4fed\\_story.html?noredirect=on&utm\\_term=.d8261dd47ca3](https://www.washingtonpost.com/opinions/the-fdas-new-tobacco-rules-are-a-victory-for-public-health/2018/11/17/58116d9a-e9bf-11e8-bbdb-72fdbf9d4fed_story.html?noredirect=on&utm_term=.d8261dd47ca3)

4: NY Times article on FDA New Tobacco Rules:

<https://www.nytimes.com/2018/11/15/health/ecigarettes-fda-flavors-ban.html>

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<sup>28</sup> Courtemanche CJ, Palmer MK, Pesko MF. Influence of the Flavored Cigarette Ban on Adolescent Tobacco Use. *Am J Prev Med.* 2017;52(5):e139-e146. doi: 10.1016/j.amepre.2016.11.019.

## ORDINANCE NO. ##,###-N.S.

## AMEND BERKELEY MUNICIPAL CODE 7,441-N.S. TO PROHIBIT THE SALE OF FLAVORED TOBACCO PRODUCTS AND REQUIRE A MINIMUM PACKAGE SIZE FOR CIGARS AND LITTLE CIGARS ACROSS THE CITY OF BERKELEY.

BE IT ORDAINED by the Council of the City of Berkeley to amend BMC 7,441-N.S. as follows:

Section 1. Legislative findings:

## A. The City Council hereby finds that:

1. Approximately 480,000 people die in the United States from smoking-related diseases and exposure to secondhand smoke every year, making tobacco use the nation's leading cause of preventable death;<sup>1</sup>
2. 5.6 million of today's Americans who are younger than 18 are projected to die prematurely from a smoking-related illness;<sup>2</sup>
3. Despite the state's efforts to limit youth access to tobacco, youth are still able to access tobacco products, as evidenced by the following:
  - In California, over 67% of current and former adult smokers started by the age of 18 and almost 100% start by age 26;<sup>3</sup>
  - In 2017, 22.8% of high school students in California had tried cigarette smoking;<sup>4</sup>
  - In 2018, 11% of Berkeley high school youth self-report smoking cigarettes and the rate of cigarette smoking quadruples from 10<sup>th</sup> to 11<sup>th</sup> graders.<sup>5</sup>
4. The federal Family Smoking Prevention and Tobacco Control Act ("Tobacco Control Act"), enacted in 2009, prohibited candy- and fruit-flavored cigarettes,<sup>6</sup> largely because these flavored products are marketed to youth and young adults,<sup>7</sup> and younger smokers were more likely than older smokers to have tried these products;<sup>8</sup>
5. Neither federal nor California state laws restrict the sale of menthol cigarettes or flavored non-cigarette tobacco products, such as cigars, cigarillos, smokeless tobacco, hookah tobacco, electronic smoking devices, and the solutions used in these devices;
6. In 2016, an estimated 82% of tobacco retailers in California sold flavored non-cigarette tobacco products, over 90% of tobacco retailers sold menthol cigarettes, and 8 out of 10 tobacco retailers near schools sold flavored non-cigarette tobacco products;<sup>9</sup>
7. In Berkeley in 2016, 91.4% of stores selling cigarettes sold menthol. There was a 14% increase in percent of stores that sell swisher sweets for less than a dollar: In 2013 70.0% sold them versus 84.2% in 2016. There was a 25% increase in stores selling electronic smoking devices: In 2013 57.8% sold them versus 72.9% in 2016.<sup>10</sup>
8. Mentholated and flavored products have been shown to be "starter" products for youth who begin using tobacco<sup>11</sup> and these products help establish tobacco habits that can lead to long-term addiction;<sup>12</sup>



9. Flavored tobacco has significant public health implications for youth, people of color, low income populations, and members of LGBTQ+ communities as a result of targeted industry marketing strategies and product manipulation;<sup>13</sup>
10. As a result of the FDA ban on all flavored cigarette products (except menthol), tobacco use by youth decreased by 6% and the likelihood of a youth becoming a cigarette smoker post flavor ban fell by 17%;<sup>14</sup>
11. Unlike cigarette use that has steadily declined among youth, the prevalence of the use of non-cigarette tobacco products has remained statistically unchanged and in some cases actually increased among youth;<sup>15</sup>
12. Although federal and state law ban the sale of individual cigarettes,<sup>16</sup> neither federal nor California state laws restrict the sale of individual little cigars and cigars;
13. Many retailers sell little cigars and cigars individually, making them more affordable and appealing to youth.<sup>17</sup> For example:
  - 87.4% of California tobacco retailers sell a popular brand of youth-friendly cigars for less than \$1.00;<sup>18</sup>
  - From 1995 to 2008, annual sales of cigarillos increased by 255%, and sales of little cigars increased by 316%; and<sup>19</sup>
14. The availability of inexpensive tobacco products leads to increased tobacco use as evidenced by more than 100 academic studies that conclusively show that when tobacco products are made more expensive, fewer people use tobacco, fewer initiate tobacco use, and more people quit tobacco use.<sup>20</sup>

Section 2. That Berkeley Municipal Code Section 9.80.020 is hereby amended as follows:

**Section 9.80.020 Definitions.**

The following words and phrases, whenever used in this article, shall have the meanings defined in this section unless the context clearly requires otherwise:

A. "Cigar" means any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing more than three pounds per thousand.

A-B. "Cigarette" means: (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; and (2) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described herein.

B-C. "Characterizing flavor" means a ~~distinguishable~~ taste or aroma, other than the taste or aroma of tobacco, that is imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including but not limited to tastes or aromas relating to menthol, mint, wintergreen, chocolate, vanilla, honey, cocoa, any candy, any dessert, any alcoholic beverage, any fruit, any herb, and any spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information.-A

~~public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate such statements, that a tobacco product has or produces a characterizing flavor shall establish that the product is a flavored tobacco product.~~

~~B. "Constituent" means any ingredient, substance, chemical, or compound, other than tobacco, water, or reconstituted tobacco sheet, that is added by the manufacturer to a Tobacco Product during the processing, manufacture, or packing of the Tobacco Product.~~

~~C. "Distinguishable" means perceivable by an ordinary consumer by either the sense of smell or taste.~~

D. "Consumer" means a person who purchases a tobacco product for consumption and not for sale to another.

~~C.E.~~ D. "Electronic nicotine delivery system" means any electronic and/or battery-operated device that can be used to deliver an inhaled dose of nicotine or other substances, including but not limited to electronic cigarettes, vaporizer pens, electronic cigars, electronic cigarillos, electronic pipes, electronic hookahs, or any other product name or descriptor, and including any component, part, or accessory of such a device, whether or not sold separately, including but not limited to cartomizers, clearomizers, atomizers, and tips.

~~D.F.~~ E. "E-liquid" means any liquid, gel or other substance designed for use with an electronic nicotine delivery system, including but not limited to e-juice, smoke juice or any other product name or descriptor. Excluded from this definition is any non-nicotine containing liquid, gel or other substance that contains cannabis in any form as its active ingredient.

~~E.G.~~ F. "Flavored tobacco product" means any tobacco product ~~containing, made of, or derived from tobacco or nicotine that contains a constituent~~ that imparts a characterizing flavor.

H. "Labeling" means written, printed, or graphic matter upon any tobacco product or any of its packaging, or accompanying such tobacco product.

I. "Little cigar" means any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing no more than three pounds per thousand. "Little cigar" includes, but is not limited to, tobacco products known or labeled as small cigar, little cigar, or cigarillo.

J. "Manufacturer" means any person, including any repacker or relabeler, who manufactures, fabricates, assembles, processes, or labels a tobacco product; or imports a finished tobacco product for sale or distribution into the United States.

~~F.K.~~ "Package" or "Packaging" means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a tobacco product is sold or offered for sale to a consumer.

~~G.L.~~ "Pharmacy" means any retail establishment in which the profession of pharmacy is practiced by a pharmacist licensed by the State of California in accordance with the Business and Professions Code and where prescription pharmaceuticals are offered for sale, regardless of whether the retail establishment sells other retail goods in addition to prescription pharmaceuticals.

H.M. "Proprietor" means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten percent (10%) or greater interest in the stock, assets or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have, or can or does share, ultimate control over the day-to-day operations of a business.

I.N. "School" means a building or group of buildings and associated grounds used for educational and/or classroom purposes operated by the Berkeley Unified School District (BUSD) and/or other public or private educational institutions offering a general course of study at primary, secondary or high school levels (grades K through 12) which is equivalent to the courses of study at such levels offered by the BUSD, as specified by City Council Resolution from time to time. Pre-school, vocational or trade programs shall be considered schools only when incidental to the primary use as a school as defined herein. Excluded from this definition are buildings operated by public or private education institutions in which the total student enrollment is less than 25 students and private residences at which students participate in home-based or independent study programs.

J.O. "Sale" or "Sell" means any transfer, exchange, barter, gift, offer for sale, or distribution for a commercial purpose, in any manner or by any means whatsoever.

K.P. "Tobacco paraphernalia" means items or instruments designed or marketed for the consumption, use, or preparation for consumption, of any substance containing tobacco or derived from tobacco, including but not limited to cigarette papers or wrappers, pipes, hookahs, and cigarette rolling machines.

L.Q. "Tobacco product" means:

1. any substance containing, made of, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including but not limited to cigarettes, cigars, little cigars, cigarillos, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, and shisha;
2. any e-liquid;
3. any electronic nicotine delivery system; and
4. any tobacco paraphernalia.

"Tobacco product" does not include drugs, devices, or combination products authorized for sale any cessation product specifically approved by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act. for use in treating nicotine or tobacco dependence.

M.R. "Tobacco retailer" means any person or business that operates a store, stand, booth concession or other place at which the sales of tobacco products are made to purchasers for personal consumption or use.

Section 3. That Berkeley Municipal Code Section 9.80.030 is hereby amended to read as follows:

**Section 9.80.030 Requirement for tobacco retail licensure.**

- A. It shall be unlawful for any person to act as a tobacco retailer without first obtaining and maintaining a valid tobacco retailer's license pursuant to this chapter, for each location at which that activity is to occur.
- B. It shall be a violation of a tobacco retailer's license for a licensee or his or her agent or employee to violate any local, state, or federal tobacco-related law.
- C. It shall be a violation of a tobacco retailer's license for a licensee or his or her agent or employee to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product.
1. There shall be a rebuttable presumption that a tobacco retailer in possession of four or more flavored tobacco products, including, but not limited to, individual flavored tobacco products, packages of flavored tobacco products, or any combination thereof, possesses such flavored tobacco products with intent to sell or offer for sale.
  2. There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a tobacco retailer, manufacturer, or any employee or agent of a tobacco retailer or manufacturer has:
    - a) made a public statement or claim that the tobacco product imparts a characterizing flavor;
    - b) used text and/or images on the tobacco product's labeling or packaging to explicitly or implicitly indicate that the tobacco product imparts a characterizing flavor; or
    - c) taken action directed to consumers that would be reasonably expected to cause consumers to believe the tobacco product imparts a characterizing flavor.
- D. It shall be a violation of a tobacco retailer's license for a licensee or his or her agent to sell any tobacco product to any consumer unless such product: (1) is sold in the original manufacturer's packaging intended for sale to consumers; and (2) conforms to all applicable federal labeling requirements.
- E. It shall be a violation of a tobacco retailer's license for a licensee or his agent or employee to sell to a consumer:
1. any little cigar unless it is sold in a package of at least 20 (twenty) little cigars; or
  2. any cigar unless it is sold in a package of at least at least 6 (six) cigars [ provided, however, that this subsection shall not apply to a cigar that has a price of at least [ \$X.00 ] per cigar, including all applicable taxes and fees ].
- G.F. Any tobacco retailer who as of September 15, 2015, was lawfully selling electronic nicotine delivery systems or e-liquids and was not otherwise required to have a tobacco retailer's license shall be exempt from the requirements of subdivision A of this Section until January 1, 2016.

Section 4. That Berkeley Municipal Code Section 9.80.035 is hereby amended to read as follows:

**Section 9.80.035 Limits on eligibility for a tobacco retailer license.**

- A. No new tobacco retailer license may be issued to a pharmacy.
- B. No existing tobacco retailer license may be renewed by a pharmacy.

- C. No new tobacco retailer license may be issued to authorize the sale of tobacco products within six hundred (600) feet of any school as measured by a straight line from the nearest point of the property line of the parcel on which the school is located to the nearest point of the property line of the parcel on which the business is located. ~~D. Effective January 1, 2017, no person shall sell, give away, barter, exchange, or otherwise deal in flavored tobacco products within six hundred (600) feet of any school as measured by a straight line from the nearest point of the property line of the parcel on which the school is located to the nearest point of the property line of the parcel on which the business is located.~~
- D. Effective January 1, 2017, no person shall sell, give away, barter, exchange, or otherwise deal in electronic nicotine delivery systems or e-liquid within six hundred (600) feet of any school as measured by a straight line from the nearest point of the property line of the parcel on which the school is located to the nearest point of the property line of the parcel on which the business is located.
1. Subdivision ~~D~~E.1 shall not prohibit the sale of electronic nicotine delivery systems to persons who demonstrate that they are qualified patients or primary caregivers as defined in Health and Safety Code section 11362.7 or persons with identification cards issued pursuant to Health and Safety Code section 11362.71, provided that such electronic nicotine delivery systems are unaccompanied by any tobacco product defined in Sections 9.80.020.K.1 or 9.80.020.K.2.
- E. A tobacco retailer lawfully operating prior to March 1, 2015, that is engaged primarily in the sale of electronic nicotine delivery systems or e-liquid and is prohibited from selling electronic nicotine delivery systems and e-liquid due to the proximity to a school as specified in subdivision ~~D~~E.1 may obtain an exemption from subdivision ~~D~~E.1 yearly for up to a total of three years, beginning January 1, 2017, if it makes a showing, as determined by the City Manager or his or her designee, that application of subdivision ~~D~~E.1 would result in a taking without just compensation under either the California or the United States Constitution. "Engaged primarily" for purposes of this subsection means that the sale of electronic nicotine delivery systems and e-liquids account for more than 50% of the tobacco retailer's calendar year 2014 gross receipts.
- F. A map identifying the areas falling within six hundred (600) feet of schools shall be adopted by the City Council by resolution, and may be amended from time to time.

#### Section 5. Effective date.

This Ordinance shall take effect and be in force from and after **January 11, 2019**; provided, however, that Section 9.80.030(C) shall not take effect until **June 11, 2019**, thereby giving retailers 6 months to sell or move around related merchandise.

<sup>1</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. Available at: <https://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

<sup>2</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. Available at: <https://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

- <sup>3</sup> California Department of Public Health California Tobacco Control Program. *California Tobacco Facts and Figures 2016*. Sacramento, CA: California Department of Public Health. 2016. Available at: <https://www.cdph.ca.gov/Programs/CCDC/DCDC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/2016FactsFiguresWeb.pdf>.
- <sup>4</sup> Kann L, McManus T, Harris WA, et al. Youth Risk Behavior Surveillance - United States, 2017. *MMWR Surveill Summ*. 2018;67(8):1-114. doi: 10.15585/mmwr.ss6708a1; Centers for Disease Control and Prevention. Youth Risk Behavior Surveillance — United States, 2017. Supplementary Tables 52-93: Tobacco Use. 2018; [https://www.cdc.gov/healthyyouth/data/yrbs/2017\\_tables/tobacco\\_use.htm](https://www.cdc.gov/healthyyouth/data/yrbs/2017_tables/tobacco_use.htm).
- <sup>5</sup>
- <sup>6</sup> 21 U.S.C. § 387g(a)(1)(A).
- <sup>7</sup> U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/>; Villanti AC, Collins LK, Niaura RS, Gagosian SY, Abrams DB. Menthol cigarettes and the public health standard: a systematic review. *BMC Public Health*. 2017;17(1):983. doi: 10.1186/s12889-017-4987-z; Villanti AC, Johnson AL, Ambrose BK, et al. Flavored Tobacco Product Use in Youth and Adults: Findings From the First Wave of the PATH Study (2013-2014). *Am J Prev Med*. 2017;53(2):139-151. doi: 10.1016/j.amepre.2017.01.026.
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- <sup>9</sup> California Department of Public Health California Tobacco Control Program. *2016 Healthy Stores for a Healthy Community Survey Results-all counties*. 2016. Available at: <http://healthystoreshealthycommunity.com/media-center/?campaign>.
- <sup>10</sup> <http://healthystoreshealthycommunity.com/counties/berkeley/>
- <sup>11</sup> U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/>; Hersey JC, Ng SW, Nonnemaker JM, et al. Are menthol cigarettes a starter product for youth? *Nicotine Tob Res*. 2006;8(3):403-413. doi: 10.1080/14622200600670389; Wackowski O, Delnevo CD. Menthol cigarettes and indicators of tobacco dependence among adolescents. *Addict Behav*. 2007;32(9):1964-1969. doi: 10.1016/j.addbeh.2006.12.023.
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- <sup>16</sup> 21 C.F.R. § 1140.16(b); Cal. Penal Code § 308.3(a).
- <sup>17</sup> California Department of Public Health California Tobacco Control Program. *Tobacco in the Retail Environment*. 2012. Available at:

<https://www.cdph.ca.gov/Programs/CCDC/DCDC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/TobaccoRetailEnvironmentFactSheetEasyPrint.pdf>.

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<sup>19</sup> Cullen J, Mowery P, Delnevo C, et al. Seven-year patterns in US cigar use epidemiology among young adults aged 18-25 years: a focus on race/ethnicity and brand. *Am J Public Health*. 2011;101(10):1955-1962. doi: 10.2105/AJPH.2011.300209.

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## Council Consent Items

- 23. Short-term referral to City Attorney and Health Housing and Community Service to amend Berkeley Municipal Code 7,441-N.S. to expand the control of flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use**  
**From: Councilmember Davila**  
**Recommendation:** Short-term referral to City Attorney and Health Housing and Community Service to amend Berkeley Municipal Code 7,441-N.S. according to the changes made in the attached amended ordinance to prohibit the sale of flavored tobacco products and require a minimum package size for cigars and little cigars across the City of Berkeley. The primary purpose of the amendment to the ordinance is to do more to prevent youth and young adult tobacco use.  
**Financial Implications:** None  
 Contact: Cheryl Davila, Councilmember, District 2, 981-7120  
**Action:** Councilmembers Hahn and Harrison added as co-sponsors. Approved recommendation as revised in Supplemental Communications Packet #1 to make the referral to the City Manager and further amended to include consideration of minimum package size and/or price.
- 24. Referral to City Manager to establish Recreational Vehicle Waste Discharge Facility on City Property and Referral to FY 2020/21 Budget Process**  
**From: Councilmembers Harrison and Davila**  
**Recommendation:**  
 1. Refer to the City Manager to establish a recreational vehicle waste discharge facility on City property and equitable administrative fee program, and  
 2. Refer costs associated with the facility to the FY 2020/21 Budget Process.  
**Financial Implications:** See report  
 Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Approved recommendation amended to include consideration of 1) method of pump out; 2) cost; 3) locations; and 4) capacity.





Office of the City Manager

CONSENT CALENDAR  
July 23, 2019

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

RECOMMENDATION

Approve the minutes for the Council meetings of June 4, 2019 (special closed), June 11, 2019 (special closed, special, and regular), June 18, 2019 (special closed and special), and June 25, 2019 (special closed and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. June 4, 2019–Special Closed City Council Meeting
2. June 11, 2019–Special Closed City Council Meeting
3. June 11, 2019–Special City Council Meeting
4. June 11, 2019–Regular City Council Meeting
5. June 18, 2019–Special Closed City Council Meeting
6. June 18, 2019–Special City Council Meeting
7. June 25, 2019–Special Closed City Council Meeting
8. June 25, 2019–Regular City Council Meeting

**MINUTES  
BERKELEY CITY COUNCIL SPECIAL MEETING  
TUESDAY, JUNE 4, 2019  
4:00 P.M.**

**Redwood Room – 2180 Milvia Street, 6<sup>th</sup> Floor, Berkeley, CA**

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

**Preliminary Matters**

**Roll Call:** 4:12 p.m.

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

**Absent:** Bartlett, Harrison

**Public Comment - Limited to items on this agenda only**

**CLOSED SESSION:**

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

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

- a. The City will consider whether to initiate a lawsuit against the Regents of the University of California.

**Action:** No action taken

**OPEN SESSION:**

No action taken.

**Adjournment**

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

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

Councilmember Wengraf absent at 4:42 p.m.

Adjourned at 5:28 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of June 4, 2019 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

**MINUTES  
BERKELEY CITY COUNCIL SPECIAL MEETING  
TUESDAY, JUNE 11, 2019  
4:00 P.M.**

**School District Board Room – 1231 Addison Street, Berkeley, CA**

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

**Preliminary Matters**

**Roll Call:** 4:02 p.m.

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

**Absent:** Bartlett

Councilmember Bartlett present at 4:10 p.m.

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

**CLOSED SESSION:**

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

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

- a. The City will consider whether to initiate a lawsuit against the Regents of the University of California.

**Action:** No reportable action.

**OPEN SESSION:**

No reportable action.

**Adjournment**

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

**Vote:** All Ayes.

Adjourned at 5:32 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of June 11, 2019 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

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

**Tuesday, June 11, 2019**

**5:00 P.M.**

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

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

**Preliminary Matters**

**Roll Call:** 5:43 p.m.

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

**Absent:** Kesarwani, Davila, Bartlett

Councilmember Bartlett present at 5:46 p.m.

Councilmember Davila present at 5:46 p.m.

Councilmember Kesarwani present at 5:52 p.m.

**Public Comment - Limited to items on this agenda only - 3 speakers.**

## Action Calendar

### 1. 2019 City Council Referral Prioritization Process Using Re-Weighted Range Voting (RRV)

**From: City Manager**

**Recommendation:**

1. Review the completed Re-Weighted Range Voting (RRV) rankings for all outstanding City Council referrals;
2. Approve the removal of referrals that have been marked as rescinded by the sponsoring Councilmember or District;
3. Adopt a Resolution approving the list of prioritized referrals to city staff.

**Financial Implications:** No direct fiscal impacts

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** 3 speakers. M/S/C (Arreguin/Robinson) to approve the removal of referrals that have been marked as rescinded by the sponsoring Councilmember or District as listed in Attachment 3, with the addition of ranked items 13, 19, 50, 51, 64, 65, and 68 to the list for removal.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 68,942–N.S. approving the list of prioritized referrals to city staff.

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

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 6:49 p.m.

This is to certify that the foregoing is a true and correct record of the special meeting of June 11, 2019 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## Communications

### Item 1: 2019 City Council Referral Prioritization Process Using Re-Weighted Range Voting (RRV)

1. Supplemental material, submitted by Councilmember Hahn

## Supplemental Communications and Reports 1

- None

## **Supplemental Communications and Reports 2**

### **Item 1: 2019 City Council Referral Prioritization Process Using Re-Weighted Range Voting (RRV)**

2. Supplemental material, submitted by Councilmember Harrison

## **Supplemental Communications and Reports 3**

3. Presentation, submitted by the City Clerk's Office
4. Aaron Hamlin, on behalf of The Center for Election Science.
5. Christine Schwartz
6. Unknown



**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, June 11, 2019**  
**6:00 PM**

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

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

**Preliminary Matters**

**Roll Call:** 6:58 p.m.

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

**Absent:** Davila

Councilmember Davila present at 7:00 p.m.

**Ceremonial Matters:**

1. Recognition of Susan Hodge
2. Recognition of Hannah and Friends Bikeathon
3. Presentation: East Bay Municipal Utility District

**City Manager Comments: None**

**City Auditor Comments:**

The City Auditor presented the findings of Fire Prevention Inspections audit to the City Council.

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

**Consent Calendar**

**Public Comment on Consent Calendar and Information Items Only:** 24 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

- 1. Tax Exemption on Federal Research Grants**  
**From: Mayor Arreguin**  
**Recommendation:** Adopt a second reading of Ordinance No. 7,655-N.S. to add a subsection to Berkeley Municipal Code Section 9.04.165 to create an exemption on the taxing of business gross receipts relating to federal research grants.  
**First Reading Vote:** Ayes – Kesarwani, Davila, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Wengraf.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Adopted second reading of Ordinance No. 7,655-N.S.
- 2. Grant from the William and Flora Hewlett Foundation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a \$20,000 grant from the William and Flora Hewlett Foundation for an assessment of arts space affordability challenges, displacement risks and possible strategies to protect affordable spaces for arts organizations, artists and cultural workers in the City of Berkeley.  
**Financial Implications:** \$20,000 (grant)  
Contact: Jordan Klein, Economic Development, 981-7530  
**Action:** Adopted Resolution No. 68,943–N.S.
- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 11, 2019**  
**From: City Manager**  
**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Approved recommendation.
- 4. FY 2020 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.1729 (17.29 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,656–N.S. Second reading scheduled for June 25, 2019.

## Consent Calendar

- 5. FY 2020 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0393 (3.93 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,657–N.S. Second reading scheduled for June 25, 2019.
- 6. FY 2020 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding the provision of emergency services for the disabled at \$0.01638 (1.638 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,658–N.S. Second reading scheduled for June 25, 2019.
- 7. FY 2020 Tax Rate: Business License Tax on Large Non-Profits**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate for Business License Tax on large non-profits at \$0.6420 (64.20 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,659–N.S. Second reading scheduled for June 25, 2019.
- 8. FY 2020 Tax Rate: Fund Disaster Fire Protection (Measure Q)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding the procurement of disaster fire equipment at \$0.0125 (1.25 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,660–N.S. Second reading scheduled for June 25, 2019.

## Consent Calendar

9. **FY 2020 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0065%.  
**Financial Implications:** See report  
 Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,661–N.S. Second reading scheduled for June 25, 2019.
10. **FY 2020 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.05818 (5.818 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.08804 (8.804 cents) per square foot of improvements.  
**Financial Implications:** See report  
 Contact: Henry Oyekanmi, Finance, 981-7300; David Brannigan, Fire, 981-3473  
**Action:** Adopted first reading of Ordinance No. 7,662–N.S. Second reading scheduled for June 25, 2019.
11. **FY 2020 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0150%.  
**Financial Implications:** See report  
 Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,663–N.S. Second reading scheduled for June 25, 2019.
12. **FY 2020 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0092%.  
**Financial Implications:** See report  
 Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,664–N.S. Second reading scheduled for June 25, 2019.

## Consent Calendar

- 13. FY 2020 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0075%.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,665–N.S. Second reading scheduled for June 25, 2019.
- 14. FY 2020 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0062%.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,666–N.S. Second reading scheduled for June 25, 2019.
- 15. FY 2020 Special Tax Rate: Fund the Provision of Library Services**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2272 (22.72 cents) per square foot for dwelling units and \$0.3435 (34.35 cents) per square foot for industrial, commercial, and institutional buildings.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300; Elliot Warren, Library, 981-6100  
**Action:** Adopted first reading of Ordinance No. 7,667–N.S. Second reading scheduled for June 25, 2019.
- 16. Temporary Appropriations FY 2020**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing a temporary appropriation in the sum of \$50,000,000 to cover payroll and other expenses from July 1, 2019, until the effective date of the FY 2020 Annual Appropriations Ordinance.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted Resolution No. 68,944–N.S.

## Consent Calendar

- 17. Contract: Bay Area Community Resources for the Placement of AmeriCorps Members**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an expenditure contract and any amendments or extensions thereto with Bay Area Community Resources in an amount not to exceed \$56,000 for the period July 1, 2019 through June 30, 2020 for the placement of AmeriCorps members.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,945–N.S.
- 18. Contract: Berkeley Unified School District for Workplace Skills Training for YouthWorks Employment Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a sole-source expenditure contract and any needed amendments or extensions with the Berkeley Unified School District (BUSD) to provide workplace skills training to prepare YouthWorks participants for summer employment in an amount not to exceed \$26,694 for the period June 12, 2019 through August 31, 2022.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,946–N.S.
- 19. Request for Proposals to Sell Single Family Home at 1654 Fifth Street to Operate as Homeless Housing**  
**From: City Manager**  
**Recommendation:** Direct the City Manager to issue a Request for Proposals to select a qualified organization to purchase the single family home at 1654 Fifth Street to operate as housing for the homeless.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Approved recommendation.
- 20. Contract No. 9149B Amendment: Advantel Networks assignment to ConvergeOne and for Voice Over IP (VoIP) Telephone System Support and Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9149B with ConvergeOne (formerly Advantel Networks) for Voice Over IP (VoIP) telephone system licensing and maintenance, increasing the contract by \$121,538 for a total not to exceed amount of \$1,509,038, from November 15, 2012 to June 30, 2020.  
**Financial Implications:** See report  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,947–N.S.

## Consent Calendar

- 21. Contract: NEXGEN Asset Management for Computerized Maintenance Management System & Enterprise Asset Management (CMMS/EAM) System  
From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with NEXGEN Asset Management for software hosting, implementation, maintenance and related services for a Computerized Maintenance Management System and Enterprise Asset Management (CMMS/EAM) system, for an amount not to exceed \$1,017,509 for the period commencing on July 12, 2019 through June 30, 2024.  
**Financial Implications:** Various Funds - \$1,017,509  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,948–N.S.
- 22. Contract No. 10350 Amendment: Technology, Engineering, and Construction, Inc. for Tank Maintenance and Certification Services  
From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10350 with Technology, Engineering and Construction, Inc. for the provision of tank maintenance and certification services, extending the term to June 30, 2021 and increasing the contract by \$100,000 for a total contract amount not to exceed \$150,000.  
**Financial Implications:** Various Funds - \$100,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,949–N.S.
- 23. Contract: Gallagher & Burk, Inc. for Measure T1 Street Improvements Project  
From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for the Measure T1 Street Improvements, Adeline Street, Hearst Avenue and Milvia Project, Specification No. 19-11278-C; accepting the bid of Gallagher & Burk, Inc. as the lowest responsive and responsible bidder; and 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 in an amount not to exceed \$4,065,906.  
**Financial Implications:** Various Funds - \$4,065,906  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,950–N.S.

## Consent Calendar

- 24. Contract: GHD for Preparation of a Sanitary Sewer Master Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract, and any amendments and extensions with GHD in an amount not to exceed \$940,000 to provide consultant services for the preparation of a Sanitary Sewer Master Plan for the period July 1, 2019 through June 30, 2022.  
**Financial Implications:** Sewer Capital Program Fund - \$940,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,951–N.S.
- 25. Contract: Zonar Systems, Inc. for Global Positioning System Telematics Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Zonar Systems, Inc. for software hosting, installation of hardware, implementation, maintenance and related services for a global positioning system, for an amount not to exceed \$278,698 for the period commencing on July 12, 2019 through June 30, 2024.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,952–N.S.
- 26. Purchase Orders: National Auto Fleet Group for Ten Toyota Prius Prime Plus (PHEV) Sedans**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell contract bid procedures, and authorizing the City Manager to execute a purchase order for ten (10) new 2020 Toyota Prius Prime Plus Sedans with National Auto Fleet Group in an amount not to exceed \$296,475.  
**Financial Implications:** Various Funds - \$296,475  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,953–N.S.
- 27. Amending the Commissioners' Manual Regarding Submission of Revised or Supplemental Agenda Material**  
**From: Open Government Commission**  
**Recommendation:** Adopt a resolution revising the Commissioners' Manual to require commissioners and board members be subject to the same procedures as the general public.  
**Financial Implications:** None  
Contact: Emma Soichet, Commission Secretary, 981-6950  
**Action:** Approved recommendation.



## Consent Calendar

28. **Resolution: No U.S. intervention in Venezuela** *(Continued from May 14, 2019. Item contains revised material)*  
**From: Peace and Justice Commission**  
**Recommendation:** Adopt a resolution that affirms the sovereign right of the Venezuelan people to negotiate their political differences free from foreign intervention, and urges that the U.S. government withdraw its illegal, unilateral financial sanctions and refrain from military, economic, or diplomatic intervention in the internal affairs of the sovereign state of Venezuela.  
**Financial Implications:** None  
Contact: Bre Slimick, Commission Secretary, 981-7000  
**Action:** Adopted Resolution No. 68,954–N.S.  
Vote: Ayes – Davila, Bartlett, Harrison, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Kesarwani, Hahn, Droste.
29. **Fire Prevention Inspections: Insufficient Resources Strain Code Compliance**  
**From: Auditor**  
**Recommendation:** We recommend City Council request that the City Manager report back by December 3, 2019, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Fire Department. They have agreed to our findings and recommendations. Please see report for management’s response.  
**Financial Implications:** See report  
Contact: Jenny Wong, Auditor, 981-6750  
**Action:** Approved recommendation.

## Council Consent items

30. **Support AB 1487 – Housing Alliance for the Bay Area**  
**From: Mayor Arreguin, and Councilmembers Harrison, Robinson, and Bartlett**  
**Recommendation:** Adopt a Resolution in support of AB 1487 (introduced by David Chiu) and to seek amendments from the author. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and David Chiu.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Adopted Resolution No. 68,955–N.S.

## Council Consent Items

- 31. Measure O Affordable Housing Bonds and a Request for Proposals from the City's Housing Trust Fund** *(Reviewed by the Land Use, Housing & Economic Development Committee)*  
**From: Mayor Arreguin, and Councilmembers Harrison, Hahn, and Droste**  
**Recommendation:** Adopt a Resolution: 1. Directing the City Manager to prepare any documents required to use Measure O bond funds and Housing Trust Funds to fulfill existing funding reservations for the Berkeley Way and 1601 Oxford affordable housing projects; and 2. Directing the City Manager to release a Request for Proposals (RFP) under the City's Housing Trust Fund (HTF) guidelines for affordable housing development with a priority given to projects meeting certain readiness criteria, to be funded by the balance of the first issuance of Measure O funds (estimated at \$30M) and the Housing Trust Fund that remain after fully funding the projects identified above; and 3. Directing the Measure O Bond Oversight Committee: a. To act in any role specified for the Housing Advisory Commission in the HTF Guidelines for the purpose of this RFP for both Measure O and existing HTF funds, b. To be responsible for providing both general priority recommendations and project-specific funding recommendations for Measure O bonds to the City Council; and c. To add the Housing Advisory Commission's Chair to the committee as an ex-officio, non-voting member; and 4. Approving certain waivers of the HTF Guidelines to ensure timely funding awards in this funding round and allow for consideration of a Berkeley Unified School District-sponsored educator housing development serving households at up to 120% of Area Median Income.  
**Financial Implications:** See report  
 Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Adopted Resolution No. 68,956–N.S. amended to revise recommendation 3.b to read "To be responsible for providing both general priority recommendations and project-specific funding recommendations for Measure O bonds to the City Council to be based on clearly stated objective criteria to be developed by the Oversight Committee, such as consideration of project readiness, geographic diversity, population served, and other appropriate factors to be determined by the Committee."
- 32. Prioritizing Transit Improvements at MacArthur Maze**  
**From: Mayor Arreguin**  
**Recommendation:** Adopt a Resolution requesting transit priority improvements to mitigate congestion associated with the MacArthur Maze Vertical Clearance Project.  
**Financial Implications:** None  
 Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Councilmember Droste added as a co-sponsor. Adopted Resolution No. 68,957–N.S.

## Council Consent Items

- 33. Oppose AB 56 – Centralizing Energy Procurement**  
**From: Mayor Arreguin and Councilmember Harrison**  
**Recommendation:** Adopt a Resolution opposing AB 56 (authored by Assemblymember Eduardo Garcia). Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Eduardo Garcia.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Councilmember Davila added as a co-sponsor. Adopted Resolution No. 68,958–N.S.  
**Vote:** Ayes – Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Kesarwani.
- 34. Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention**  
**From: Mayor Arreguin and Councilmember Harrison**  
**Recommendation:**  
1. Adopt an Ordinance 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; and  
2. Direct the City Manager to include standard conditions of approval for zoning permits requiring compliance with the Wage Theft Prevention Ordinance, BMC Chapter 13.104.  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Councilmember Droste and Councilmember Kesarwani added as co-sponsors. 1. Adopted first reading of Ordinance No. 7,668–N.S. Second reading scheduled for June 25, 2019. 2. Approved recommendation.
- 35. Opposition to Revision of Title X Family Planning Regulations Proposed by United States Department of Health and Human Services**  
**From: Councilmembers Davila and Harrison**  
**Recommendation:** Adopt a resolution in opposition of the revision of Title X Family Planning Regulations proposed by the U.S. Department of Health and Human Services. The City Clerk is to mail a copy of the resolution to Alex M Azar II, U.S. Secretary of Health and Human Services and to the President of the United States.  
**Financial Implications:** None  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120  
**Action:** Councilmember Wengraf added as a co-sponsor. Adopted Resolution No. 68,959–N.S.

## Council Consent Items

- 36. Budget Referral: Funding for Berkeley Drop-In Center**  
**From: Councilmembers Bartlett and Davila**  
**Recommendation:** Refer \$190,015 annually to the FY 2020 - FY 2021 Budget process to support the Berkeley Drop-In Center, a program of the Alameda County Network of Mental Health Clients.  
**Financial Implications:** \$190,015  
 Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Approved recommendation.
- 37. Budget Referral: Funding for Youth Spirit Artworks**  
**From: Councilmembers Bartlett and Davila**  
**Recommendation:** Refer \$198,000 annually to the Budget process to support Youth Spirit Artworks for the BUSD Homeless Student Program: \$55,000 to serve high school aged youth who are in school; the YSA Vocational Arts Program: \$65,000 to serve 130 Berkeley youth with job training services, and for the new YSA Tiny House Village Program: \$78,000 to case manage youth who are in transitional housing services.  
**Financial Implications:** See report  
 Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Approved recommendation.
- 38. FY 2020-21 Budget Referral: Funding for Intercity Services**  
**From: Councilmembers Bartlett and Davila**  
**Recommendation:** That the City Council refer \$203,286 annually to the budget process to support the Intercity Services.  
 ICS' Workforce Services Proposal requested was for \$203,286; however, the Commission and the City Manager made a Joint Recommendation for \$101,351.  
**Financial Implications:** See report  
 Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Approved recommendation.
- 39. Berkeley Opportunity Zone Displacement Mitigation Zoning Overlay**  
**From: Councilmember Bartlett, Mayor Arreguin, and Councilmember Harrison**  
**Recommendation:** Direct the City Manager and refer to the Planning Commission to create one or several zoning overlays, and/or recommend any mechanism, which protects Berkeley residents living in one or all of Berkeley's Federal Opportunity Zones from gentrification and displacement. Overlays and/or recommendations may also confer community benefits, including but not limited to: affordable housing, supportive social services, green features, open space, transportation demand management features, job training, and/or employment opportunities.  
**Financial Implications:** To be determined  
 Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Councilmember Hahn added as a co-sponsor. Approved recommendation amended to read, "Refer to the City Manager..."

## Council Consent Items

- 40. Proclamation to Honor June as LGBTQ Pride Month and authorize City Manager to Fly the Rainbow Flag every year on the month of June**  
**From: Councilmembers Bartlett, Droste, and Mayor Arreguin**  
**Recommendation:** Adopt a proclamation to honor June as LGBTQ Pride Month in the City of Berkeley and authorize City Manager to fly the rainbow every year on the month of June.  
**Financial Implications:** None  
 Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Councilmember Davila added as a co-sponsor. Adopted proclamation.
- 41. Strike Debt Bay Area's Medical Debt Relief Effort in Cooperation with RIP Medical Debt: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmembers Harrison and Bartlett**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$150 from Councilmember Kate Harrison, to Strike Debt Bay Area's Medical Debt Relief Effort (<https://secure.qgiv.com/event/strikedebtbyarea/>), in cooperation with and hosted by RIP Medical Debt, a 501(c)(3) tax-deductible non-profit corporation. Funds would be relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Harrison and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$150  
 Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Adopted Resolution No. 68,960–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$150; Councilmember Harrison - \$250; Councilmember Hahn - \$100; Councilmember Davila - \$100; Councilmember Robinson - \$100.
- 42. Adopt a Resolution Opposing Anti-Abortion Bills Passed in 2019**  
**From: Councilmembers Hahn, Harrison and Wengraf**  
**Recommendation:** Adopt a Resolution Opposing anti-abortion bills passed in 2019 in Alabama, Mississippi, Ohio, Georgia, Missouri, Kentucky, Arkansas, Iowa, and Utah, and reaffirming the City of Berkeley's commitment to the fundamental right for women to choose whether, when, and how often to bear children.  
**Financial Implications:** None  
 Contact: Sophie Hahn, Councilmember, District 5, 981-7150  
**Action:** Councilmember Davila added as a co-sponsor. Adopted Resolution No. 68,961–N.S.

## Action Calendar

**43. Berkeley Art Center Artist Award Luncheon: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

**From: Councilmember Hahn**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember, including \$250 from Councilmember Hahn, to Berkeley Art Center, for the Annual Artist Award Luncheon on Sunday, June 23, 2019 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, 981-7150

**Action:** Adopted Resolution No. 68,962–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Davila - \$150; Mayor Arreguin - \$150; Councilmember Wengraf - \$150; Councilmember Harrison - \$100; Councilmember Robinson - \$100.

## Action Calendar – Public Hearing

**44. FY 2020 Street Lighting Assessments**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt two Resolutions confirming the assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018, approving the Engineer's Reports, and authorizing the levying and collection of assessments in Fiscal Year 2020.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.

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

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

Councilmember Harrison absent 8:50 p.m. – 8:56 p.m.

**Action:** M/S/C (Arreguin/Wengraf) to adopt Resolution No. 68,963–N.S. (District No. 1982-1), and Resolution No. 68,964–N.S. (District No. 2018).

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

Recess 8:56 p.m. – 9:03 p.m.

## Action Calendar

### 45a. Recommendations Related to Code Enforcement Actions and Leonard Powell Fact Finding

#### From: Housing Advisory Commission

**Recommendation:** Establish policies that will provide housing stability for homeowners and tenants. The City Council should set in place clear, objective, and equitable standards for conducting code enforcement actions and ensure that due process rights of affected homeowners and/or tenants are preserved. Commission a formal fact-finding process to ascertain what occurred in the matter of Mr. Leonard Powell. It should also refer this matter to the City Auditor. The fact finding should, among other things, focus on any actions taken by the Receiver in the case of Mr. Powell and any communications that the City has had with the Receiver. The HAC recognizes that additional steps may be necessary in regard to this matter, and may forward additional recommendations to the City Council at a later date.

**Financial Implications:** Staff time

Contact: Mike Uberti, Acting Commission Secretary, HHCS (510) 981-5114

## Action Calendar

### 45b. Recommendation to Bring Justice to Mr. Leonard Powell and to Change Certain Policies to Ensure Housing Stability for Homeowners and Tenants From: Peace and Justice Commission

**Recommendation:** The Peace and Justice (PJC) recommends that the Berkeley City Council take the following actions:

The Peace and Justice Commission (PJC) recommends that the City Council send a letter to the Superior Court Judge overseeing Mr. Leonard Powell's receivership case thanking him for the fairness and justice of his decision to deny the Bay Area Receivership Group's ongoing requests to sell Mr. Powell's home, and allowing Mr. Powell and his friends and family time to make the necessary financial arrangements.

PJC also recommends to the Berkeley City Council that it set in place the following policies that would provide housing stability for homeowners. In particular, when legal action is being attempted by the City as a result of code enforcement violations, the following practices should be put into place:

1. Punitive actions such as eviction, substantial fines, or placing an individual into legal guardianship, or receivership that are likely to result in the permanent displacement of a homeowner or their low-income tenants presently occupying or renting their home is the very last resort that city staff should take. It should only be conducted if all other attempts to resolve the situation have been unsuccessful; and should only be a response to severe code enforcement violations that cause immediate danger to life safety or have been determined by a quasi-judicial body (e.g., Zoning Adjustments Board, City Council) to endanger the health and safety of the immediate neighbors.
2. The Mayor, and Councilmember representing the district of the address in question, and Housing Advisory Commission are notified of their constituent's name (if allowed by applicable privacy laws), address, the nature of the alleged code violations, and a report detailing the status of the matter and any past, ongoing, and anticipated future attempts to resolve the matter; and
3. The City shall explore the use of anti-displacement funds to assist low-income homeowners and/or tenants residing on the premises with legal matters of forced relocation, expenses, and/or other needs as applicable and appropriate.
4. Establish a policy that code enforcement should aim to improve the safety and security of the property for its current residents and their neighbors.
5. "Reimburse" Mr. Powell, Friends of Adeline and NAACP by placing an amount not to exceed \$68,000 raised privately to pay for Receivers legal and administrative fees. These parties may collectively determine how to best use these funds.

**Financial Implications:** See report

Contact: Bre Slimick, Commission Secretary, 981-7000



## Action Calendar

### 45c. Companion Report: Commission Recommendations Regarding Code Enforcement and Mr. Leonard Powell

**From: City Manager**

**Recommendation:** The City Manager appreciates the concerns identified by the Peace & Justice Commission and Housing Advisory Commission regarding the effects of code enforcement actions on low-income homeowners, including Mr. Powell. The City Manager believes that current City policies, practices and records demonstrate the proper mechanisms are in place to ensure the outcomes each commission wishes and that additional recommendations are not needed. City staff have worked extensively with Mr. Powell and the receiver to facilitate Mr. Powell's ability to maintain ownership and reside in his property.

**Financial Implications:** See report

Contact: Paul Buddenhagen, City Manager's Office, 981-7000; Kelly Wallace, Housing and Community Services, 981-5400

**Action:** 21 speakers. M/S/C (Bartlett/Harrison) to:

- 1) Refer Items 45a and 45b to the Health, Life Enrichment, Equity and Community Committee.
- 2) Create a policy that receivership should only be used when the property is a danger to the public, and as a last resort, and only upon approval of the Council.
- 3) Request an analysis of receivers and conservators by the City.
- 4) Send representatives from the City to the fairness hearing for Mr. Powell to raise concerns.

**Vote:** All Ayes.

## Action Calendar – Public Hearings

### 46. Zoning Ordinance Amendments that apply Inclusionary Housing Regulations to Contiguous Lots under Common Control or Ownership (*Continued from April 30, 2019*)

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of Zoning Ordinance amendments that modify Inclusionary Housing Requirements (BMC Section 23C.12.020: Applicability of Regulations) to apply to new residential development projects on contiguous lots under common ownership or control.

**Financial Implications:** See report

Contact: Timothy Burroughs, Planning and Development, 981-7400

**Action:** Item removed from the agenda by the City Manager.

## Action Calendar

**47. Budget Referral: Remediation of Lawn Bowling, North Green and Santa Fe Right-of-Way, FY2020-2021** *(Continued from May 14, 2019)*

**From: Councilmember Davila**

**Recommendation:** Refer to the FY20 (2020/2021) RRV Budget Process for consideration of at least \$150,000 and up to remediate the Lawn Bowlers, North Green and Santa Fe Right-of-Way in advance of Request for Proposal (RFP) for these areas that potentially could provide much needed affordable alternative housing.

Refer to the Homeless Services Panel of Experts to consider Measure P funds for remediation purposes for these properties.

**Financial Implications:** See report

Contact: Cheryl Davila, Councilmember, District 2, 981-7120

**Action:** M/S/C (Arreguin/Harrison) to hold over Item 47 to June 25, 2019.

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

Councilmember Wengraf absent at 11:28 p.m.

Councilmember Droste absent at 11:28 p.m.

## Action Calendar

**48. City Council Comments on the FY 2020 & FY 2021 Proposed Biennial Budget  
From: City Manager**

**Recommendation:** Provide comments on the FY 2020 & FY 2021 Proposed Biennial Budget.

**Financial Implications:** See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:15 p.m.

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

**Action:** M/S/C (Arreguin/Hahn) to accept supplemental material from Mayor Arreguin on Item 48.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:30 p.m.

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

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

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

Councilmember Davila absent at 11:27 p.m.

**Action:** Discussion held.

**49. City Council Recommendations on the FY 2020 and FY 2021 Proposed Biennial Budget (Continued from May 28, 2019)**

**From: City Manager**

**Recommendation:** Provide recommendations on the FY 2020 and FY 2021 Proposed Biennial Budget.

**Financial Implications:** See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

**Action:** See Item 48.

## Information Reports

## Information Reports

50. **Referral Response: Tenant Opportunity to Purchase Act (TOPA) Ordinance**  
**From: City Manager**  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Referred to the Agenda and Rules Committee for scheduling.
51. **Animal Care Commission 2019 Work Plan**  
**From: Animal Care Commission**  
Contact: Amelia Funghi, Commission Secretary, 981-6600  
**Action:** Received and filed.
52. **FY 2019-20 Commission on the Status of Women Work Plan**  
**From: Commission on the Status of Women**  
Contact: Shallon Allen, Commission Secretary, 981-7000  
**Action:** Received and filed.

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

## Adjournment

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

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

Adjourned at 11:37 p.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of June 11, 2019 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## Communications

**Item 10: FY 2020 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**

1. Disaster and Fire Safety Commission

**Item 28: Resolution: No U.S. intervention in Venezuela**

2. russbumper (3)

**Item 39: Berkeley Opportunity Zone Displacement Mitigation Zoning Overlay**

3. Margy Wilkinson, on behalf of Friends of Adeline

**Item 50: Referral Response: Tenant Opportunity to Purchase Act (TOPA) Ordinance**

4. Seema Rupani, on behalf of East Bay Community Law Center

**Unsafe Intersection – University at Acton**

5. Diana Maria Rossi

**Traffic Circle at Fulton and Stuart**

6. Pam Speich

**Partnership with Dura Municipality Palestine**

7. Ahmed A.H. Swaitti

**Gotta Give Them Hope Event**

8. John Bauters

**Uncollected Garbage at 2110 Haste**

9. Martin Alperen

**Ban Waste Initiative**

10. Sundaresh Begur

**Safety Net Hospital**

11. Fred Dodsworth

**Mama Washington Event**

12. Adriana Betti

**BART Development**

13. David Lerman

14. Marilyn Margulius

15. Judy Massarano

16. Meryl Siegal

17. Barbara Fisher

18. Berkeley Citizens Action Steering Committee

**Living Trust Definition**

19. Joann Sullivan

20. Julie Holcomb

**Food Waste in Berkeley**

21. Sophie Ciurlik Rittenbaum

**East Bay Community Energy – Renewable Energy**

22. Alan Gould

23. Jane Kelly

**Citywide Siren System**

24. Pam Speich

**Berkeley Copwatch**

25. russbumper

**Full-Time City Council**

26. Topher Brennan

**Neighborhood Toxins**

27. Janice Greenberg

**Support of SB 276 – Vaccination Exemptions**

28. Ty Alper, on behalf of Berkeley Unified School District Board of Education

**People’s Park**

29. Carol Denney

30. Michael Fullerton

31. russbumper

**Panoramic Hill Rehabilitation**

32. Heather Rudkin

**Treatment at Sutter’s Alta Bates**

33. Christine Cosgrove

**Rosa Parks Elementary School Mock Trial**

34. Ty Alper

**Philadelphia Beverage Tax**

35. Holly Scheider

**5G Technology**

36. Phoebe Anne Sorgen

**West Campus Pool**

37. Nancy Kalter-Dills

**Homelessness**

38. Jacquelyn McCormick

39. Donald Goldmacher

40. Matthew Williams

41. Pam Speich

42. russbumper

**RVs at Berkeely Marina**

43. Berkeley Citizens Action Steering Committee

**Residential Preferential Parking (RPP) Program**

44. Lynda Koolish

45. Aurora Arding

46. Vici Casana

**Climate Disruption and Affordable Housing**

47. Charlene M. Woodcock

**Repaving of Roadways**

48. David Lerman

**Amazon Boycott**

49. Raja Sutherland

**Zero Carbon Retreat**

50. Amanda Hutchins

**A Healthy City for All**

51. Suzanne H. Crowhurst Lennard

**Restraint Devices**

52. russbumper

**Parking Enforcement Vehicles**

53. Majorie Alvord

54. Teresa J. Paris

55. Colleen

56. Debi Clifford

57. Cynthia Papermaster

58. Shauna Haines

59. Sallie Hanna-Rhyne

60. Gael Alcock

61. Kelly Hammargren

62. Keith Johnson

63. Charlene M. Woodcock

64. Ravi Mikkelsen

65. Sarah Nelson

66. Wendy Bloom

67. Jane Scantlebury

68. Sydney Gillett

69. David Finley

70. Tom Kelly

71. Richard Walker

72. Mary Behm-Steinberg

73. Margo Schueler

74. Eleven form letters, submitted by Alicia Puzak, Wendy Alfsen, Sheila Goldmacher, Micky Duxbury, Julia Cato, Rachel Katz, Lori Hines, Ruth Morgan, Ned Himmel, Cecile Leneman, Donald Goldmacher

75. Three form letters, submitted by Kathy Labriola, Eric Svahn, Rick Lewis

76. Ten form letters, submitted by Leonard Pitt, Sandy Emerson, Vanessa Warheit, Linda Franklin, Jack Kurzweil, Fred Dodsworth, Helen Osborne, Janice Cecil, Margaret Norman, Liz Ozol

**Supplemental Communications and Reports 1**

**Item 17: Contract: Bay Area Community Resources for the Placement of AmeriCorps Members**

77. Revised material, submitted by Health, Housing, and Community Services Department

**Item 48: City Council Comments on the FY 2020 & FY 2021 Proposed Biennial Budget**

78. Christine Mullarkey

79. Allison F. Walton

80. Jonathan Frisch

81. Colin Arnold

## Supplemental Communications and Reports 2

### **Presentation: East Bay Municipal Utility District**

82. Presentation, submitted the EBMUD

### **Item 28: Resolution: No U.S. intervention in Venezuela**

83. Tom Luce

84. Russbumper

### **Item 37: Budget Referral: Funding for Youth Spirit Artworks**

85. Kathy Barnhart

86. Kat Stenstedt

87. Susan Strong

88. Lynne D'Angelo

89. Robert Gannon

90. Liz Wiener

91. Russbumper

92. Elizabeth Moses Strain, on behalf of Strawberry Creek Monthly Meeting (Quaker)

### **Item 46: Zoning Ordinance Amendments that apply inclusionary Housing Regulations to Contiguous Lots under Common Control or Ownership**

93. Supplemental materials, submitted by Councilmember Harrison

94. Memorandum, submitted by the City Attorney's Office

### **Item 48: City Council Comments on the FY 2020 & FY 2021 Proposed Biennial Budget**

95. Six form letters, submitted by Joshua Cofsky, Kristina McNaught, Amy Eisenberg, Teresa Clarke, Christine & Francine Schwartz, Patricia Sullivan.

96. Julian Redwood

97. Ben Gerhardstein

## Supplemental Communications and Reports 3

### **Presentation: East Bay Municipal Utility District**

98. EBMUD

### **Item 8: FY 2020 Tax Rate: Fund Disaster Fire Protection (Measure Q)**

99. Presentation, on behalf of the Berkeley City Auditor

### **Item 14: FY 2020 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**

100. Nicole Brown, on behalf of Resources for Community Development

### **Item 27: Amending the Commissioners' Manual Regarding Submission of Revised or Supplemental Agenda Material**

101. Barbara Gilbert

### **Item 28: Resolution: No U.S. intervention in Venezuela**

102. Diana Bohn

103. Mary Elieisar



**Item 36: Budget Referral: Funding for Berkeley Drop-In Center**

- 104. Noah Brast-McKie
- 105. Carol Denney

**Item 37: Budget Referral: Funding for Youth Spirit Artworks**

- 106. Moni Law
- 107. Mike Lee
- 108. 114 postcards in “support of”

**Item 39: Berkeley Opportunity Zone Displacement Mitigation Zoning Overlay**

- 109. Barbara Gilbert

**Action Calendar**

**Item 45a: Recommendations Related to Code Enforcement Actions and Leonard Powell Fact Finding**

- 110. Todd Darling
- 111. Larisa Cummings
- 112. Moni Law
- 113. Carolyn Park
- 114. Olivia deBree
- 115. Virginia Hollins-Davidson
- 116. Margy Wilkinson
- 117. Philip Maldari
- 118. Stephenie Blackmon
- 119. Laurel Hermes
- 120. J. Amelia Ellis
- 121. Erika Larson

**Item 46: Zoning Ordinance Amendments that apply inclusionary Housing Regulations to Contiguous Lots under Common Control or Ownership**

- 122. Timothy Burroughs, Director of Planning

**Item 49: City Council Recommendations on the FY 2020 and FY 2021 Proposed Biennial Budget**

- 123. Mayor Arreguin

**Emissions Impossible**

- 124. Grain.org

**MINUTES  
BERKELEY CITY COUNCIL SPECIAL MEETING  
TUESDAY, JUNE 18, 2019  
4:30 P.M.**

**School District Board Room – 1231 Addison Street, Berkeley, CA**

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

**Preliminary Matters**

**Roll Call:** 4:35 p.m.

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

**Absent:** Bartlett

Councilmember Bartlett present at 4:49 p.m.

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

**CLOSED SESSION:**

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

**1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6:**

**Negotiators:** Dee Williams-Ridley, City Manager, David White, Deputy City Manager, LaTanya Bellow, Director of Human Resources, Andrew Greenwood, Chief of Police

**Employee Organizations:** Berkeley Police Association

**Action:** No action taken.

**OPEN SESSION:**

No action taken.

**Adjournment**

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

**Vote:** All Ayes.

Adjourned at 6:12 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of June 18, 2019 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

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

**Tuesday, June 18, 2019**

**6:00 P.M.**

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

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

**Preliminary Matters**

**Roll Call:** 6:27 p.m.

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

**Absent:** Kesarwani

Councilmember Kesarwani present at 6:29 p.m.

**Action Calendar**

**1. City of Berkeley Green Infrastructure Plan**

**From: City Manager**

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** 2 speakers. Presentation made and discussion held.

**2a. Mandatory and Recommended Green Stormwater Infrastructure in New and Existing Redevelopments or Projects** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment and Sustainability Committee)*

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

**Recommendation:** Refer to the City Manager to develop an ordinance on green stormwater infrastructure according to recommendations from the Facilities, Infrastructure, Transportation, and Environmental Sustainability Committee.

**Financial Implications:** Staff time

Contact: Kate Harrison, Councilmember, District 4, 981-7140

## Action Calendar

- 2b. Referral Response: Mandatory and Recommended Green Stormwater Infrastructure in New and Existing Redevelopments or Properties** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment and Sustainability Committee. Item contains supplemental material.)*  
**From: Community Environmental Advisory Commission**  
**Recommendation:** Since the drought-storm-flooding cycle is predicted to get worse, refer to the City Manager to develop and implement measures to help reduce runoff from private property when rain exceeds two inches in a 24-hour period. The City Manager and staff should consider the following: Comply beyond the State and Alameda County current requirements; Encourage the treating and detaining of runoff up to approximately the 85th percentile of water deposited in a 24-hour period; Establish site design measures that include minimizing impervious surfaces; Require homeowners to include flooding offsets in preparing properties for sale; Offer option(s) for property owners to fund in-lieu centralized off-site storm-water retention facilities that would hold an equivalent volume of runoff; Require abatements for newly paved areas over a specific size; Make exceptions for properties that offer significantly below-market rent or sale prices; Authorize a fee for all new construction or for title transfer to cover the cost of required compliance inspections; Incorporate these measures for private property with similar measures for Public Works, while coordinating with EBMUD, BUSD, UCB and LBNL.  
**Financial Implications:** See report  
 Contact: Viviana Garcia, Commission Secretary, 981-7460
- 2c. Companion Report to Referral Response: Mandatory and Recommended Green Stormwater Infrastructure in New and Existing Redevelopments or Properties** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment and Sustainability Committee)*  
**From: City Manager**  
**Recommendation:** Express appreciation for the intent of the Community Environmental Advisory Commission (CEAC) recommendation to develop and implement measures to help reduce runoff from private property when rain exceeds two inches in a 24-hour period, and allow staff to continue existing efforts to implement Municipal Regional Stormwater Permit regulations in coordination with the 14 other local governments and agencies that participate in the Alameda Countywide Clean Water Program.  
**Financial Implications:** None  
 Contact: Timothy Burroughs, Planning and Development, 981-7400; Phillip Harrington, Public Works, 981-6300
- Action:** 0 speakers. M/S/C (Harrison/Robinson) to adopt Item 2a amended to include consideration of a waiver for non-profit housing projects and analysis of the fee burden in the context of all fees.  
**Vote:** All Ayes.

## Action Calendar

3. **Strategic Plan Proposed Fiscal Year 2020-2021 Projects and Programs, and Planning Commission Work Plan**  
**From: City Manager**  
Contact: Melissa McDonough, City Manager's Office, 981-7000  
**Action:** 2 speakers. Presentation made and discussion held.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 9:37 p.m.

This is to certify that the foregoing is a true and correct record of the special meeting of June 18, 2019 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

**Item #3: Strategic Plan Proposed Fiscal Year 2020-2021 Projects and Programs, and Planning Commission Work Plan**

1. Revised material, submitted by the City Manager

## Supplemental Communications and Reports 3

**Item #1: City of Berkeley Green Infrastructure Plan**

2. Presentation, submitted by Public Works

**Item #3: Strategic Plan Proposed Fiscal Year 2020-2021 Projects and Programs, and Planning Commission Work Plan**

3. Presentation, submitted by the City Manager

**MINUTES  
BERKELEY CITY COUNCIL SPECIAL MEETING  
TUESDAY, JUNE 25, 2019  
4:30 P.M.**

**School District Board Room – 1231 Addison Street, Berkeley, CA**

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

**Preliminary Matters**

**Roll Call:** 4:33 p.m.

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

**Absent:** Bartlett, Droste

Councilmember Bartlett present at 4:46 p.m.

Councilmember Droste present at 5:37 p.m.

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

**CLOSED SESSION:**

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

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

a. *Berkeleyside v. City of Berkeley*, Alameda Superior Court Case No. RG19004749

**Action:** M/S/C (Arreguin/Hahn) to authorized the settlement of the matter of *Berkeleyside et al. v. City of Berkeley*, Alameda Superior Court Case No. RG 19004749, for \$19,287.50.

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

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

Property address: 200 Marina Blvd., Berkeley, CA 94710  
Agency Negotiators: Dee Williams-Ridley, City Manager; Paul Buddenhagen, Deputy City Manager; Scott Ferris, Director, Parks Recreation and Waterfront; Christina Erickson, Deputy Director, Parks, Recreation, and Waterfront  
Negotiating parties: City of Berkeley and 200 Marina Boulevard, Berkeley, LLC  
Property owner: City of Berkeley  
Under negotiation: Price and terms

**Action:** No reportable action.

**OPEN SESSION:**

The City Council met in closed session and authorized the settlement of the matter of Berkeleyside et al. v. City of Berkeley, Alameda Superior Court Case No. RG 19004749, for \$19,287.50.

**Adjournment**

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

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

I hereby certify that the forgoing is a true and correct record of the special closed meeting of June 25, 2019 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk



**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, June 25, 2019**  
**6:00 PM**

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

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

**Preliminary Matters**

**Roll Call:** 6:12 p.m.

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

**Absent:** Kesarwani

Councilmember Kesarwani present at 6:21 p.m.

**Report from Closed Session:**

The City Council met in closed session and authorized the settlement of the matter of Berkeleyside et al. v. City of Berkeley, Alameda Superior Court Case No. RG 19004749, for \$19,287.50.

**Ceremonial Matters:**

1. Recognition of Elder Abuse Awareness Month
2. Recognition of Alpha Kappa Alpha 90<sup>th</sup> Anniversary
3. Adjourned the meeting in memory of Francisco Silva, Local Construction Foreman
4. Adjourned the meeting in memory of Peter Selz, Founding Director of the Berkeley Art Museum
5. Adam Duhan, Local Physician

**City Manager Comments:**

1. Community Picnic at Grove Park, June 27
2. Movie in the Park, Cordonices Park, June 28

**City Auditor Comments:**

The City Auditor noted Item 44 regarding the Code Enforcement Audit and clarified the purpose of the audit to highlight operational needs. Two recommendations have been completed and one remaining recommendation is the inclusion of operational costs and tradeoffs in Council reports.

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

## Consent Calendar

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

**Vote:** All Ayes.

**Public Comment on Consent Calendar and Information Items Only:** 5 speakers

## Consent Calendar

- 1. FY 2020 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,656-N.S. setting the FY 2020 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.1729 (17.29 cents) per square foot of improvements.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,656-N.S.
- 2. FY 2020 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,657-N.S. setting the FY 2020 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0393 (3.93 cents) per square foot of improvements.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,657-N.S.
- 3. FY 2020 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,658-N.S. setting the FY 2020 tax rate for funding the provision of emergency services for the disabled at \$0.01638 (1.638 cents) per square foot of improvements.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,658-N.S.

## Consent Calendar

- 4. FY 2020 Tax Rate: Business License Tax on Large Non-Profits**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,659-N.S. setting the FY 2020 tax rate for Business License Tax on large non-profits at \$0.6420 (64.20 cents) per square foot of improvements.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,659-N.S.
- 5. FY 2020 Tax Rate: Fund Disaster Fire Protection (Measure Q)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,660-N.S. setting the FY 2020 tax rate for funding the procurement of disaster fire equipment at \$0.0125 (1.25 cents) per square foot of improvements.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,660-N.S.
- 6. FY 2020 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,661-N.S. setting the FY 2020 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0065%.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,661-N.S.
- 7. FY 2020 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,662-N.S. setting the FY 2020 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.05818 (5.818 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.08804 (8.804 cents) per square foot of improvements.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300; David Brannigan, Fire, 981-3473  
**Action:** Adopted second reading of Ordinance No. 7,662-N.S.

## Consent Calendar

- 8. FY 2020 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,663-N.S. setting the FY 2020 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0150%.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,663-N.S.
- 9. FY 2020 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,664-N.S. setting the FY 2020 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0092%.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,664-N.S.
- 10. FY 2020 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,665-N.S. setting the FY 2020 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0075%.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,665-N.S.
- 11. FY 2020 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,666-N.S. setting the FY 2020 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0062%.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,666-N.S.

## Consent Calendar

- 12. FY 2020 Special Tax Rate: Fund the Provision of Library Services**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,667-N.S. setting the FY 2020 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2272 (22.72 cents) per square foot for dwelling units and \$0.3435 (34.35 cents) per square foot for industrial, commercial, and institutional buildings.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300; Elliot Warren, Library, 981-6100  
**Action:** Adopted second reading of Ordinance No. 7,667-N.S.
- 13. Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention**  
**From: Mayor Arreguin and Councilmember Harrison**  
**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, 981-7100  
**Action:** Item 13 held over to July 23, 2019.
- 14. Contract: Downtown Berkeley YMCA for Fitness Center Memberships for City Employees**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Downtown Berkeley YMCA in the amount of \$224,064 for fitness center memberships for City employees and Legislative Assistants for the period of July 1, 2019 through June 30, 2020.  
**Financial Implications:** Various Funds - \$224,064  
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000  
**Action:** Adopted Resolution No. 68,965–N.S.
- 15. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of May 7, 2019 (two special closed and special), May 9, 2019 (special), May 11, 2019 (special), May 14, 2019 (special closed and regular), May 17, 2019 (special closed), and May 28, 2019 (special closed and regular).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Approved minutes as submitted.

## Consent Calendar

- 16. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 25, 2019**  
**From: City Manager**  
**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.  
**Financial Implications:** Various Funds - \$1,601,761  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Approved recommendation.
- 17. Appropriations Limit for FY 2020**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing the appropriations limit at \$275,031,790 for FY 2020 pursuant to Article XIII B of the Constitution of the State of California based on the calculations for the appropriations limit.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted Resolution No. 68,966–N.S.
- 18. Franchise Tax Board / City Business Tax Reciprocal Agreement**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Franchise Tax Board / City Business Tax Reciprocal Agreement for the City's participation in the local government business license information sharing program and authorizing the City Manager to sign the agreement.  
**Financial Implications:** Staff time  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted Resolution No. 68,967–N.S.
- 19. Revision to the Investment Policy and Designation of Investment Authority FY 2020**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting the changes to the Investment Policy and to confirm the delegation of investment authority to make investments to the Director of Finance for FY 2020.  
**Financial Implications:** None  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted Resolution No. 68,968–N.S.

## Consent Calendar

- 20. Contract No. 10904 Amendment: Bay Area Community Services (BACS) for Pathways STAIR Center Year Two Operations**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 10904 with Bay Area Community Services (BACS) for Pathways STAIR Center operations, extending the program through June 30, 2020 and adding \$2,091,305 for Year Two (FY 2020).  
**Financial Implications:** Various Funds - \$2,091,305  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,969–N.S.
- 21. Revenue Contract: Community Services Block Grant Discretionary Funding for June 1, 2019 – May 31, 2020**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to accept the Community Services Block Grant (CSBG) Contract Number 19F-4404 for the amount of \$30,000 to provide services for low-income people for the period June 1, 2019 – May 31, 2020.  
**Financial Implications:** Community Action Program Fund - \$30,000 (grant)  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,970–N.S.
- 22. Contract: Dorothy Day House to Operate Shelter at Veteran’s Building**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Dorothy Day House in an amount not to exceed \$832,000 to operate the year-round shelter at the Veteran’s Building in FY20 and FY21.  
**Financial Implications:** Homeless Emergency Aid Program Fund - \$832,000  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,971–N.S.

## Consent Calendar

### 23. Revenue Contracts: FY 2020 Aging Services Programs

**From: City Manager**

**Recommendation:** Adopt five Resolutions authorizing the City Manager or her designee to execute any resultant revenue agreements and amendments with Alameda County to provide congregate and home-delivered meals, family caregiver support, senior center activities and information and assistance services to seniors for the following programs for Fiscal Year 2020:

1. Congregate Meals in the amount of \$46,380;
2. Home Delivered Meals in the amount of \$47,525;
3. Family Caregiver Support Program in the amount of \$47,157;
4. Senior Center Activities in the amount of \$29,272; and
5. Information and Assistance Services in the amount of \$63,501.

**Financial Implications:** See report

Contact: Kelly Wallace, Housing and Community Services, 981-5400

**Action:** Adopted Resolution No. 68,972–N.S. (Congregate Meals); Resolution No. 68,973–N.S. (Home Delivered); Resolution No. 68,974–N.S. (Family Caregiver); Resolution No. 68,975–N.S. (Senior Center); and Resolution No. 68,976–N.S. (Information and Assistance).

### 24. Contract No. 31900042 Amendment: CivicPlus, Inc. for Training and Integration Services

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment to contract No. 31900042 with CivicPlus, Inc. for an additional amount of \$15,000 for professional services, and a total not-to-exceed contract value of \$58,000 for the term of November 30, 2018 through June 30, 2021.

**Financial Implications:** General Fund - \$15,000

Contact: Savita Chaudhary, Information Technology, 981-6500

**Action:** Adopted Resolution No. 68,977–N.S.

### 25. Contract No. 10036C Amendment: TruePoint Solutions, LLC for Accela Professional Services

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10036C with TruePoint Solutions, LLC for professional services, increasing the amount by \$276,000, for a total not-to-exceed amount of \$617,200, and extending the current term by 2 years for the term beginning June 1, 2015 to June 30, 2021.

**Financial Implications:** Permit Service Center Fund - \$276,000

Contact: Savita Chaudhary, Information Technology, 981-6500

**Action:** Adopted Resolution No. 68,978–N.S.



## Consent Calendar

- 26. Contract: NextRequest for Public Records Act Response Software System**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with NextRequest for software hosting, implementation, maintenance and related services for a Public Records Act Response Software System, for an amount not to exceed \$65,000 for the period commencing on July 1, 2019 through June 30, 2021.  
**Financial Implications:** IT Cost Allocation Fund - \$65,000  
 Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,979–N.S.
- 27. Contract: Governmentjobs.com, Inc. DBA NEOGOV for Performance and Learning Management System (P/LMS)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with GovernmentJobs.com dba NEOGOV for software hosting, licenses, implementation, maintenance and related services for a Performance Management, and Learning Management System (P/LMS) for an amount not to exceed \$225,000 for the period commencing on July 8, 2019 through June 30, 2024.  
**Financial Implications:** FUND\$ Replacement Fund - \$225,000  
 Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,980–N.S.
- 28. Contract No. 8865J Amendment: Accela, Inc. for Software Maintenance and Professional Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 8865J with Accela, Inc., for software maintenance and professional services, increasing the amount by \$418,359 for a total not to exceed \$2,059,191 from December 12, 2011 to June 30, 2021.  
**Financial Implications:** Various Funds - \$418,359  
 Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,981–N.S.
- 29. Contract No. 9536 Amendment: Royston, Hanamoto, Alley & Abey (RHAA) for On-Call Landscape Architecture**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9536 with Royston, Hanamoto, Alley & Abey (RHAA) for additional on-call landscape architecture by increasing the contract amount by \$35,000 for a total not-to-exceed amount of \$210,000, and extending the term through June 30, 2021.  
**Financial Implications:** Various Funds - \$35,000  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,982–N.S.

## Consent Calendar

- 30. Contract No. 10632 Amendment: GHD, Inc. for the WETA MOU Planning Phase for potential ferry service and public recreation pier at the Berkeley Marina**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10632 with GHD, Inc. by increasing the amount by \$360,000 for a new contract amount not to exceed \$690,744 for the Planning Phase (technical feasibility study and public engagement process) for the viability of a potential WETA ferry service and public recreation pier at the Berkeley Marina.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,983–N.S.
- 31. 2019 Bay Area SunShares Residential Solar and Zero-Emission Vehicle Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a letter of commitment with the Business Council on Climate Change (BC3) to affirm the City of Berkeley’s participation in the 2019 Bay Area SunShares residential solar and zero-emission vehicle program.  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, 981-7400  
**Action:** Adopted Resolution No. 68,984–N.S.
- 32. Contract: Rincon Consultants, Inc. for Development of a Berkeley Pathway to Clean Energy Buildings Report**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments, extensions, or change orders with Rincon Consultants, Inc. (Rincon) to develop a Berkeley Pathway to Clean Energy Buildings Report for an amount not to exceed \$80,000 for the period July 1, 2019 through June 30, 2020.  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, 981-7400  
**Action:** Adopted Resolution No. 68,985–N.S.
- 33. On-Call Planning Services Contracts**  
**From: City Manager**  
**Recommendation:** Adopt 23 Resolutions authorizing the City Manager to approve contracts and any amendments with the following firms for planning and environmental review services for a total contract period of three years:  
1. Architecture + History, LLC in an amount not to exceed \$1,000,000; and  
2. Baseline Environmental Consulting in an amount not to exceed \$1,000,000; and  
3. Cotton, Shires and Associates, Inc. in an amount not to exceed \$1,000,000; and  
4. Firstcarbon Solutions in an amount not to exceed \$1,000,000; and  
5. Garcia and Associates in an amount not to exceed \$500,000; and  
6. Ground Development Consulting, LLC in an amount not to exceed \$500,000; and

## Consent Calendar

7. Hatch Associates Consultants, Inc. in an amount not to exceed \$1,000,000; and
8. HortScience | Bartlett Consulting in an amount not to exceed \$500,000; and
9. ICF Jones & Stokes, Inc. in an amount not to exceed \$1,000,000; and
10. Kimley-Horn and Associates, Inc. in an amount not to exceed \$500,000; and
11. Kittelson & Associates in an amount not to exceed \$500,000; and
12. LSA Associates, Inc. in an amount not to exceed \$1,000,000; and
13. Metropolitan Planning Group in an amount not to exceed \$1,000,000; and
14. Michael Baker International in an amount not to exceed \$1,000,000; and
15. Nichols Consulting Engineers, Chtd. in an amount not to exceed \$1,000,000; and
16. Pacific Legacy Inc. in an amount not to exceed \$500,000; and
17. Paleo West Archaeology in an amount not to exceed \$500,000; and
18. Placeworks in an amount not to exceed \$1,000,000; and
19. Raimi + Associates in an amount not to exceed \$1,000,000; and
20. Rincon Consultants, Inc. in an amount not to exceed \$1,000,000; and
21. Stacy Farr - Historic Resource Consulting in an amount not to exceed \$500,000; and
22. Stantec Consulting Services, Inc. in an amount not to exceed \$1,000,000; and
23. Urban Planning Partners Inc. in an amount not to exceed \$1,000,000

**Financial Implications:** See report

Contact: Timothy Burroughs, Planning and Development, 981-7400

**Action:** Adopted Resolution No. 68,986–N.S. (Architecture + History); Resolution No. 68,987–N.S. (Baseline Environmental); Resolution No. 68,988–N.S. (Cotton, Shires & Assoc); Resolution No. 68,989–N.S. (Firstcarbon Solutions); Resolution No. 68,990–N.S. (Garcia & Assoc); Resolution No. 68,991–N.S. (Ground Development); Resolution No. 68,992–N.S. (Hatch Assoc); Resolution No. 68,993–N.S. (HortScience | Bartlett); Resolution No. 68,994–N.S. (ICF Jones); Resolution No. 68,995–N.S. (Kimley-Horn & Assoc); Resolution No. 68,996–N.S. (Kittelson & Assoc); Resolution No. 68,997–N.S. (LSA Assoc); Resolution No. 68,998–N.S. (Metropolitan Planning); Resolution No. 68,999–N.S. (Michael Baker); Resolution No. 69,000–N.S. (Nichols Consulting); Resolution No. 69,001–N.S. (Pacific Legacy); Resolution No. 69,002–N.S. (Paleo West); Resolution No. 69,003–N.S. (Placeworks); Resolution No. 69,004–N.S. (Raimi + Assoc); Resolution No. 69,005–N.S. (Rincon Consultants); Resolution No. 69,006–N.S. (Stacy Farr); Resolution No. 69,007–N.S. (Stantec Consulting); and Resolution No. 69,008–N.S. (Urban Planning).

## Consent Calendar

- 34. Contract: Tanko Lighting for Street Light Luminaire Retrofit Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project with Tanko Lighting, Inc. for the City Street Light Luminaire Retrofit Project in an amount not to exceed \$140,875 for the period from July 1, 2019 through December 31, 2020.  
**Financial Implications:** Street Light Assessment District Fund - \$140,875  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 69,009–N.S. Additional request to prioritize replacement at high injury collision network streets and the bicycle boulevards.
- 35. Educator and Educational Staff Housing**  
**From: Housing Advisory Commission**  
**Recommendation:** Amend the Housing Trust Fund Guidelines and other relevant City of Berkeley housing policies to foster workforce housing for educators and educational staff by expanding income eligibility to include up to 120% AMI; and Provide \$150,000 to the Berkeley Unified School District to undertake predevelopment planning for housing to be built in Berkeley that will be available to educators and educational staff working for BUSD; and Work with the District to identify possible financing opportunities for capital development; and Recommend the Berkeley Unified School District balances building as many units as possible with being as family-friendly as possible.  
**Financial Implications:** See report  
Contact: Mike Uberti, Commission Secretary, 981-7400  
**Action:** Approved the following recommendations: Work with the District to identify possible financing opportunities for capital development; and Recommend the Berkeley Unified School District balances building as many units as possible with being as family-friendly as possible.

## Council Consent Items

**36. An Action Plan for Greening the City of Berkeley Fleet of Vehicles**

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

**Recommendation:** Request the City Manager and Department of Public Works collaborate to create an Action Plan (“plan”), by June 2020, to aggressively accelerate the implementation of the electrification of the City’s municipal fleet and phase out fossil fuel use in municipal vehicles by 2030 with consideration of an earlier transition for light-duty passenger vehicles. The Plan should include an evaluation of the City’s current fleet and an analysis of opportunities for transitioning to a fleet of fossil fuel free vehicles, as soon as the technology can safely meet operational needs. An update on our progress should be reported to City Council as an information item every six months.

In the interim, the City Manager is asked to explain criteria used to purchase fossil fuel vehicles in all future staff items related to vehicle purchases with Council.

**Financial Implications:** See report

Contact: Susan Wengraf, Councilmember, District 6, 981-7160

**Action:** Approved recommendation.

**37. Zoning Ordinance Modification for Elmwood Commercial District**

**From: Councilmember Droste, Mayor Arreguin, and Councilmembers Harrison, and Wengraf**

**Recommendation:** Refer to the Planning Commission to amend Chapter 23E.44, C-E Elmwood Commercial District Provisions to allow for amusement device arcades with a Tier 2 Administrative Use Permit (for spaces >3,000 Sq. Ft.) and a Zoning Certificate (for spaces < 3,000 Sq. Ft.). Proposed ordinance language for changes to Table 23E.44.030 are attached to the report.

**Financial Implications:** See report

Contact: Lori Droste, Councilmember, District 8, 981-7180

**Action:** Approved recommendation.

## Action Calendar – Old Business

**38. Budget Referral: Remediation of Lawn Bowling, North Green and Santa Fe Right-of-Way, FY2020-2021** *(Continued from June 11, 2019)*

**From:** Councilmember Davila

**Recommendation:** Refer to the FY20 (2020/2021) RRV Budget Process for consideration of at least \$150,000 and up to remediate the Lawn Bowlers, North Green and Santa Fe Right-of-Way in advance of Request for Proposal (RFP) for these areas that potentially could provide much needed affordable alternative housing.

Refer to the Homeless Services Panel of Experts to consider Measure P funds for remediation purposes for these properties.

**Financial Implications:** See report

Contact: Cheryl Davila, Councilmember, District 2, 981-7120

**Action:** Moved to Consent Calendar. Approved revised recommendation as written below.

*Refer to the November 2019 AAO consideration of at least \$150,000 and up to remediate the Lawn Bowlers, North Green and Santa Fe Right-of-Way in advance of Request for Proposal (RFP) for these areas that potentially could provide much needed affordable alternative housing.*

*Refer to the Homeless Services Panel of Experts to consider Measure P funds for remediation purposes for these properties.*

## Action Calendar – New Business

**39. FY 2020 and FY 2021 Biennial Budget Adoption**

**From:** City Manager

**Recommendation:** Adopt a Resolution: a) Adopting the FY 2020 & FY 2021 Biennial Budget as contained in the City Manager's FY 2020 & FY 2021 Proposed Biennial Budget that includes the Proposed Capital Budget, presented to Council on May 7, 2019, and as amended by subsequent Council action. b) Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2020, as reflected in Attachment 2 to the report, and as amended by subsequent Council action.

**Financial Implications:** See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

**Action:** 68 speakers. M/S/C (Arreguin/Harrison) to adopt Resolution No. 69,010–N.S. as revised in Supplemental Communications Packet #2 by the Mayor and the City Manager's Office with an amendment to revise the \$50,000 allocation for the traffic circle at 62<sup>nd</sup> and King to be for construction; to adjust the arts funding to \$500,000 for FY 2020 and FY 2021; to defer the Human Resources allocation to November 2019; to adjust the Paramedic Tax in FY 2021 by \$110,000; Refer the items in Attachment 4 of the Mayor's item to November 2019.

**Vote:** All Ayes.

## Action Calendar – Old Business

### 40. FY 2020 Annual Appropriations Ordinance

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance adopting the FY 2020 Annual Appropriations Ordinance (AAO) in the amount of \$520,227,935 (gross appropriations) and \$454,517,219 (net appropriations).

**Financial Implications:** See Report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

**Action:** 0 speakers. M/S/C (Arreguin/Davila) to adopt the first reading of Ordinance No. 7,669-N.S. with the following revised dollar amounts – Gross Appropriations \$525,856,809; Net Appropriations \$460,146,093; General Fund Appropriations \$196,913,849. Second reading scheduled for July 9, 2019.

**Vote:** All Ayes.

Recess 9:37 p.m. – 9:51 p.m.

### 41. Borrowing of Funds and the Sale and Issuance of FY 2019-20 Tax and Revenue Anticipation Notes

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the borrowing of \$35,000,000 and the sale and issuance of Fiscal Year 2019-20 Tax and Revenue Anticipation Notes.

**Financial Implications:** See report

Contact: Henry Oyekanmi, Finance, 981-7300

**Action:** 0 speakers. M/S/C (Droste/Wengraf) to adopt Resolution No. 69,011–N.S.

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

Councilmember Harrison absent 7:21 p.m. – 7:32 p.m.

## Council Action Items

### 42. Waiver of Fees for Trash Corral Pilot Program

**From: Councilmembers Robinson and Harrison**

**Recommendation:** Adopt a resolution waiving the Minor Encroachment Permit application and permit fees and the Miscellaneous Permit to Construct fees required by both the Telegraph Business Improvement District and the Downtown Berkeley Association for the installation of their pilot trash corrals.

**Financial Implications:** See report

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

**Action:** Moved to Consent Calendar. Councilmember Hahn added as a co-sponsor. Adopted Resolution No. 69,012–N.S. Referred to the City Manager to explore alternate funding sources including the Zero Waste Fund.

## Information Reports

- 43. Voluntary Time Off Program for FY 2020**  
**From: City Manager**  
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000  
**Action:** Received and filed.
- 44. Audit Status Report Response: Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight from January 1, 2019 – April 16, 2019**  
**From: City Manager**  
Contact: Paul Buddenhagen, City Manager's Office, 981-7000  
**Action:** Received and filed.
- 45. FY 2020 Civic Arts Grant Awards**  
**From: City Manager**  
Contact: Jordan Klein, Economic Development, 981-7530  
**Action:** Received and filed.
- 46. FY 2019 Second Quarter Investment Report: Ended December 31, 2018**  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Received and filed.
- 47. Referral Response: Community Microbond Initiative**  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Moved to Action Calendar. 6 speakers. Discussion held.
- 48. LPO NOD: 2140 Shattuck Avenue, #LMSAP2018-0004**  
**From: City Manager**  
Contact: Timothy Burroughs, Planning and Development, 981-7400  
**Action:** Received and filed.
- 49. goBerkeley Parking Management Program: Parking Rate and Time Limit Adjustments for Northside Area for August 1, 2019**  
**From: City Manager**  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Received and filed.
- 50. 2019 Commission on Disability Work Plan**  
**From: Commission on Disability**  
Contact: Dominika Bednarska, Commission Secretary, 981-6300  
**Action:** Received and filed.



## Information Reports

**51. 2019 Public Outreach Efforts of Commission on Disability**

**From: Commission on Disability**

Contact: Dominika Bednarska, Commission Secretary, 981-6300

**Action:** Received and filed.

**52. Mental Health Commission 2018 Annual Report**

**From: Mental Health Commission**

Contact: Karen Klatt, Commission Secretary, 981-5400

**Action:** Item held over the July 9, 2019 Action Calendar.

**Public Comment – Items Not Listed on the Agenda** - 2 speakers.

## Adjournment

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

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

Councilmember Droste absent 9:51 p.m. – 10:28 p.m.

Councilmember Wengraf absent 10:27 p.m. – 10:28 p.m.

Adjourned at 10:28 p.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of June 25, 2019 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## Communications

### Berkeley Marina Docks

1. Erwan Illian

### 5G

2. Annamarta Dostourian
3. Kate Bernier (3)
4. Meaveen O'Connor
5. Ryan Van Valer
6. Phoebe Sorgen (2)
7. Vivian Warkentin

8. Alan Kiviat
9. Elisabeth Jewel

**North Berkeley BART**

10. Ariane Michas
11. Priscilla Villanueva
12. Yvonne Nyborg
13. Mia Bruch
14. Sue von Baeyer
15. Lothar
16. Maura Ghizzoni
17. John and Susan Prausnitz
18. Alison Ascher Webber
19. David Johnson
20. Linda Friedman
21. Margot Murtaugh
22. Dana Gildemeister
23. Belle Adler
24. Walter Wood

**Electric Vehicles**

25. Betsy Thagard
26. Vanessa Warheit (2)

**RV**

27. Felice Botts
28. Nigel Guest

**Homelessness and Encampments**

29. Steven Donaldson
30. russbumper
31. Mike Lee

**Recycle**

32. Harvey Sherback (4)

**Street Intersections**

33. Brian Witt
34. Amanda Rebel
35. Ben Gerhardstein
36. Amy Eisenberg
37. Janice Greenberg

**Vets**

38. russbumper (3)

**Police**

- 39. Fred Dodsworth
- 40. Tammy Rieser
- 41. russbumper

**Cannabis**

- 42. Elizabeth Greene, Cannabis Commission Secretary (2)

**East Bay Rental Housing Association**

- 43. Shani Brown

**Transfer Station Rate**

- 44. David Lerman

**7<sup>th</sup> Annual Rosa Parks Fifth Grade Mock Trial**

- 45. Ty Alper

**Performance for Mama Washington**

- 46. Adriana Betti

**2701 Shattuck – ZAB**

- 47. Lee Ling

**Committee Meetings Transparency**

- 48. Pam Speich

**Missing Middle**

- 49. Lee Bishop

**Orbiting Weapon**

- 50. Jesse Hampton

**Proposed Senior Facility**

- 51. Fran Haselsteiner

**Virginia Beach Incident**

- 52. Steven Schuyler

**William Barclay Caldeira**

- 53. russbumper

**Tenant's Access to Apartment Blocked**

- 54. Curtis Bray (2)

**Decriminalize Nature**

- 55. Jessica Behrman

**Street Lights**

56. Eric Friedman

**Supplemental Communications and Reports 1**

**Item #39: FY 2020 and FY 2021 Biennial Budget Adoption**

57. Donna Mickleson (3)

58. Karen Teitel

59. Helga Recke

60. Kamala Asher

61. August Fern

62. Gael

63. David Hubbard

64. Francine Foltz

65. Stacey Singleton

66. Rebecca Burke

67. Linda Worthman

68. Zee Zeleski

69. Arnold Kessler

70. Rodney Merrill

**Item #45: FY 2020 Civic Arts Grant Awards**

71. Bruce Coughran

72. Susan Duhan Felix

73. Naome Dragstedt

74. Archana Horsting

75. Joanne De Phillips

76. Judith Workman

77. Janice Murota (2)

78. Carol Lashof

79. Lisa Bullwinkel

80. George-Ann Bowers

81. David Flack

82. Margaret Riesen

83. Jamie Greenblatt

84. Nadia Liu

85. Liz Ozol

86. Cherie Hill

87. John Caner, on behalf of the Downtown Berkeley Association

88. Sharon Dolan, on behalf of Freight & Salvage

89. Loretta Janca

90. Margaret Norman

91. Pat Mullan

92. Zoe Klein

93. Weston Scott

94. Erika Oba

95. Marian Wolodarski Lunderg, on behalf of Berkeley Finnish Hall

- 96. Anne Mester
- 97. Katy Wafle
- 98. Jeffrey Price
- 99. Vanessa Anderson
- 100. Linda Schieber
- 101. Will Sousae
- 102. Tammy Berlin
- 103. Patricia Milton
- 104. Sherry Smith
- 105. Jan Zvaifler
- 106. Jessie Barber

## **Supplemental Communications and Reports 2**

### **Item #39: FY 2020 and FY 2021 Biennial Budget Adoption**

- 107. Supplemental materials, submitted by Mayor Arreguin
- 108. Supplemental materials, submitted by Councilmember Droste
- 109. Revised materials, submitted by the City Manager's Office
- 110. Howard Goldberg
- 111. Michele Manning
- 112. Gayle Roberts
- 113. Cindi Goldberg
- 114. Sally Nelson
- 115. Kyle Miller
- 116. Lael Gerhart
- 117. Gazelle Babae
- 118. Kendra Levine
- 119. Sumner Brenner
- 120. Nehama Rogozen
- 121. Theresa Gensler
- 122. Shirley Dean

### **Item #45: FY 2020 Civic Arts Grant Awards**

- 123. Sacred and Profane
- 124. Daniel Nevers
- 125. Anne Aronov
- 126. Giulio Perrone
- 127. Dan Scharlin
- 128. Lisa Bullwinkel
- 129. Gregory Scharpen
- 130. Ben Gross
- 131. Jan Murota
- 132. Laura Moriarty

### **Item #47: Referral Response: Community Microbond Initiative**

- 133. 42 Identical form letters, in support of
- 134. Dee Duncan
- 135. Alfred Twu

- 136. Luke Kim
- 137. Jeremy Meyer
- 138. Ally Medina
- 139. Colin Stewart
- 140. Alex Lee, on behalf of Liquidigy, Inc.
- 141. Kathleen Crandall

### **Supplemental Communications and Reports 3**

#### **Item #39: FY 2020 and FY 2021 Biennial Budget Adoption**

- 142. Jane Ellis
- 143. Ben Gerhardstein, on behalf of Walk Bike Berkeley
- 144. Margie Cochran, on behalf of The Center for Independent Living
- 145. Chimey Lee
- 146. Barbara Rydlander
- 147. Sarah Garrett
- 148. Katharine Bierce
- 149. Stephen Barton
- 150. Sian Geraghty
- 151. Joel Moalem
- 152. Moni Law
- 153. Karla Herndon
- 154. Kelley Cox
- 155. Tony Thurmond, on behalf of the California Department of Education
- 156. Joel Hart

#### **Item #45: FY 2020 Civic Arts Grant Awards**

- 157. Hadley Dynak
- 158. Dennis Markham
- 159. Margaret O'Connor
- 160. Henry Parsons
- 161. Gene Dominique
- 162. Shawn Hibmacronan
- 163. Jessica Cadkin
- 164. Gary Parsons

#### **Item #47: Referral Response: Community Microbond Initiative**

- 165. Christian Kameir, on behalf of Sustany Capital
- 166. Gozde Gorce
- 167. Suruchi Gupta
- 168. Christian Ferri
- 169. Unknown

#### **Cool Climate Network**

- 170. Unknown



Office of the City Manager

CONSENT CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: Establish 2020 City Council Meeting Schedule

RECOMMENDATION

Adopt a Resolution establishing the City Council regular meeting schedule for 2020, with starting times of 6:00 p.m. and providing for ceremonial items to be taken up as special items noticed to be heard in advance of the scheduled start time of regular meetings.

FISCAL IMPACTS OF RECOMMENDATION

None.

BACKGROUND

Pursuant to the Open Government Ordinance, the Council must adopt an annual meeting schedule totaling 24 meetings. The schedule generally consists of either two or three meetings per month and provides for Spring, Summer and Winter recess periods. Meetings have not been scheduled on City holidays, Election Day or days of major religious observance.

The second meeting in December is scheduled for December 15, 2020. This meeting will be the first meeting for re-elected and newly elected officials. Due to changes in state election laws related to the post-election canvass of votes, the Registrar of Voters is likely to certify the election on December 3, and adequate time is needed to prepare the certification documents to appear on the Council agenda.

City Council Worksessions will be consolidated and scheduled for monthly special meetings.

The Mayor or a majority of the Council may call special meetings as needed. The Council may also amend the regular meeting schedule when necessary.

At the July 8, 2019 meeting of the Agenda & Rules Committee, the Committee recommended that the City Council meeting schedule for 2020 provide for ceremonial

items to be taken up as special items noticed to be heard in advance of the scheduled start time of regular meetings.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1: Resolution

Exhibit A: 2020 Council Calendar



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

ADOPTING THE CITY COUNCIL 2020 REGULAR MEETING SCHEDULE

WHEREAS, pursuant to the Open Government Ordinance, the Council must adopt an annual meeting schedule totaling 24 meetings; and

WHEREAS, the schedule generally consists of either two or three meetings per month and provides for Spring, Summer and Winter recess periods; and

WHEREAS, the proposed schedule (Exhibit A) provides for regular meetings to occur with starting times of 6:00 p.m. on specified Tuesdays of each month with exceptions provided for recess periods or when a meeting would fall on a City, religious or cultural holiday or Election Day, and allows for ceremonial items to be taken up as special items noticed to be heard in advance of the scheduled start time of regular meetings; and

WHEREAS, the Council desires to establish as part of their schedule a Winter, Spring and Summer recess period for 2020; and

WHEREAS, the Mayor or a majority of the Council may call special meetings or revise the regular meeting schedule when necessary.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council adopts the 2020 regular meeting schedule on specified Tuesdays at 6:00 p.m. as indicated:

Winter Recess – December 11, 2019 – January 20, 2020  
January 21 and January 28, 2020  
February 11 and February 25, 2020  
March 10, March 24, and March 31, 2020  
Spring Recess – April 1 – April 20, 2020  
April 21 and April 28, 2020  
May 12 and May 26, 2020  
June 2, June 16 and June 30, 2020  
July 14 and July 28, 2020  
Summer Recess – July 29 – September 14, 2020  
September 15 and September 22, 2020  
October 13 and October 27, 2020  
November 10 and November 17, 2020  
December 1 and December 15, 2020  
Winter Recess – December 16, 2020 – January 18, 2021

BE IT FURTHER RESOLVED that ceremonial items may be taken up as special items noticed to be heard in advance of the scheduled start time of regular meetings.

Exhibit A: 2020 Council Calendar

## City Clerk Department 2020 Council Calendar

(Subject to change. For the latest information, please contact the City Clerk Department, 981-6900.)

Note: Ceremonial items may be taken up as special items noticed to be heard in advance of the scheduled start time.

Date	Time
<b>January</b>	
<b>Winter Recess (Dec. 11, 2019 – Jan. 20, 2020)</b>	
Jan 21	6:00 p.m.
Jan 28	6:00 p.m.
<b>February</b>	
Feb 11	6:00 p.m.
Feb 25	6:00 p.m.
<b>March</b>	
Mar 10	6:00 p.m.
Mar 24	6:00 p.m.
Mar 31	6:00 p.m.
<b>April</b>	
<b>Spring Recess (April 1 – April 20, 2020)</b>	
April 21	6:00 p.m.
April 28	6:00 p.m.
<b>May</b>	
May 12	6:00 p.m.
May 26	6:00 p.m.
<b>June</b>	
June 2	6:00 p.m.
June 16	6:00 p.m.
June 30	6:00 p.m.
<b>July</b>	
July 14	6:00 p.m.
July 28	6:00 p.m.
<b>Summer Recess (July 29 – Sept. 14, 2020)</b>	
<b>September</b>	
Sept 15	6:00 p.m.
Sept 22	6:00 p.m.
<b>October</b>	
Oct 13	6:00 p.m.
Oct 27	6:00 p.m.
<b>November</b>	
Nov 10	6:00 p.m.
Nov 17	6:00 p.m.
<b>December</b>	
Dec 1	6:00 p.m.
Dec 15	6:00 p.m.
<b>Winter Recess (Dec. 16, 2020 – Jan. 18, 2021)</b>	



Office of the City Manager

CONSENT CALENDAR

July 23, 2019

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted By: Mark Numainville, City Clerk  
Subject: Voting Delegates – League of California Cities Annual Conference

RECOMMENDATION

Designate Councilmember Kate Harrison as the voting delegate and Councilmember Rigel Robinson as the alternate for the business meeting of the Annual League of California Cities meeting to be held on Friday, October 18, 2019, at the Long Beach Convention Center.

FISCAL IMPACTS OF RECOMMENDATION

Conference fees of approximately \$550 for the full conference or \$325 for a one-day pass.

BACKGROUND

The League laws allow for any official of a member city, with the approval of the city council, to be designated the city's voting delegate or alternate at the annual business meeting.

As designated in Resolution No. 68,744-N.S. Councilmember Harrison is the City's representative for the League and Councilmember Robinson is the alternate.

This year's conference is being held in Long Beach from Wednesday, October 16 through Friday, October 18, 2019. Each city is allowed to cast one vote on matters pertaining to League policy. The voting delegate or alternate must be registered for the conference.

At the Agenda & Rules Committee meeting of July 8, 2019, the Committee recommended that this item recommend designating Councilmember Kate Harrison as the voting delegate and Councilmember Rigel Robinson as the alternate.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments

1: Voting Delegate Information



<b>Council Action Advised by August 30, 2019</b>
--

June 10, 2019

**TO: Mayors, City Managers and City Clerks**

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES  
League of California Cities Annual Conference – October 16 - 18, Long Beach**

The League's 2019 Annual Conference is scheduled for October 16 – 18 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for 12:30 p.m. on Friday, October 18, at the Long Beach Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

**Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, October 4. This will allow us time to establish voting delegate/alternate records prior to the conference.**

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: [www.cacities.org](http://www.cacities.org). In order to cast a vote, at least one voter must be present at the

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Sacramento Convention Center, will be open at the following times: Wednesday, October 16, 8:00 a.m. – 6:00 p.m.; Thursday, October 17, 7:00 a.m. – 4:00 p.m.; and Friday, October 18, 7:30 a.m.–11:30 a.m.. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League's office by Friday, October 4. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



## Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: \_\_\_\_\_

2019 ANNUAL CONFERENCE  
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, October 4, 2019. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

**Please note:** Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

2. VOTING DELEGATE - ALTERNATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

3. VOTING DELEGATE - ALTERNATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

**ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).**

Name: \_\_\_\_\_

Email \_\_\_\_\_

Mayor or City Clerk \_\_\_\_\_  
(circle one) (signature)

Date \_\_\_\_\_ Phone \_\_\_\_\_

**Please complete and return by Friday, October 4, 2019**

League of California Cities  
**ATTN: Darla Yacub**  
1400 K Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

**FAX: (916) 658-8240**  
E-mail: [dyacub@cacities.org](mailto:dyacub@cacities.org)  
(916) 658-8254





Office of the City Manager

CONSENT CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Paul Buddenhagen, Deputy City Manager  
 Subject: Affordable Housing Projects; Federal Tax Law Reimbursement Resolution

RECOMMENDATION

Adopt a Resolution allowing the City to pay certain costs of affordable and moderate income housing projects prior to the date of execution, delivery or issuance of tax-exempt bonds, and to use a portion of the proceeds of the tax-exempt bonds for reimbursement of expenditures for the projects that are paid before the date of execution, delivery or issuance of the obligations. The maximum principal amount of the obligations is expected to be \$175,000,000.

FISCAL IMPACTS OF RECOMMENDATION

Adoption of the Resolution preserves the ability of the City to issue tax-exempt bonds to reimburse itself for expenditures on affordable and moderate income housing projects. Tax-exempt bonds typically have a lower interest cost than taxable bonds.

CURRENT SITUATION AND ITS EFFECTS

The City Council is considering a number of affordable housing projects, and approved the Berkeley Way and 1601 Oxford Street projects in December 2018. Staff recommend that the City adopt a resolution declaring its intent to reimburse itself for capital expenditures on affordable housing projects from proceeds of tax-exempt Measure O Bonds and other tax-exempt obligations (such as a general fund lease, if applicable). The resolution does not commit the City to advance money for housing costs and it does not commit the City to issue the Measure O bonds as tax-exempt bonds. However, adopting the resolution in this report would preserve the ability for reimbursement of expenditures from tax-exempt bonds on affordable and moderate income housing projects.

This council item supports the City's strategic plan goal of "creating affordable housing and housing support services for our most vulnerable community members."

BACKGROUND

**Federal Tax Law.** It is not uncommon for public agencies to expend money on capital costs of a project (most frequently, design and engineering costs) prior to issuing bonds

to finance the project, and to reimburse themselves for those initial costs with bond proceeds.

However, the Internal Revenue Service has promulgated regulations limiting public agencies' ability to reimburse themselves with proceeds of tax-exempt bonds; among other things, the regulations require the public agency to declare its intent to reimburse itself at least 60 days prior to the capital expenditures.

Interest on tax-exempt bonds is excluded from gross income for federal income taxation, so investors will accept a lower interest rate on tax-exempt bonds than on taxable bonds.

**Measure O.** At an election held on November 6, 2018, the registered voters of the City approved Measure O, which authorized the issuance of \$135,000,000 of general obligation bonds ("Measure O Bonds") to create and preserve affordable housing for low-income households, working families, and individuals including teachers, seniors, veterans, the homeless, and persons with disabilities.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Adopting this resolution preserves the City's flexibility to reimburse itself from tax-exempt bonds for capital expenditures on affordable housing projects.

ALTERNATIVE ACTIONS CONSIDERED

If the City does not adopt this resolution, it would limit its ability to reimburse itself for capital expenditures on affordable housing projects with tax-exempt bonds.

CONTACT PERSON

Paul Buddenhagen, Deputy City Manager, 510 981-7014

Attachments:

- 1: A Resolution Declaring Intention to Reimburse Expenditures from the Proceeds of Tax-Exempt Obligations to be Issued by the City

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

A RESOLUTION DECLARING INTENTION TO REIMBURSE  
EXPENDITURES FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS  
TO BE ISSUED BY THE CITY

WHEREAS, at an election held on November 6, 2018, the registered voters of the City of Berkeley (the "City") approved Measure O, which authorized the issuance of \$135,000,000 of general obligation bonds ("Measure O Bonds") to create and preserve affordable housing for low-income households, working families, and individuals including teachers, seniors, veterans, the homeless, and persons with disabilities; and

WHEREAS, the City proposes to undertake one or more affordable housing projects (the "Projects") and may finance all or a portion of the projects with a tax-exempt lease (the "Lease") or tax-exempt Measure O Bonds (together with the Lease, the "Obligations"), and to use a portion of the proceeds of the Obligations to reimburse expenditures made for the project prior to the issuance of the Obligations;

WHEREAS, United States Income Tax Regulations section 1.150-2 provides generally that proceeds of tax-exempt debt are not deemed to be expended when such proceeds are used for reimbursement of expenditures made prior to the date of issuance of such debt unless certain procedures are followed, one of which is a requirement that prior to the payment of any such expenditure, the issuer declares an intention to reimburse such expenditure; and

WHEREAS, it is in the public interest and for the public benefit that the City declares its official intent to reimburse the expenditures referenced herein.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley approves the following:

Section 1. The City intends to cause the Obligations to be executed, delivered or issued for the purpose of paying all or a portion of the costs of the Projects.

Section 2. The City hereby declares that it reasonably expects (i) to pay certain costs of the Projects prior to the date of execution, delivery or issuance of the Obligations, and (ii) to use a portion of the proceeds of the Obligations for reimbursement of expenditures for the Projects that are paid before the date of execution, delivery or issuance of the Obligations.

Section 3. The maximum principal amount of the Obligations is expected to be \$175,000,000.





Office of the City Manager

CONSENT CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams Ridley, City Manager

Submitted by: Paul Buddenhagen, Deputy City Manager

Subject: Animal Care Services Providing Mutual Aid in Disasters

RECOMMENDATION

Adopt a Resolution approving the Berkeley Animal Care Services (BACS) Mutual Aid Agreement policy to provide animal services in disaster and emergency situations.

FINANCIAL IMPLICATIONS

No change over existing BACS budget.

CURRENT SITUATION AND ITS EFFECTS

In order to provide an adequate response to large-scale disasters, municipalities are compelled to request mutual aid assistance from public safety departments throughout the state. These disasters affect not only people but also pets, livestock and wildlife. After a disaster event, it has become common for affected communities to request mutual aid from trained animal services professionals to assist with animal-related needs. The types of assistance requested include but are not limited to: collecting lost and abandoned pets, herding lost and abandoned livestock, providing basic care and feeding in both established and temporary animal shelters, and feeding isolated wildlife. Requests for mutual aid are disseminated from the State of California to counties which then disseminate requests to their respective municipalities. The City of Berkeley has a policy in place to provide both fire and police assistance when mutual aid is requested, and has mutual aid agreements in place with Alameda County, but no such policy currently exists to provide animal assistance, leaving the City unable to respond to mutual aid requests nor enter into mutual aid agreements.

BACKGROUND

Over the past several years, California has experienced multiple large-scale disasters, such as the Atlas and Camp Wildfires. Following the Camp Fire of 2018, Butte County issued urgent requests for animal services personnel from all over the state to assist with the animal needs. Over 2,000 domestic animals displaced by the fire were housed in emergency shelters, needing basic care and feeding. Animal service professionals were needed to provide care for these animals as well as to retrieve lost and abandoned pets. Within two months following the fire, personnel from 48 California animal service agencies provided mutual aid to Butte County including Emeryville

Animal Services, Piedmont Animal Services and Oakland Animal Services. Berkeley Animal Care Services was unable to respond to the request because no mutual aid agreement existed between BACS and Alameda County, and there was no policy to support forming such an agreement.

The establishment of a mutual aid agreement policy for Berkeley Animal Care Services will allow the division, as it is able, to deploy Animal Control Officers, Animal Service Assistants and Registered Veterinary Technicians, as well as employees classified as Animal Services Managers to provide mutual aid in the event that a request is received by Alameda County. Members will be deployed only if they volunteer for deployment, and their deployment is supported by management. Daily staffing needs, and operations of the department shall be considered when mutual aid requests are filled. The proposed policy to provide mutual aid was modeled after the policy used by Berkeley Fire Department, and has been reviewed by City of Berkeley's City Manager's Office, Human Resources Department, City Attorney's Office, Office of Emergency Services, and Local SEIU 1021 Maintenance Chapter.

ENVIRONMENTAL SUSTAINABILITY

No environmental impact

CONTACT PERSON

Amelia Funghi, Manager, Animal Care Services 510 981-6603

Attachments:

1. Resolution to Approve Berkeley Animal Care Services Mutual Aid Agreement Policy  
Exhibit A: Animal Care Services Mutual Aid Agreement Policy
2. Animal Care Services Mutual Aid Deployment Checklist

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

APPROVING THE BERKELEY ANIMAL CARE SERVICES MUTUAL AID  
AGREEMENT POLICY

WHEREAS, Over the past several years, California has experienced multiple large scale disasters, affecting people as well as pets, livestock, and wildlife; and

WHEREAS, affected communities often request mutual aid response to such disasters from trained animal services professionals to assist with animal-related needs; and

WHEREAS, requests for mutual aid are disseminated from the State of California to counties and subsequently to cities; and

WHEREAS, The City of Berkeley has a policy in place to provide both fire and police assistance when mutual aid is requested, and has mutual aid agreements in place with Alameda County for police and fire, but no such policy currently exists to provide animal assistance, leaving the City unable to respond to mutual aid requests nor enter into mutual aid agreements; and

WHEREAS, The proposed policy to provide animal assistance mutual aid, modeled after the Berkeley Fire Department agreement, has been reviewed by City of Berkeley's City Manager's Office, Human Resources Department, City Attorney's Office, Office of Emergency Services, and SEIU Local 1021 Maintenance Chapter;

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley adopt a resolution approving the Berkeley Animal Care Services Mutual Aid Agreement Policy contained herein as Exhibit A.

Exhibit A: Berkeley Animal Care Services Mutual Aid Agreement Policy

## I. POLICY

- A. Upon receipt of a mutual-aid request from Alameda County in accordance with mutual-aid agreements, the Animal Services Manager will use their discretion in sending resources. Daily staffing needs, and operations of the department shall be considered when mutual aid requests are filled. The Assistant to the City Manager will approve all requests.

## II. PURPOSE

- A. To establish what responsibility a member has in regards to maintaining qualifications and being prepared for mutual aid deployments.
- B. To establish a process for selection of members following a Mutual Aid request.

## III. DEFINITIONS

- A. IMMEDIATE NEED: The response mode used when the need for resources is urgent. Animal Control Officers would respond within 12 hours to the rendezvous location determined by the Incident Commander or requesting agency.
- B. PLANNED NEED: The response mode used when the requested resources are not needed until the next operational period or as specified by the requesting agency. Resources will rendezvous prior to departure.
- C. PERSONAL GEAR KIT: The kit that contains personal items such as clothing, medications, and toiletries. This kit is commonly referred to as a Go Bag or "Out of County Bag". (see Deployment Checklist)
- D. PERSONAL PROTECTIVE EQUIPMENT (PPE): The minimum ensemble required to protect personnel from all foreseeable hazards associated with the response. PPE ensembles must address the all-risk potential of out-of-county responses. (see Deployment Checklist)

## IV. STAFFING

- A. The Department may deploy Animal Control Officers, Animal Service Assistants, Registered Veterinary Technician and/or Animal Services Manager. Members should be prepared for up to a 14-day commitment not to include travel time to and from the incident.
- B. Priority may be given to Animal Control Officers.

## V. AVAILABILITY FOR SELECTION

- A. Animal Services staff shall have completed FEMA course IS 10a, IS11a, IS100c and IS 200b prior to deployment for mutual aid.
- B. Animal Services staff committed to working minimum-staffing overtime during the 14-day period may accept a deployment and the Department will coordinate backfilling of the vacancy that is created if possible. In the event that staff are unable to fulfill their previously requested mutual aid deployment, they must immediately notify the Animal Services Manager.



- C. Only those Animal Services staff who volunteer may be deployed for mutual aid assignments. Decisions about which staff are deployed will be based on daily staffing needs and operations of the department, with approval of the Assistant to the City Manager.
- VI. **CONTACTING STAFF**
- A. On Duty staff will be contacted by the Animal Services Manager at the time of the request. If additional staff are required for deployment, off duty staff may be contacted as well.
- VII. **PERSONAL GEAR KIT**
- A. The Personal Gear Kits or “Go Bags” are the responsibility of each member to prepare and maintain on their person whenever they are available for an assignment to a mutual aid request. A member’s Go Bag should contain all supplies necessary to maintain personal hygiene and comfort for a minimum of a 14-day commitment. (See Deployment Checklist)
- VIII. **PERSONAL PROTECTIVE EQUIPMENT (PPE)**
- A. All personnel assigned on the response, must have in their possession all appropriate PPE that could be needed on the assignment. (See Deployment Checklist)
- IX. **DISPATCH AND RESPONSE**
- A. **Immediate Need** Animal Services mutual aid resources must respond to incidents within 12 hours from time request is received. Immediate need staff will rendezvous at a location determined by the Incident Commander or requesting agency.
- B. **Planned Need** Mutual aid resources typically respond within the operational area, region, or state as needed for the next operational period or as determined by requesting agency.
- X. **VEHICLE PROCUREMENT**
- A. Animal Services respondents who will need a vehicle for transportation to the site should work with the Animal Services Manager to secure a City Fleet vehicle if one is available.
- XI. **DURATION OF ASSIGNMENT**
- A. Members shall be responsible for all costs of meals while traveling to and returning from the incident.
- B. Members assigned to a mutual aid request shall be initially committed for a maximum of 14 days, excluding travel. Members being requested to extend past 14 days shall contact the Animal Services Manager for approval.
- XII. **DOCUMENTATION**
- A. Deployed staff shall maintain a chronological log (Incident Command System 214 form) of activities, commencing with the time of departure until return.
- B. Staff shall report any injuries, loss or damage to equipment or apparatus, and the circumstances surrounding the incident(s) to the onsite supervisor and complete the

appropriate paperwork. Any loss or damage to equipment or apparatus while assigned to an incident shall be reported to an immediate supervisor and incident reporting procedures shall be followed. In the event of a treatable injury or death of a staff member, the Animal Services Manager shall be notified as soon as possible.

- C. The required reports (ICS 214, F-42, FCO-76, and ICS 225 Performance Evaluation Report) and fuel receipts shall be forwarded by the staff member to the Finance Section through the Animal Services Manager.
- D. When a private vehicle is utilized, a Form 57, Travel Request and Claim for Reimbursement Request shall be completed annotating the mileage for reimbursement. When a rental vehicle is utilized, a Cal OES Form 142A, IN STATE Travel and Incident Related Expense Log shall be completed annotating the cost of the rental vehicle. The rental receipt shall accompany the Cal OES Form 142A. In the event a rental vehicle is authorized and the member pays for the rental, Form 57 shall be completed annotating the cost for reimbursement. All documents shall be forwarded immediately upon return to Berkeley.

XIII. **REFERENCES**

- A. California Incident Command Certification System (CICCS), *Administrative Manual*, Section 103.004

## DEPLOYMENT CHECKLIST

### When placed on standby for potential deployment:

- Inform the notifying Alameda County Emergency Management Mutual Aid (EMMA) Coordinator of any special accommodations you may need such as those related to physical disability.
- Check work and personal schedules for potential conflicts; develop plans or strategies to clear conflicts
- Follow proper protocol within your agency to gain approval for the potential deployment
- Check deployment personal 'Go Kit' to ensure readiness
  - Ensure that you have a two-week supply of prescription medications
  - Ensure you have adequate travel cash
  - Ensure personal identification is included
- Include any equipment needed for the deployment that is specific to Animal Services (see attachment)
- If taking a vehicle, determine COB contingency for breakdowns out of the city.
- Charge and pack cell phone, pack charger, car charger
  - If you plan on bringing your personal electronics consider rules regarding replacement of items not requested as part of your deployment

---

### Once requested to deploy:

- Contact the appropriate EMMA Coordinator from the City of Berkeley to do the following:
  - Request a copy of the most recent Situation Summary to establish operational awareness
  - Identify assigned position/role, deployment location, special route or other travel instructions (e.g., preferred mode of travel)
  - Check for road closures and predetermine the route staff will take to the staging area
  - Identify assigned supervisor and phone/e-mail contact information
  - Identify travel arrangement process (e.g., has the Requesting jurisdiction blocked hotel rooms?)
  - Request a copy of the completed EMMA Form 1 - *Resource Request and Assignment*
  - Request briefing on any special work site security or access procedures and any

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**special environmental or health concerns for the area where you are being deployed**

- **Exchange cell phone and other contact information with your site supervisor**
- **Notify your employer of your deployment schedule, change voicemail and e-mail messages to reflect your absence**

## **DEPLOYMENT CHECKLIST**

- **Get supervisor approval for travel through City Attendance and Travel Request form**
- **Make travel, rental car and lodging reservations, provide travel and lodging information to local and Regional EMMA Support Coordinators. Determine length of stay and secure approval of supervisor.**
- **Complete packing and travel**

---

**Upon arrival at assigned location:**

- **Notify Providing Jurisdiction EMMA Coordinator and COB EMMA Coordinator of safe arrival**
- **Sign in through the appropriate location and obtain any security passes/identification that may be required**
- **Whenever possible obtain a copy of your 'sign in sheet', this may be an ICS-211 Incident Check-in List or other similar form**
- **Notify the Requesting EMMA Coordinator of your arrival and verify assigned location (requesting EMMA Coordinator should inform Regional EMMA Coordinator)**
- **Determine nearest medical provider as indicated in the Incident Action Plan which is available at the site. Notify the Animal Services Manager of any injury so that normal City procedures for work related injury can be implemented**
- **Check in with your assigned supervisor for an assignment briefing, including:**
  - **Your position, operational period and shift assignment**
  - **Delegation of authority, resource request and financial commitment approval procedures**
  - **Personnel list for assigned staff**
  - **Information security protocols**
  - **Potential political issues or sensitivities**
  - **Workstation location**
  - **Point of contact to set up computer network and voicemail system access, acquire**

**phone number directory, e-mail address lists and Emergency Operations Center (EOC) software tip sheets or operational software training**

- **Copy of the current Incident Action Plan/Action Plan, including:**
  - **Daily meeting and conference call schedules**
  - **Reporting deadlines**
  - **Situation status**
  - **Current priority activities**

## **DEPLOYMENT CHECKLIST**

- **Request a copy of available EOC orientation/operations information, including incident-specific safety briefing materials**
- **Set up workstation, including files to track assignment information:**
  - **Copy of the *EMMA Form 1 - Resource Request and Assignment***
  - **Timesheets to track hours worked (unless otherwise specified, deployed EMMA personnel should track time and hours as done at home agency)**
- **Maintain Duty Log (May use ICS 214-1 & 214-2) for reference after deployment, maintain copy. Upon return, complete City Time Sheets and attach ICS 214-1 and 214-2 Duty Logs**
- **Note lessons learned and suggestions for improvement of the Emergency Management Mutual Aid plan. Upon return, debrief with Animal Services Manager.**
- **Obtain *EMMA Form 4 - Exit Survey* to build a useful summary of after action items specifically aimed to build a better EMMA Plan.**

ATTACHMENT A  
Deployment Equipment List

PPE gear including boots, gloves, N95 masks, disposable medical coveralls, goggles.

Catch Pole

Animal Traps

Snappy Snare

Snake tongs

Transfer box

Squeeze cage

Loop leashes

Clip board

Pens

Sharpies

Feral cat gloves



Office of the City Manager

07

CONSENT CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance  
 Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 23, 2019

RECOMMENDATION

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

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is \$1,860,000.

<u>PROJECT</u>	<u>Fund</u>	<u>Source</u>	<u>Amount</u>
On-Call Marina Engineering, Environmental, Permitting and Construction Management Services	608	Marina Operations	\$500,000
FY20 Sidewalk Repairs	501	Capital Improvements	\$450,000
FY20 Sidewalk Inspection and Shaving Services	501	Capital Improvements	\$450,000
Street Light, Path light and Traffic Signal Pole Painting	142 134	Street Lighting Meas BB – Local Streets and RD	\$310,000
Preparation and Painting of interiors and exteriors of City of Berkeley Owned, operated, occupied buildings in and adjacent to the City's Civic Center area	673	Building Maintenance	\$150,000
<b>Total:</b>			<b>\$1,860,000</b>

CURRENT SITUATION AND ITS EFFECTS

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

BACKGROUND

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

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Need for the services.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Shari Hamilton, General Services Manager, Finance, 510-981-7329

Attachments:

1: Formal Bid Solicitations and Request for Proposals Scheduled For Possible Issuance After Council Approval on June 25, 2019

- a) On-Call Marina Engineering, Environmental, Permitting and Construction Management Services
- b) FY20 Sidewalk Repairs
- c) FY20 Sidewalk Inspection and Shaving Services
- d) Street Light, Path Light, and Traffic Signal Pole Painting
- e) Preparation and Painting of interiors and exteriors of City of Berkeley owned, operated, occupied buildings in and adjacent to the City's Civic Center area

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



DATE SUBMITTED: July 23, 2019

SPECIFICATION NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
19-11341-C	On-Call Marina Engineering, Environmental, Permitting and Construction Management Services	7/25/2019	8/22/2019	On call services for the provision of environmental documentation, regulatory permitting, engineering and construction management services for various capital improvements at the Berkeley Marina.	\$500,000	608-52-545-000-0000-000-461-612310 (Marina Fund, Prof Svcs - Engineering Svcs)	PRW/Waterfront	Nelson Lam 981-6395
<b>DEPT. TOTAL</b>					<b>\$500,000</b>			
20-11344-C	FY20 Sidewalk Repairs	7/24/2019	8/29/2019	Proactive and Responsive sidewalk work throughout Berkeley.	\$450,000	501-54-623-674-0000-000-431-612310-FY 20 & 21 baselines (\$75k/yr)  501-54-623-674-0000-000-431-612990-FY 20 & 21 Baselines (\$25k/yr)  501-54-623-674-0000-000-431-665110-(to be appropriated here pending AAO1 – Equity transfer)	PW Eng	Srinivas Muktevi 981-6402
20-11345-C	Fy20 Sidewalk Inspection and Shaving Services	7/24/2019	8/29/2019	Inspection of locations on the 50/50 Sidewalk repair list, application of shaving treatment as needed	\$450,000	501-54-623-674-0000-000-431-612310-FY 20 baseline \$60k, \$90k carryover FY 19  501-54-623-674-0000-000-431-612990-FY 20 & 21 Baselines (\$25k/yr)  501-54-623-674-0000-000-431-665110-(to be appropriated here pending AAO1 – Equity transfer)	PW Eng	Srinivas Muktevi 981-6402

DATE SUBMITTED: July 23, 2019

SPECIFICATION NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
20-11346-C	Street Light, Path Light, and Traffic Signal Pole Painting	7/24/2019	8/15/2019	Preparation and painting of selected Street Light Poles, Path Light Poles, and Traffic Signal Poles throughout the City of Berkeley.  Three year contract  Contractor to provide all materials, equipment, and labor required to complete the painting	\$310,000	For Street Light and Path Light Poles: 142-54-624-694-3018-000-426-665110-  For Traffic Signal Poles: 134-54-624-695-0000-000-431-651110-	Public Works Streets & Operations	Mike Loyola 981-6490
20-11347-C	Preparation and Painting of interiors and exteriors of City of Berkeley owned, operated, occupied buildings in and adjacent to the City's Civic Center area	7/24/2019	8/15/2019	Preparation and painting of selected building interiors and exteriors of City owned, occupied, and/or operated buildings in and adjacent to the City's Civic Center area.  Three year contract  Contractor to provide all materials, equipment, and labor required to complete the painting	\$150,000	673-54-624-692-0000-000-474-624110-	Public Works Facilities Building Maintenance	Aaron Baker 981-6452
<b>DEPT. TOTAL</b>					<b>\$1,360,000</b>			
<b>GRAND TOTAL</b>					<b>\$1,860,000</b>			



Office of the City Manager

CONSENT CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Kelly Wallace, Interim Director, HHCS

Subject: Contract No. 10631A Amendment: Resource Development Associates for HOTT Evaluation Consulting Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 10631A with Resource Development Associates (RDA) to build a database for the Mental Health Division's Homeless Outreach and Treatment Team (HOTT), in an amount not to exceed \$6,500, for a total contract amount not to exceed \$54,500.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the additional scope of work in the amount of \$6,500 will be provided from the Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) Homeless Outreach Fund, ERMA GL Account 315-51-503-526-2016-000-451-612990. The Contract Management System number for this contract amendment is CMS No. SYLF8.

CURRENT SITUATION AND ITS EFFECTS

RDA has provided reliable evaluation consulting services for HOTT for almost two years. They will create a proprietary database for the collection and analysis of quantitative data to understand demographics of clients, goods and services provided, and referrals to the HOTT program in support of our most vulnerable community members.

BACKGROUND

The City of Berkeley's Homeless Outreach Treatment Team (HOTT) is a homeless outreach and engagement pilot program with the goal of engaging homeless individuals currently living on the streets of Berkeley and Albany who have significant mental health needs, connecting them to emergency housing resources (such as emergency shelters and motels), and assisting them with referrals to temporary and permanent housing programs and resources. This three-year pilot program is 60% funded by the City's Mental Health Services Act (MHSA) resources [a combination of Community Services and Supports (CSS) and Prevention Early Intervention (PEI) funds], 30% from realignment funds, and 10% from the City of Berkeley's General Fund. Given the diversification of program funds, HOTT has the ability to serve the chronically homeless

population, while also providing services to individuals with severe and persistent mental illness (SPMI), services for individuals to prevent SPMI, and services to those with functional impairments due to a mental health disorder or high profile problematic behaviors on the streets.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the action requested in this report.

RATIONALE FOR RECOMMENDATION

The HOTT program serves individuals experiencing chronic homelessness who also may be experiencing severe and persistent mental illness (SPMI) or functional impairments due to a mental health problem. The data will be used to 1) assess the efficacy of program implementation, 2) determine who is being referred and served, how much and in what ways, and 3) determine the success of the referral and linkage process, with the goal of creating an impactful program distinguished from other homeless service programs. It is an important resource for the homeless population as well as the larger community where it intersects the issue of homelessness.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Conor Murphy, Assistant Management Analyst, Mental Health Division, HHCS, (510) 981-7611

Attachments:

1: Resolution

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

CONTRACT NO. 10631A AMENDMENT: RESOURCE DEVELOPMENT ASSOCIATES  
FOR HOTT EVALUATION CONSULTING SERVICES

WHEREAS, on July 1, 2017, the City of Berkeley entered into Contract No.10631 with Resource Development Associates (RDA) for Homeless Outreach and Treatment Team (HOTT) evaluation consulting services in an amount not to exceed \$24,000 for the period July 1, 2017 to June 30, 2018; and

WHEREAS, this contract was previously amended on July 1, 2018, to increase the total contract amount by \$24,000 for a total amount of \$48,000 and to extend the expiration date to June 30, 2020; and

WHEREAS, the creation of a database, in an amount not to exceed \$6,500, is to be performed by Resource Development Associates to complete the project; and

WHEREAS, Resource Development Associates has specific expertise in creating this type of database and are very familiar with the unique needs of the Homeless Outreach and Treatment Team, making it necessary for the City to contract with this vendor to perform this work; and

WHEREAS, Resource Development Associates was selected through a competitive request for proposals process;

WHEREAS, funds are available to perform this work in the current year budget in the Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) Homeless Outreach Fund, ERMA GL Account 315-51-503-526-2016-000-451-612990, and this contract amendment has been entered into the Citywide contract database and assigned CMS No. SYLF8.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute an amendment to the contract with Resource Development Associates for Homeless Outreach and Treatment Team evaluation consulting services for a total not to exceed \$54,500, and maintaining the term through June 30, 2020. A record signature copy of said contract to be on file in the City Clerk Department.





Office of the City Manager

CONSENT CALENDAR  
July 23, 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: Mental Health Services Act (MHSA) Fiscal Year 2019-2020 (FY20) Annual Update

RECOMMENDATION

Adopt a Resolution approving the Mental Health Services Act (MHSA) Fiscal Year 2019-2020 (FY20) Annual Update, which provides information on current and proposed uses of funds on mental health programming, and forwarding the MHSA FY20 Annual Update to appropriate state officials.

FISCAL IMPACTS OF RECOMMENDATION

Approval of the FY20 Annual Update enables funding for MHSA programs and services. The City of Berkeley receives funding from MHSA revenues on a monthly basis from the State of California. The total MHSA funding amount the City will receive in a given year is unknown until the end of the year, therefore MHSA plans and Annual Updates must approximate revenues and expenditures in a given year. The FY20 Annual Update includes the following estimated revenue and expenditures in each MHSA component and the local Prudent Reserve amount, as reported in this MHSA Annual Update:

MHSA Funding Component	Estimated Fund Balances (By 6/30/19)	Estimated New Funding (For FY20)	Transfer from Prudent Reserve (In FY20)	Estimated Expenditures (In FY20)
Community Services & Supports	\$6,777,484	\$4,797,986	\$320,323	\$7,015,404
Prevention & Early Intervention	\$1,801,362	\$1,349,684	\$47,864	\$1,690,045
Innovations	\$1,347,715	\$315,656	\$0	\$954,800
Workforce, Education & Training	\$5,000	\$0	\$0	\$5,000
Capital Facilities & Technological Needs	\$2,500,000	\$0	\$0	\$2,500,000
<b>TOTALS</b>	<b>\$12,431,561</b>	<b>\$6,463,326</b>	<b>\$368,187</b>	<b>\$12,165,249</b>

Due to staff changes in the past, careful efforts not to over allocate funds until needs were clear, and funding allocations in prior years differing from what was projected, the City of Berkeley has acquired a significant amount of unspent MHSA funds. Through the addition of new staffing and/or programming in previous MHSA Annual Updates and this

FY20 Annual Update, a significant portion of unspent funds will be utilized during the plan timeframe.

### CURRENT SITUATION AND ITS EFFECTS

The MHSA FY20 Annual Update is the local plan, informed by area stakeholders, that provides an update to the previously approved MHSA FY17/18 -19/20 Three Year Program and Expenditure Plan, details current mental health programs and services, and proposes areas of new programming and/or increased staffing and includes the state required MHSA FY15/16 – 17/18 Three Year Prevention & Early Intervention Evaluation Report and the FY18 Annual Innovations Evaluation Report. Per state legislation, MHSA Plans and Annual Updates must include a community program planning process with the involvement of area stakeholders, writing a draft plan, initiating a 30-day public review, and conducting a public hearing at a Mental Health Commission meeting.

Development of the City of Berkeley MHSA FY20 Annual Update included a Community Planning process to obtain input at numerous community meetings, public events and through the Berkeley Considers Forum; producing a draft plan; incorporating feedback from the planning process; a 30-Day Public Review from May 29 through June 27, and a Public Hearing on the evening of June 27 before the Mental Health Commission. Comments and input received during the 30-day Public Review and/or at the Public Hearing focused on:

- Increasing access to services for individuals who have physical disabilities, as well as vision and other co-disabilities.
- Ensuring that any program staff who are working with Trauma Informed Care models (and program staff in general) are provided with supports around Compassion Fatigue.
- Including funding for Senior Centers that can be flexibly used for housing issues, and other problems seniors are facing.
- Collaborating with the Wright Institute.
- Creating an RFP that provides additional services and supports for the LGBTQI population.

Written Public Comments received either during the 30-Day Public Review or that were distributed (and heard) at the Public Hearing are included in Exhibit A, MHSA FY2019-2020 Annual Update, Appendix E. Some of the various written comments received focused on increasing services and supports in Albany; and adopting a systems integrated framework and approach to utilize with Results Based Accountability for evaluating programs. All comments received during the 30 Day Public Review and the Public Hearing will be utilized to inform this and/or future MHSA Plans and Updates.

After the close of the Public Hearing the Mental Health Commission made the following motion:

M/S/C (Castro, Fine) Motion to approve the plan (MHSA FY20 Annual Update) and



move it to City Council.

Ayes: Castro, cheema, Fine, Kealoha-Blake; Noes: Heda; Abstentions: None; Absent: Davila.

### ENVIRONMENTAL SUSTAINABILITY

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

### BACKGROUND

California voters adopted the Mental Health Services Act (Proposition 63) on November 2, 2004. The Act places a 1% tax on every dollar of personal income over \$1 million. MHSA revenues are allocated to mental health jurisdictions across the state to transform the mental health system into one that is consumer and family driven, culturally competent, wellness and recovery oriented, collaborative with community partners, and inclusive of integrated services. MHSA includes the following five funding components:

- Community Services & Supports: Primarily for treatment services and supports for Severely Mentally Ill Adults and Seriously Emotionally Disturbed Children.
- Prevention & Early Intervention: For strategies to prevent mental illnesses from becoming severe and disabling.
- Workforce, Education & Training: Primarily for strategies to identify and remedy mental health occupational shortages, promote cultural competency, and promote the employment of mental health consumers and family members.
- Capital Facilities and Technological Needs: For capital projects on owned buildings and on mental health technology projects.
- Innovations: For short-term pilot projects designed to increase new learning in the mental health field.

MHSA also provides funding for local housing development; collaborative programs for suicide prevention, school mental health, programs that combat stigma and discrimination; and training and technical assistance in the areas of cultural competency and prevention/early intervention. Three of the funding components are allocated annually and may be spent over a three-year timeframe. These are Community Services & Supports, Prevention & Early Intervention, and Innovations. Workforce, Education & Training and Capital Facilities and Technological Needs funds were awarded with expenditure timeframes of 10 years each, and must be utilized by the end of FY18.

The City of Berkeley Mental Health (BMH) currently has an approved MHSA FY2018 through 2020 Three Year Program and Expenditure plan in place to utilize funds in each MHSA component area. This FY20 Annual Update is required by the state to provide an update to the previously approved Three Year Program and Expenditure Plan which runs through June 30, 2020. Since the inception of MHSA, funds have been utilized to transform the mental health service delivery system to better meet the needs of

underserved and inappropriately served communities, among others. This initiative has also provided the opportunity for BMH to further develop and expand the system of care by adding new programs within the division and utilizing non-profit providers in the planning and delivery of comprehensive mental health services.

Prior to July 2012, draft MHSA plans had to be approved by the State Department of Mental Health (DMH) after the community review process had been completed. The passage of AB 1467 in July 2012 requires the local governing board, Berkeley City Council, to approve MHSA plans and plan updates before submitting them to the State. An exception is Innovations plan updates, which must be approved by City Council as well as the State Mental Health Oversight and Accountability Commission (MHSOAC) when requesting funds for new Innovations programs.

#### Past Council Action

Since the inception of the MHSA program, Council has taken multiple actions including authorization of the following:

- March 7, 2006, \$1.1 million MHSA Community Services and Supports funds for three years through FY2008;
- July 25, 2006, \$2,510,238 MHSA Community Services and Supports funding ;
- May 6, 2008, \$5,523,662 MHSA Community Services & Supports, and Housing funds;
- March 20, 2012, \$429,600 MHSA Innovations funds, and to implement the Innovations Plan;
- September 11, 2012, approval of the MHSA Prevention & Early Intervention (PEI) Statewide Project Plan Update and execution of a Memorandum of Understanding (MOU) between the City and Alameda County Behavioral Health Care Services, to formalize the working relationship around PEI Statewide projects and funding through June 30, 2014.
- May 7, 2013, approval of the MHSA Fiscal Years 2012 and 2013 Annual Update for mental health services and supports through June 30, 2014
- January 21, 2014, approval of the Innovations Plan Update, and to increase the contract amounts on projects funded through June 30, 2014.
- June 24, 2014, approval of the MHSA Fiscal Years 2013 and 2014 Annual Update for mental health services and supports through June 30, 2015.
- January 27, 2015, approval of the Innovations Plan Amendment, to utilize \$44,500 to hire up to two consultants who will conduct the State required evaluation and community program planning for this MHSA component.
- May 26, 2015, approval of the MHSA Fiscal Years 2015 through 2017 Three Year Program and Expenditure Plan for mental health services and supports through June 30, 2016.
- April 26, 2016, approval of the MHSA Innovation Plan Update to implement a Trauma Informed Care Project for Educators through June 30, 2018.
- June 28, 2016, approval of the MHSA Fiscal Years 2015 and 2016 Annual Update for mental health services and supports through June 30, 2017.

- January 24, 2017, approval of the MHSA Fiscal Years 2016 and 2017 Annual Update for mental health services and supports through June 30, 2017.
- July 25 2017, approval of the MHSA Fiscal Years 2017/2018 – 2019/2020 Three Year Program and Expenditure Plan for mental health services and supports through June 30, 2018.
- October 30 2018, approval of the MHSA Innovations Trauma Informed Care Plan Update through June 30, 2021.
- October 30, 2018, approval of the MHSA Fiscal Years 2018 and 2019 Annual Update for mental health services and supports through June 30, 2019.

Council has also previously approved MHSA funding for local housing development projects and for contracts with community-based agencies to implement mental health services and supports; housing and vocational services, and translation services.

#### RATIONALE FOR RECOMMENDATION

State legislation requires mental health jurisdictions to create MHSA Three Year Plans and to provide updates on MHSA plans on an annual basis. The legislation also requires local approval on MHSA Plans and plan updates. Approval of the MHSA FY20 Annual Update will fulfill state requirements.

#### ALTERNATIVE ACTIONS CONSIDERED

As obtaining approval on MHSA plans and plan updates by the local governing body is a state requirement, no other alternative action was considered.

#### CONTACT PERSON

Karen Klatt, Community Services Specialist III, HH&CS, 981-7644

#### Attachments:

1. Resolution  
Exhibit A: MHSA FY2019-2020 Annual Update

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

MENTAL HEALTH SERVICES ACT (MHSA)  
FISCAL YEAR 2019 – 2020 (FY20) ANNUAL UPDATE

WHEREAS, Mental Health Services Act (MHSA) funds are allocated to mental health jurisdictions across the state for the purposes of transforming the mental health system into one that is consumer and family driven, culturally competent, wellness and recovery oriented, includes community collaboration, and implements integrated services; and

WHEREAS, MHSA includes five funding components: Community Services & Supports; Prevention & Early Intervention; Innovations; Workforce, Education & Training; and Capital Facilities and Technological Needs; and

WHEREAS, the City's Department of Health, Housing & Community Services, Mental Health Division, receives MHSA Community Services & Supports, Prevention & Early Intervention, and Innovations funds on an annual basis, and received one-time distributions of MHSA Workforce, Education & Training and Capital Facilities and Technological Needs funds; and

WHEREAS, in order to utilize funding for programs and services, the Mental Health Division must have a locally approved Plan, Annual Update, or Three Year Program and Expenditure Plan in place for the funding timeframe; and

WHEREAS, on May 7, 2013 by Resolution No. 66,107-N.S., the City Council authorized the City Manager to approve the MHSA Fiscal Years 2012 and 2013 Annual Update; and

WHEREAS, on June 24, 2014 by Resolution No. 66,668-N.S., the City Council authorized the City Manager to approve the MHSA Fiscal Years 2013 and 2014 Annual Update; and

WHEREAS, on May 26, 2015 by Resolution No. 67,026-N.S., the City Council authorized the City Manager to approve the MHSA Fiscal Years 2015 through 2017 Three Year Program and Expenditure Plan; and

WHEREAS, on June 28, 2016 by Resolution No. 67,552-N.S., the City Council authorized the City Manager to approve the MHSA Fiscal Years 2015 through 2016 Annual Update; and

WHEREAS, on January 24, 2017 by Resolution No. 67,799-N.S., the City Council authorized the City Manager to approve the MHSA Fiscal Years 2016 through 2017 Annual Update; and

WHEREAS, on July 25, 2017 by Resolution No. 68,109-N.S., the City Council authorized the City Manager to approve the MHSA Fiscal Years 2017/18 - 2019/20 Three Year Program and Expenditure Plan; and

WHEREAS, on October 30, 2018 by Resolution No. 68,639-N.S., the City Council authorized the City Manager to approve the MHSA Fiscal Years 2018 through 2019 Annual Update; and

WHEREAS, City Council has previously approved MHSA funding for local housing development projects and for contracts with community-based agencies to implement: mental health services and supports; housing and vocational services, and translation services; and

WHEREAS, in order to comply with state requirements the MHSA FY20 Annual Update must be approved by City Council.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the MHSA FY20 Annual Update that, incorporated herein as Exhibit A, is hereby approved.

BE IT FURTHER RESOLVED that the City Manager is authorized to forward the FY20 Annual Update to appropriate state officials.

Exhibit A: MHSA FY2019/20 Annual Update

# **City of Berkeley Mental Health Mental Health Services Act (MHSA)**



## **FY2019-2020 Annual Update**

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## BACKGROUND AND OVERVIEW

California voters passed Proposition 63, the Mental Health Services Act (MHSA), in November 2004, to expand and transform the public mental health system. This legislation places a 1% tax on personal incomes above \$1 million dollars. Funds are deposited into the MHSA State Treasury Fund and allocations per each mental health jurisdiction are determined based on the total population in a given area.

Through the following five funding components, the MHSA was designed to create the capacity for a broad continuum of prevention, early intervention and treatment services along with the necessary infrastructure, technology, and training elements to support effective mental health system transformation:

- Community Services & Supports (CSS): Primarily provides treatment services and supports for Severely Mentally Ill Adults and Seriously Emotionally Disturbed Children.
- Prevention & Early Intervention (PEI): For strategies to recognize early signs of mental illness and to improve early access to services and programs, including the reduction of stigma and discrimination and for strategies to prevent mental illness from becoming severe and disabling.
- Innovations (INN): For short-term pilot projects designed to increase new learning in the mental health field.
- Workforce, Education & Training (WET): Primarily for strategies to identify and remedy mental health occupational shortages, promote cultural competency and the employment of mental health consumers and family members in the workplace.
- Capital Facilities and Technological Needs (CFTN): For capital projects on owned buildings and on mental health technology projects.

Among other things, the MHSA provides enhanced services and supports for Seriously Emotionally Disturbed children and Transition Age Youth (TAY), adults, and older adults suffering from Severe Mental Illness through a “no wrong door” approach and aims to move public mental health service delivery from a “disease oriented” system to one that is culturally responsive, consumer informed, and wellness recovery oriented. This is accomplished through implementing programs that focus on the following major components:

- Wellness, recovery and resilience;
- Cultural competency;
- Consumer/family driven services;
- Consumer/family member integration in the mental health system; and
- Community collaboration.

The MHSA also strives to improve and increase services and supports for individuals and families from cultural and ethnic populations that are traditionally unserved and underserved in the mental health system. In Berkeley and Albany these have included: Asian Pacific Islanders (API);



Latinos; Lesbian, Gay, Bi-Sexual, Transgender, Queer/Questioning, Inter-Sexed (LGBTQI); Senior Citizens; and Transition Age Youth (TAY). African Americans have been an additional population of focus as data indicates they are overrepresented in the mental health system and hence “inappropriately served”, which could be due to being provided services that are not culturally responsive and/or appropriate.

In order to access MHSAs funds, a stakeholder informed plan outlining how funds will be utilized must be developed and locally approved. Development of a MHSAs Plan includes: community program planning with the involvement of area stakeholders, writing a draft plan, initiating a 30-day public review, conducting a public hearing at the Mental Health Commission meeting, and obtaining approval on the plan from City Council. The Community Services & Supports, Prevention & Early Intervention, and Innovation funding components are the only re-occurring monies that are allocated annually and may be spent over a three-year time period. Workforce, Education & Training and Capital Facilities and Technological Needs funds had initial expenditure time periods of 10 years each, and had to be utilized by the end of Fiscal Year 2018 (FY18).

The MHSAs legislation requires mental health jurisdictions to provide updates on MHSAs Plans on an annual basis and an integrated Program and Expenditure Plan must also be developed every three years. Currently, the City of Berkeley Mental Health (BMH) Division has an approved MHSAs FY2017/18 - 2019/20 Three Year Program and Expenditure Plan (Three Year Plan) in place which covers each funding component. Since 2006, as a result of the City’s approved MHSAs plans, a number of new services and supports have been implemented to address the various needs of the residents of Berkeley and Albany including the following:

- Intensive services for Children, TAY, Adults and Older Adults;
- Multi-Cultural Outreach engagement, trainings, projects and events;
- Mental health services and supports for homeless TAY;
- Wellness Recovery services and activities;
- Family Advocacy, Housing services and supports, and Benefits Advocacy;
- Trauma services and short term projects to increase service access and/or improve mental health outcomes for unserved, underserved and inappropriately served populations;
- Increased mental health prevention, and intervention services for children and youth in area schools and communities;
- Augmented Homeless Outreach and treatment services;
- A Transitional Outreach Team; and a
- Mental Health Consumer, Peer Leadership Program.

Additionally, an outcome of the implementation of the MHSAs is that mental health consumers, family members and other stakeholders now regularly serve on several of BMH internal decision making committees. These individuals share their “lived experience” and provide valuable input which has become an integral component that informs the Division on the implementation of MHSAs services and supports. Even prior to the passage of Proposition 63, BMH convened (and

has since maintained) an MHSA Advisory Committee which serves in an advisory capacity on MHSA programs and is comprised of mental health consumers, family members, and individuals from unserved, underserved and inappropriately served populations, among other community stakeholders.

This City of Berkeley MHSA FY2019/20 (FY20) Annual Update is a stakeholder informed plan that provides an update to the previously approved Three Year Plan. The Annual Update summarizes proposed program changes and additions, includes descriptions of currently funded MHSA services, and provides a reporting on FY2017/18 (FY18) program data.

### MESSAGE FROM THE MENTAL HEALTH MANAGER

Access to care is the central focus of the City of Berkeley's MHSAs 2019/20 Plan. MHSAs funded services have significantly increased the size and variety of providers that provide mental health care. This plan builds on past MHSAs plans and includes new or continued funding for a wide array of programs that are focused on increasing access to care -- funding a Wellness Center that will open this Fall, expanding the Mobile Crisis Team, creating a Transitional Outreach Team that follows up on individuals who enter crisis, leveraging other funding to reconstruct the main Adult Clinic, funding new case management for transitional aged youth with community based providers, increasing services available while stabilizing Russell Street Board and Care, creating new supported housing at McKinley Street, and expanding and making permanent the Homeless Outreach and Treatment Team. All of these existing and proposed programs and projects help expand the options for engaging and connecting to individuals and families in Berkeley and Albany who would benefit from mental health treatment.

While these expansions to the Mental Health Division and the community based providers serving individuals in Berkeley and Albany are welcome and vital, our community continues to struggle to meet the needs of those who are unconnected to care – especially individuals who are homeless. Far too many people continue to struggle and suffer, and engaging and meeting the needs of these individuals will require continued efforts and innovative thinking, as well as an increasing partnership between the community and mental health care providers. Along this line, this MHSAs Plan includes funding for the possible development of a primary care site that will be focused on providing integrated care for individuals who are homeless and/or have behavioral health care issues.

The system of care is focused on providing services that are welcoming, culturally appropriate, and recovery oriented. Both the Mental Health Division and community providers are increasingly able to measure their impact through Results Based Accountability and to the information gathered from outcome measures to improve care. Through Mental Health First Aid Training and strategic partnerships with the Berkeley Unified School District, this Mental Health Division is focused on partnering with the larger community to support the development of a web of partnerships that all support individuals in Berkeley and Albany being able to connect to the care they deserve.

The mental health division presents the City of Berkeley's MHSAs 19/20 with gratitude for all the hard work that went into the programs it describes. Our community partners, consumers, Mental Health Commission, and City staff all deserve appreciation for their efforts, input, and partnership.

**DEMOGRAPHICS\***

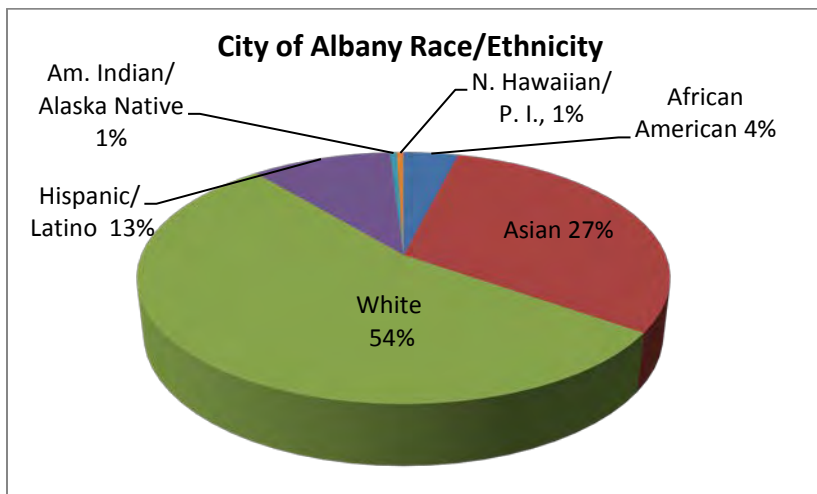
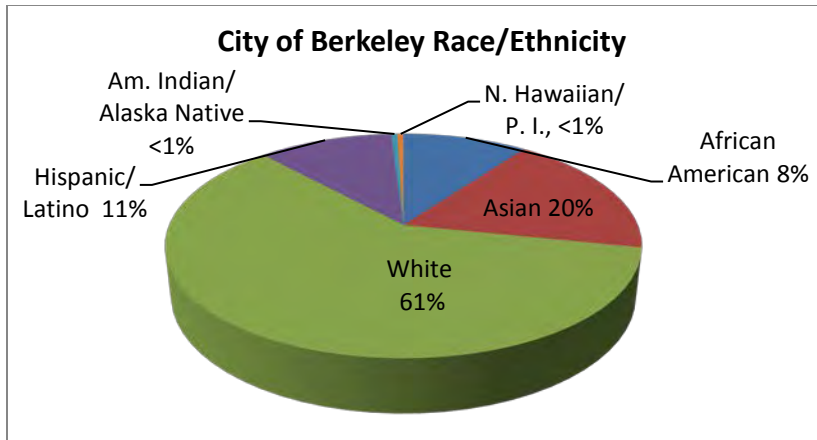
\*United States Census American Fact Finder: <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>

**Description**

Situated in the heart of the San Francisco Bay area, and home to the University of California, Berkeley is an urban city, located in northern Alameda County. Adjacent to Berkeley and bordering Contra Costa County is the small suburban city of Albany. With a combined land mass of around 12.2 miles and a total population of 142,467 the cities of Berkeley and Albany are densely populated and larger than 23 of California’s small counties.

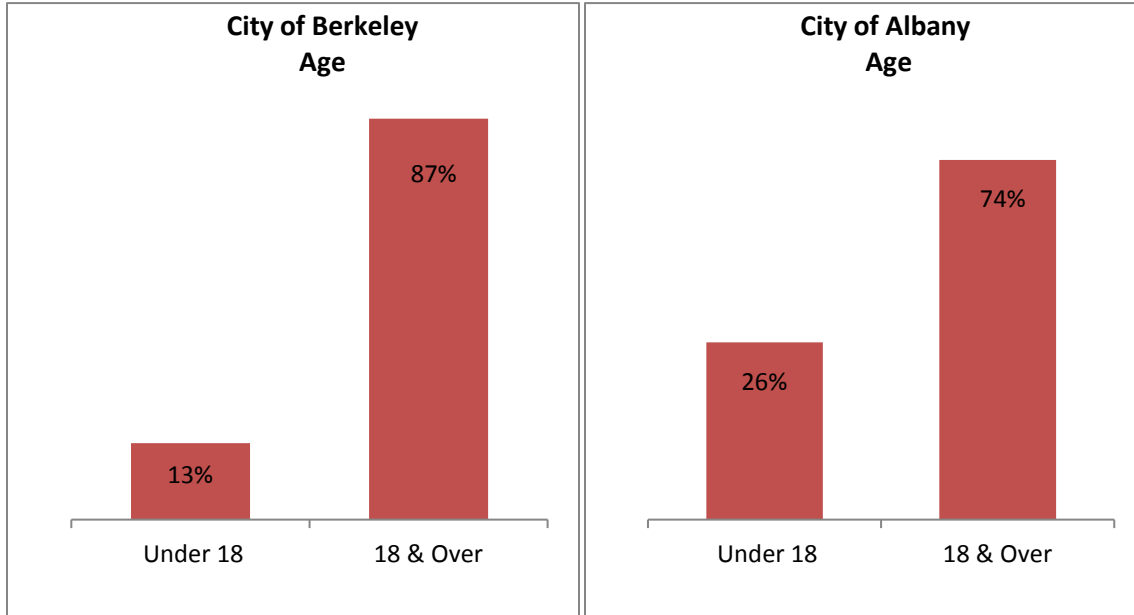
**Race/Ethnicity**

Berkeley and Albany are diverse communities with changing demographics. In each city the African American population has decreased in recent years while the Latino and Asian populations have both increased. Both cities have large student populations, including Albany Village, providing housing for many of University of California’s foreign students and their families. Threshold languages include English, Spanish, Farsi, Cantonese, and Vietnamese, and approximately 28% of Berkeley and 41% of Albany residents speak a language other than English at home. Each city is comprised of the following racial and ethnic demographics: White; African American; Asian; Hispanic/Latino; American Indian/Alaska Native; and Native Hawaiian/Pacific Islander (P.I.). Demographics per city are outlined below:

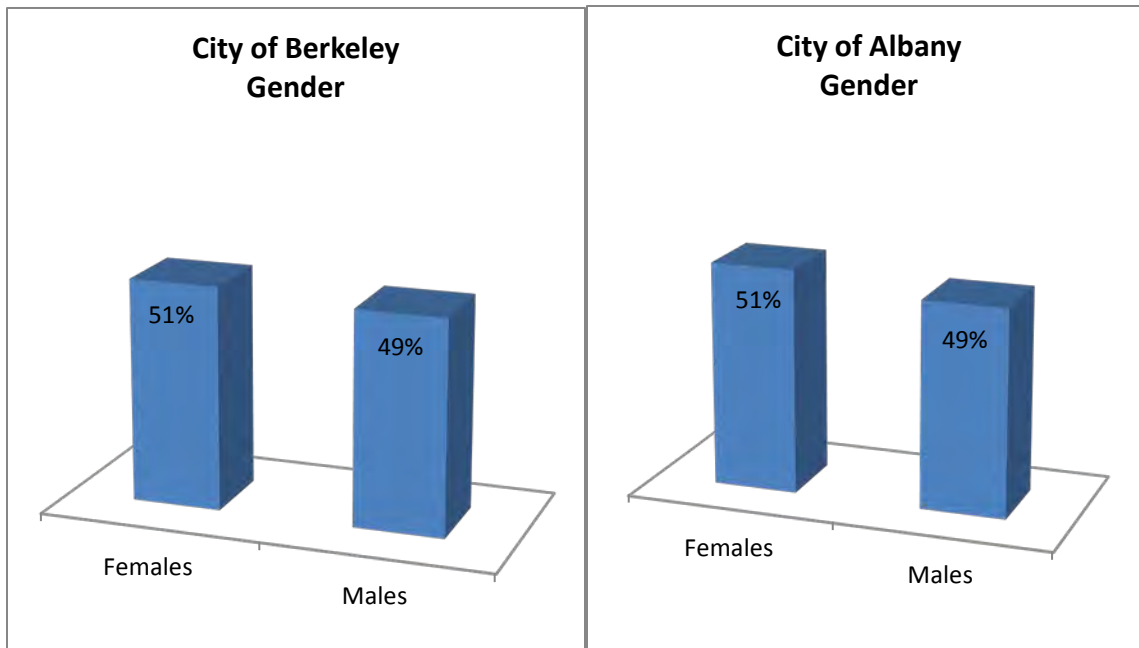


**Age/Gender**

As depicted in the tables below, a large percentage of individuals in Berkeley and Albany are over the age of 18 and per population, Albany has twice as many individuals under the age of 18 as the City of Berkeley:



Gender demographics are very similar in both cities as shown below:



### **Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Population**

Based on a Gallop Survey of interviews conducted during the timeframe of 2012-2014, the San Francisco bay area has the highest LGBTQ population (6.2%) of any of the top 50 United States metropolitan areas. Additionally according to Williams Institute, in a survey of Cities with 50+ same-sex couples (ranked by same-sex couples per 1,000 households) conducted in 2010, the City of Berkeley ranked number 13 in the State of California and number 48 among 1,415 United States cities. The City of Berkeley had 2.1% same-sex households according to the 2010 United States Census and the City of Albany had 1.7% same-sex households.

### **Income/Housing**

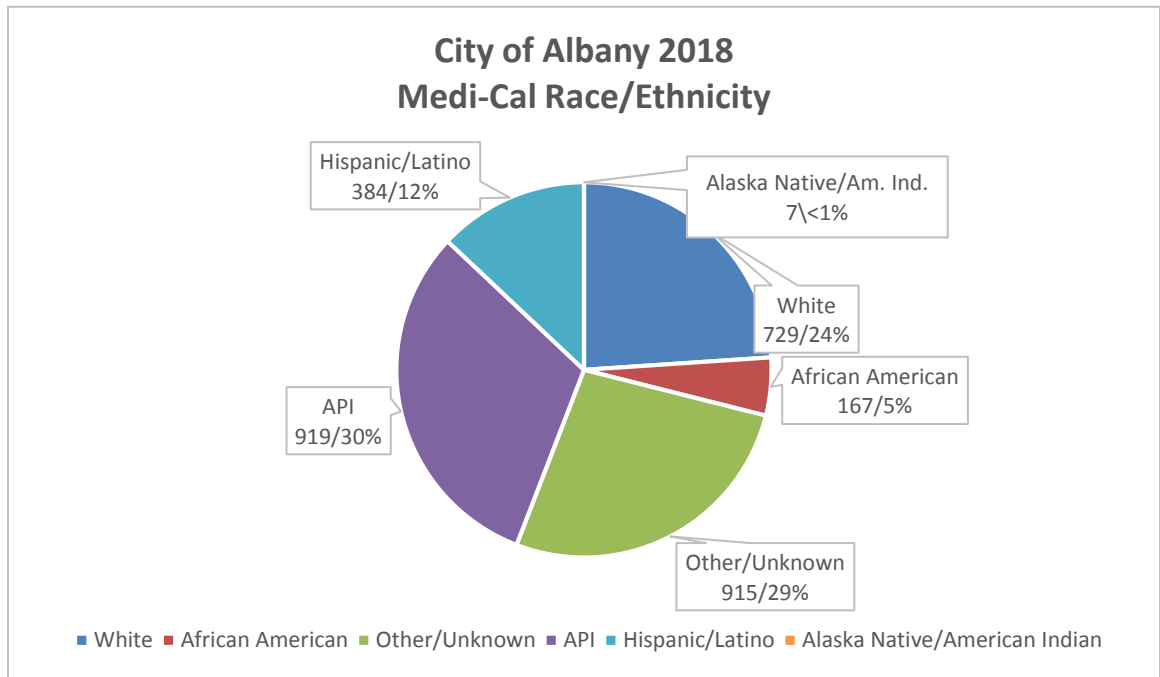
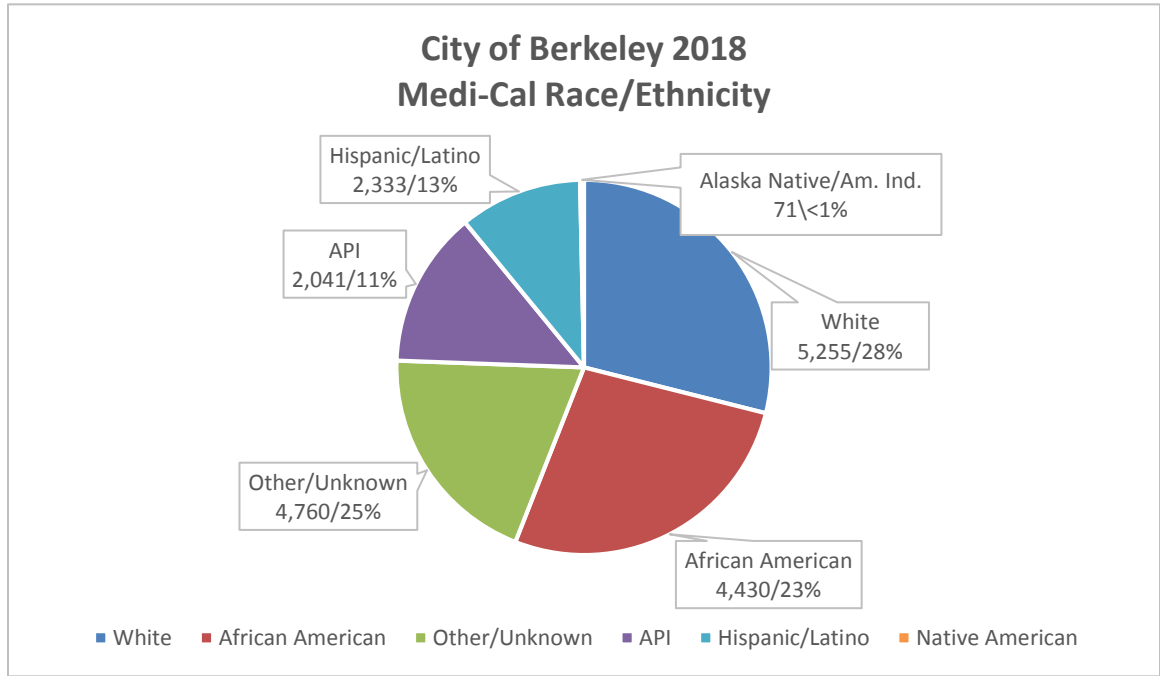
With some of the highest housing costs in the Bay Area, the Berkeley median household income is \$75,709, and Albany is \$87,694. Nearly 20% of Berkeley and 11% of Albany residents live below the poverty line and approximately 42% of Berkeley and 35% Albany children qualify for free and reduced lunches. While 43% of Berkeley and 48% of Albany residents own their own homes, there are many homeless individuals including women, TAY, and Older Adults. In Berkeley, approximately 46% of the homeless population meets the federal definition for chronic homelessness (adults unaccompanied by children, who have at least one disability and have been homeless for over a year or four or more times in the last year). This is a disproportionately high percentage compared to other municipalities, and a sub-group with higher rates of both mental illness and substance abuse.

### **Education**

Berkeley and Albany have a highly educated population: 97% of individuals aged 25 or older are high school graduates; and approximately 72% possess a bachelor's degree or higher.

### **System Organization**

Berkeley Mental Health (BMH), one of two city-based public mental health programs in the state, provides services for residents of Berkeley and Albany. It is a Division of the City of Berkeley Health, Housing & Community Services (HHCS) Department. Services are provided at multiple clinic sites and in the field. BMH has several units providing services: Access; Family, Youth & Children; and Adult Services. Services include: assessment, assertive community treatment, individual and group therapy, case management and crisis intervention. In addition to offering homeless outreach and support, some services are provided through a variety of community-based agencies and at school sites. As part of the Access unit, a Mobile Crisis response Team operates seven days a week. The majority of mental health services provided by BMH are aimed towards the Medi-Cal and uninsured population; as such it is important to note the ways in which the Medi-Cal population demographics differ from the overall demographics in Berkeley and Albany. Using data available from Alameda County, the Medi-Cal population in Berkeley in 2018 was as follows:



### Community Program Planning (CPP)

Community Program Planning (CPP) for the City of Berkeley's MHSa FY2019/20 (FY20) Annual Update was conducted over a one month period to enable opportunities for input from MHSa Advisory Committee members, consumers, family members, representatives from community-based organizations, individuals from unserved, underserved and inappropriately served populations, BMH Staff, City Commissioners, and other MHSa Stakeholders. During this process, one MHSa Advisory Committee meeting and four Community Input meetings were held.

As with previous MHSa Plans and Annual Updates, the methodology utilized for conducting CPP for the MHSa FY20 Annual Update was implemented to enable a collaborative process to occur between Berkeley Mental Health (BMH) staff, MHSa Advisory Committee members and other MHSa stakeholders. Development of the MHSa FY20 Annual Update began with an internal examination of existing programs, unaddressed needs, and available funding which included a review of input received during the preparation of previous MHSa planning processes. Following an internal review, proposed ideas and potential programs were vetted through the MHSa Advisory Committee prior to engaging other stakeholders.

Proposed additions that were considered in this process included:

- Turn the Homeless Outreach and Treatment Team (HOTT) pilot project into a permanent Full Services Partnership program;
- Add a BMH Social Services Specialist position, to increase the Division's capacity to serve individuals with substance use disorders;
- Add a BMH Assistant Management Analyst position, to support Division logistics and program outcomes;
- Implement "Hearing Voices Support Groups" for youth and family members;
- Provide funding for Russell Street Board and Care Subsidies;
- Provide funding to the Health, Housing & Community Services (HHCS), Aging Division, to implement counseling services at Senior Centers;
- Fund a planning process for an integrated primary care site in Berkeley for homeless and severely mentally ill populations;
- Provide funding for the "Berkeley Unified School District (BUSD) "African American Success Project";
- Re-issue Requests for Proposals for services that have been under contract with the same contractor for five years or more.

Input received during Community and Staff meetings largely supported the proposed additions. Some additional comments received were as follows:

- Include consumer and family member input on drafting the job duties of the proposed Social Service Specialist position;
- Ensure that the individual hired for the proposed Assistant Management Analyst position will be culturally competent;
- Provide more continuity between the Hub and HOTT. Services in HOTT should be provided after 5:00pm, and there should be a staff on HOTT who be available to answer phone calls.



Additional comments received during community and staff meetings that was not specific to the proposed additions were as follows:

- Implement Peer Respite Housing in Berkeley;
- Peer leadership has been dishonored at BMH and the Division should find a way to support peers by providing funding for peer led programs such as an Expressive Arts program;
- MHSA funds could be utilized to support programs that prepare youth for the workforce;
- MHSA should provide funding for the African American Holistic Health Center;
- Fund a research project on what the impact of institutional racism has on the mental health of African Americans;
- Mental health programs should ensure they are culturally competent in the services they provide, including curriculums, hiring and firing and staff throughout all levels of the programs should reflect the populations served;
- Funds should be spent on a mobile shower bus;
- Assess and address how African Americans mental health, including increased stress caused by the trauma of racism and discrimination intersects with health disparities such as elevated blood pressure, low birth weight, infant mortality, etc;
- Interested in the interaction with the community and why there aren't more people at Community Input Meetings. The Mental Health Division seems to be off to the side. There should be constant messaging on a regular basis through the radio and other media of mental health issues and area programs and services and face-to-face communications with different points of contact such as the homeless population. We need to normalize talking about Mental Health.

The last comment around a lack of participation of community members at MHSA Community Planning process meetings is something that is not specific to Berkeley as other counties struggle with the same issue. In an effort to increase community input on this FY20 Annual Update through implementing additional ways that the community could inform the MHSA process, a handout (located on the following page) was created and available to the community at three area events in May. Copies of the handout were available on a resource table at each event. Community members who were interested in providing input could either do so on a copy of the handout at the event, or submit the document by fax, mail or email. Questions on the handout included the following:

- 1.) What do you feel are the most pressing unmet Mental Health needs in the City of Berkeley?
- 2.) Do you have ideas you would like to share on best ways to address these needs?
- 3.) Is there anything else you would like to share regarding Mental Health services and needs in the City of Berkeley?

The handout also provided the opportunity for individuals who are interested in receiving current and future information on MHSA Plans, funding, and services to leave their contact information.

These same three questions were also put on the Berkeley Considers Forum for a two week period. Berkeley Considers is an online forum for civic engagement. It is run by OpenGov a non-partisan company whose mission is to broaden civic engagement and build public trust in government. As with any public comment process, participation in Berkeley Considers is voluntary.

**WOULD YOU LIKE TO BE A PART OF INFORMING  
CITY OF BERKELEY MENTAL HEALTH DIVISION  
MENTAL HEALTH SERVICES ACT (MHSA) ANNUAL PLANS AND UPDATES?**

As part of planning for current and future Mental Health Services Act (MHSA) Annual Plans and Updates, Berkeley Mental Health would like your opinion on the following:

1.) What do you feel are the most pressing unmet Mental Health needs in the City of Berkeley?

2.) Do you have ideas you would like to share on best ways to address these needs?

3.) Is there anything else you would like to share regarding Mental Health services and needs in the City of Berkeley?

Would you like to receive information on the City of Berkeley, Mental Health Division, MHSA Plans and Updates? If so please leave your contact information (name, email and/or mailing address) below:

If you would like to take this home and fill it out, you can mail or fax it to:

Karen Klatt, MHSA Coordinator

City of Berkeley

3282 Adeline Street

Berkeley, CA 94611

(510) 596-9299

You could also send an email answering the questions to: [KKlatt@cityofberkeley.info](mailto:KKlatt@cityofberkeley.info)

In all a total of 41 individuals provided input on the three Mental Health Needs questions either through the Berkeley Considers forum or at community events. The top 5 recurring responses on the first two questions are outlined below:

Responses on most pressing unmet Mental Health needs in the City of Berkeley
<ul style="list-style-type: none"> <li>• Need for more (health, mental health and housing) services for homeless individuals who are living with mental health or co-occurring disorders;</li> <li>• There is not a 24 hour Mobile Crisis service in Berkeley;</li> <li>• Services for children and families who are underinsured;</li> <li>• Need mental health services for Senior Citizens;</li> <li>• More mental health services and supports in the schools for adolescents.</li> </ul>
Responses regarding ideas on best ways to address unmet needs
<ul style="list-style-type: none"> <li>• Early intervention programs to ensure individuals have their basic needs met, such as housing, food, bathing;</li> <li>• Drop-In Centers with 24 hour help;</li> <li>• Implement a 24 hour rapid response program to deal with individuals suffering from Mental Health Crises;</li> <li>• Do a better job of informing residents of the services that already exist and how to access them;</li> <li>• Collaborate with city and county partner programs to address unmet needs.</li> </ul>

Some of the responses to the third question included the following:

Responses on anything else regarding Mental Health services and needs in the City of Berkeley
<ul style="list-style-type: none"> <li>• Provide counseling where the homeless are camped;</li> <li>• Implement in-home peer counseling for seniors living with a mental illness;</li> <li>• Provide group therapy by psychiatrists or therapists accompanied by former patients who have been helped by their own participation in group therapy;</li> <li>• Provide better and more frequent access to psychiatrists and psychologists for individual sessions;</li> <li>• Implement services for the many people who are suffering quietly, but don't feel their lives are terrible enough to get help.</li> </ul>

Utilizing the Berkeley Forum and outreach at area events proved to be valuable community planning process activities for increasing additional input on the FY20 Annual Update. One of the many learnings of the input received is that some community members are not aware of many of the services that BMH provides or how to access those services. The Division will use this input to strategize on better ways to inform the community of BMH Services. All input received through this process and the community input meetings will be utilized to inform current and proposed mental health programs through this FY20 Annual Update and/or future MHSA Plans and Updates.

A 30-Day Public Review was held from Wednesday, May 29 through Thursday, June 27 to invite input on this MHSA FY20 Annual Update. A copy of the Plan was posted on the BMH MHSA website was available for reviewing in hard copy format at the downtown Public Library at 2090 Kittredge Street. An announcement of the 30-Day Public Review was mailed and/or emailed to community stakeholders. The Public Hearing for this Annual Update was held at 7:00pm on June 27 at the Mental Health Commission meeting at 1947 Center Street in Berkeley. Comments and input received during the 30-Day Public Review or the Public Hearing were as follows:

- Increase access to services for individuals who have physical disabilities, as well as vision and other co-disabilities.
- Ensure any program staff who are working with Trauma Informed Care models (and program staff in general) are provided with supports around Compassion Fatigue.
- Include funding for Senior Centers that can be flexibly used for housing issues, and other problems seniors are facing.
- Collaborate with the Wright Institute.
- Create an RFP that provides additional services and supports for the LGBTQI population.

Written Public Comments received either during the 30-Day Public Review or that were distributed (and heard) at the Public Hearing are included in Appendix C. Some of the various written comments received focused on increasing services and supports in Albany; and adopting a systems integrated framework and approach to utilize with Results Based Accountability for evaluating programs. All comments received during the 30 Day Public Review and the Public Hearing will be utilized to inform this and/or future MHSA Plans and Updates.

After the close of the Public Hearing the Mental Health Commission made the following motion:

M/S/C (Castro, Fine) Motion to approve the plan (MHSA FY20 Annual Update) and move it to City Council

Ayes: Castro, cheema, Fine, Kealoha-Blake; Noes: Heda; Abstentions: None; Absent: Davila.

## MHSA FISCAL YEAR (FY) 2019/20

### ANNUAL UPDATE

This City of Berkeley MHSA FY2019/20 (FY20) Annual Update is a stakeholder informed plan that provides an update to the MHSA 2017/18 – 2019/20 Three Year Program and Expenditure Plan (Three Year Plan). The Annual Update summarizes proposed program changes and additions, includes descriptions of currently funded MHSA services that are proposed to be continued in FY20, and a reporting on FY18 program data. Information on the status of local Prudent Reserve MHSA funds is also provided. Additionally, per new state regulations, this Annual Update includes the Three Year Prevention and Early Intervention (PEI) Evaluation Report (Appendix A) and the Annual Innovations (INN) Evaluation Report (Appendix B).

While some MHSA programs have collected outcome and client self-report measures, the majority of the data currently being collected is more process related. However, as previously reported in the MHSA FY2017/18 – 2019/20 Three Year Program and Expenditure Plan (Three Year Plan), there are a few initiatives that are currently underway to evaluate the outcomes of several MHSA programs including the following:

- Impact Berkeley: In FY18, the City of Berkeley introduced a new initiative in the Health Housing and Community Services (HHCS) Department called “Impact Berkeley”. Central to this effort is using a highly regarded framework called Results Based Accountability (RBA) to account for the work of the Department. RBA provides a new way of understanding the quality and impact of services provided by collecting data that answer three basic questions:
  1. How much did you do?
  2. How well did you do it?
  3. Is anyone better off?

RBA has been incorporated into selected programs within the Department. In FY18, this included community agency programs funded through the MHSA Prevention & Early Intervention (PEI) Community Education & Supports program. Through this initiative the Department worked with each contractor to envision, clarify and develop measures on the outcomes and results each program is seeking to achieve, and used a rigorous framework to begin measuring and enhancing progress towards these results. Page 42 of this FY20 Annual Update provides an aggregated summary of some of the results of this initiative. The full report on the Impact Berkeley PEI program results can be accessed on the MHSA website: [MHSA Plans and Updates - City of Berkeley, CA](#)

- Homeless Outreach & Treatment Team: This pilot project supports homeless mentally ill individuals in Berkeley/Albany engaging them in mental health services. A local consultant, Resource Development Associates, was hired to measure the outcomes and effectiveness of this pilot project. In early FY19, the first Evaluation Report was released. Some of the many results of this evaluation can be reviewed in the CSS and PEI Sections of this FY20 Annual Update. The City of Berkeley Homeless Outreach and Treatment Team (HOTT) Evaluation can be reviewed on the MHSA Website: [https://www.cityofberkeley.info/uploadedFiles/Health\\_Human\\_Services/Level\\_3\\_-\\_Mental\\_Health/Berkeley-HOTT\\_Evaluation-Report.final.pdf](https://www.cityofberkeley.info/uploadedFiles/Health_Human_Services/Level_3_-_Mental_Health/Berkeley-HOTT_Evaluation-Report.final.pdf)

- PEI Data Outcomes: Per MHSAs PEI regulations, all PEI funded programs have to collect additional state identified outcome measures (specific to the category of services provided) as well as detailed demographic information. The first report that included data specific to the new PEI requirements, [“City of Berkeley Mental Health Services Act \(MHSAs\) Fiscal Year 2017 Prevention & Early Intervention Evaluation Report”](#) is located on the City of Berkeley Mental Health Division MHSAs Website. Beginning in FY19, PEI Evaluations are required to be included in each MHSAs Annual Update or Three Year Plan. See Appendix A for the Fiscal Year’s 2015/2016 – 2017/2018 Three Year Prevention & Early Intervention Evaluation Report.
- INN Data Outcomes: Per MHSAs INN regulations, all INN funded programs have to collect additional state identified outcome measures and detailed demographic information. The first report that included data specific to the new INN requirements, [“City of Berkeley Mental Health Services Act \(MHSAs\) Fiscal Year 2017 Innovations Evaluation Report”](#), is located on the City of Berkeley Mental Health Division MHSAs Website. See Appendix B for the Fiscal Year 2018 Annual Innovations Evaluation Report.
- Results Based Accountability Evaluation for all BMH Programs: Through the approved FY19 Annual Update the Division will be executing a Request for Proposal (RFP) process to hire a consultant who will implement a Results Based Accountability Evaluation for all programs across the Mental Health Division.

Future MHSAs Plans and Updates will continue to include reporting on the progress of these initiatives.

### PROPOSED NEW FUNDING ADDITIONS

Proposed staffing and services to be added through the MHSAs FY20 Annual Update, are outlined below:

- **Homeless Outreach and Treatment Team**

The Homeless Outreach and Treatment Team (HOTT) is a pilot project that was funded through both CSS and PEI components. The primary goal of this program is to engage and provide access and linkage to services that promote health, mental health and self-sufficiency for individuals who have significant mental health and related disorders, and are currently living on the streets of Berkeley and Albany. The key components of the program include the following evidence and experienced based practices:

- Persistent and consistent outreach;
- Supportive case management;
- Linkage to care;
- Treatment.

The program has dedicated flexible funds for short-term housing vouchers, to assist clients with short term housing for emergency stabilization and respite. In FY18 an initial evaluation, by Resource Development Associates, was conducted. The initial report showed many positive findings including the following:

- The program provided 1,506 outreach contacts to 319 homeless individuals since inception
- HOTT is serving as an important resource for the local community and homeless service continuum
- A total of 992 referrals to area resources were made in 2018

- The program has been very effective in persistent and consistent outreach, especially for chronically homeless individuals with a history of refusing services
- HOTT meets people where they are, in parks, encampments, motels
- The program has successfully connected homeless individuals to critical resources and service linkages

The City of Berkeley Homeless Outreach and Treatment Team (HOTT) Evaluation can be reviewed on the MHSA Website:

[https://www.cityofberkeley.info/uploadedFiles/Health\\_Human\\_Services/Level\\_3\\_-\\_Mental\\_Health/Berkeley-HOTT\\_Evaluation-Report.final.pdf](https://www.cityofberkeley.info/uploadedFiles/Health_Human_Services/Level_3_-_Mental_Health/Berkeley-HOTT_Evaluation-Report.final.pdf)

While the program has shown valuable outcomes, BMH has encountered difficulties in securing consistent staffing due to the nature of HOTT being a pilot project. In addition, the HOTT participants who have needed ongoing services have had some difficulty transitioning to other treatment teams, and these individuals need intensive ongoing services. As a result of the impact the HOTT program is having in the community, and in an effort to strengthen and provide sustainability of the services, the Division is proposing to make the HOTT program a permanent Full Services Partnership (FSP) program through this FY20 Annual Update. The proposed new FSP will utilize the Assertive Community Treatment service model, where services are provided by a team.

The proposed team staffing will be comprised of the following:

- 1 Program Manager, Health Services Program Specialist or Mental Health Clinical Supervisor (same as HOTT pilot);
- 2 Behavioral Health Clinician II positions and 2 Social Services Specialist positions will provide clinical case management services (increase from 2 Social Services Specialists in HOTT pilot);
- 1 Registered Nurse and a .25 FTE Psychiatrist will provide medication services (increase from 0 RN's and Psychiatrists in HOTT pilot);
- 1 Social Services Specialist (funded through General Funds) for homeless outreach (same as in HOTT pilot).

The proposed funding for this FSP, \$366,942, will be provided through CSS System Development funds, to support current and new staffing. Due to the need for additional homeless outreach, the mental health division is hopeful that through general funds additional staffing can be added in for additional homeless outreach.

- **Increase Substance Use Disorder Staffing and Supports**

Community Input during this and previous MHSA plans and Updates has continually echoed a need for increased supports for individuals with substance use disorders. A large portion of individuals who currently receive services at BMH are also suffering from co-occurring disorders, having both mental health issues and substance use disorders. In an effort to increase the capacity to serve individuals with substance use disorders the Division is proposing to utilize \$135,613.65 of CSS System Development funds to add a Social Services Specialist who would work directly with individuals to assist them in obtaining the resources and supports they need.

- **Increase Administrative Staffing**

BMH has grown tremendously within the past several years, increasing direct service staff and services. Additionally, Division staff are currently operating out of four different locations while the Adult Clinic is being renovated, and staff will continue to operate out of three sites once the renovation has been completed. BMH has also recently undergone a reorganization and an Assistant Mental Health Manager was hired to, among other duties, oversee the various Division facilities, and program outcomes. To provide support to this position, BMH is proposing to utilize \$135,095.60 of CSS System Development funds to add an Assistant Management Analyst who will work closely with the Assistant Mental Health Manager on Division logistics and the implementation of outcome measures to evaluate BMH programs and services.

- **Add Hearing Voices Support Groups for Youth and for Family Members**

Through a previously approved MHSA Plan, BMH has funded the Bay Area Hearing Voices Network to provide a free, weekly, drop-in support group in Berkeley for adults who experience voices, visions, special messages, unusual beliefs or extreme states of consciousness. The support group is co-facilitated by trained group leaders both of whom have lived experience in the mental health system. Through this FY20 Annual Update, BMH is proposing to continue to provide services to adults and to add two additional Hearing Voices Support Groups, one for youth (aged 16-25) and one for family members.

Youth and young adults in the mental health system who hear voices, see visions or experience alternative realities are at high risk of multiple adverse outcomes and costs to the City, including homelessness, unemployment and high crisis services use. Voices, visions, and alternative realities, experiences conventionally described as psychosis within the traditional mental health system, are among the most stigmatized aspects of mental health. Rates of discrimination and social exclusion of youth with psychosis are notoriously high, leading to social isolation, and disengagement from systems of care. The purpose of a Hearing Voices Support Group for youth will be to support young people who hear, see or sense things others don't, by providing better information, advice, and support for participants. In the support group setting individuals will be able to discuss and explore their experiences and meet other youth with similar experiences.

Additionally, according to input received from family members, a Hearing Voices Family Support Group for family members will help improve relationships, and will provide supports on better ways to communicate and respond about their own experiences which often include fears, anxieties, and confusions about what their loved ones are going through. In an effort to support youth and family members, BMH is proposing to utilize a total of \$34,736 of CSS System Development funds in FY20 to continue providing Hearing Voices Support Groups to adults and to implement separate support groups for Youth and Family Members.

- **Provide funding subsidies for Russell Street Board and Care**

The Russell Street Board and Care, located in Berkeley, provides housing and services for seventeen individuals. Through this FY20 Annual Update the Mental Health Division is proposing to utilize CSS System Development funds to support these Board and Care units with a supplemental subsidy of up to \$1,750 per month per individual. This will support the Board and Care in providing Wellness and Recovery services in addition to legally required services. This



unit subsidy will replace all previous subsidies provided to the Russell Street Board and Care from the Division.

- **Add Counseling Services at Senior Centers**

Seniors who only have medicare insurance currently have great difficulty accessing mental health services, despite consistent input on the need for mental health services for this population. In an effort to increase mental health services and supports for senior citizens, the division is proposing to provide the Aging Services Division of HHCS, with \$150,000 of CSS System Development funds to implement counseling services at Senior Center sites.

- **Implement a Planning Process for an Integrated Primary Care Site**

Consistent input received over various MHSa planning processes has included a need for integrated primary and behavioral health care sites for individuals who are homeless and severely mentally ill. One such site that exists in Alameda County is the “Trust Health Center”, which is operated out of LifeLong Medical Care. The Trust Health Center addresses physical, mental, and social well-being in one location. Partner organizations assist clients in finding and maintaining stable homes and in establishing strong social supports. Through this FY20 Annual Update, the Division is proposing to allocate \$100,000 CSS System Development funds for a planning process to assess the feasibility of implementing an Integrated Primary Care Site in Berkeley.

- **Expand the African American Success Project**

The African American Success Project (AASP) was first implemented in FY19 in four Berkeley Unified School District Schools (King, Longfellow, Willard and Berkeley High School). Closely aligned with the work of Berkeley’s 2020 Vision, the AASP works with African American youth and their families to actively engage students in the classroom and school life while creating a pathway for their long-term success. The project implements a three-pronged approach that includes case management and mentorship (which are individualized and tailored to meet each student’s needs), community building, and family engagement. Through this approach a case manager engages and works with each student on school success planning. This work includes establishing student check-ins, family connections, teacher and staff collaborations, advocacy, and community building sessions. The project supports students who have disproportionately faced barriers in Berkeley public schools to promote an individual’s learning, mental, and socio-emotional well-being.

During the first year the project team worked with 84 students and their families while assessing the effectiveness of the project and identifying ways to strengthen the service model. One key finding was that the project could only have limited impact when staff were spread across four school sites. Going into the next school year, the project will only be implemented at Longfellow. A second key learning was that services could be strengthened if they were integrated into the school day through a class that African American students could elect to take that would provide a safe space to focus on ongoing social and emotional development, skill-building, habits and mindsets that enable self-regulation, interpersonal skills, and perseverance and resilience. The class would be facilitated by a Counselor/Instructor who would follow-up with students in one-on-one counseling sessions on issues of concern that are raised in class and would provide referrals to mental health services and supports as needed.

Through this FY20 Annual Update in order to support the implementation of this additional component, the Division is proposing to allocate \$150,000 of Prevention & Early Intervention funds to this project. This MHSA funding contribution will be contingent on Berkeley Unified School District securing funds for staffing that are identified in the proposed project budget, as coming from non-MHSA funds.

- **Re-Issue Requests for Proposals**

To ensure fair contracting practices, the Division will be executing a new Request for Proposal (RFP) process for contracts that have been in place for five or more years. The Division is proposing that all MHSA funded contracts that have been in place for five years or more will be renewed through June 30, 2020. During FY20, new RFP's will be executed for these services and the chosen vendor will begin providing services on 7/1/20.

**PROGRAM DESCRIPTIONS AND FY18 DATA  
BY FUNDING COMPONENT**

Outlined in this section per each funding component are descriptions of current City of Berkeley MHSA services along with FY18 program data. Across all MHSA funded programs, in FY18, a total of 6,227 individuals participated in some level of services and supports. Additionally, a total of 762 individuals attended BMH Diversity and Multi-cultural trainings aimed at transforming the system of care, and 1,615 individuals attended BMH Diversity and Multicultural events. Some of the FY18 MHSA funded program highlights include: a reduction in psychiatric inpatient hospital and/or incarceration days for severely mentally ill clients; a decrease in the number of days severely mentally ill clients spent homeless; step down to a lower level of care for some clients; services and supports for homeless or marginally housed TAY who are suffering from mental illness; services and supports for family members; consumer driven wellness recovery activities; Housing, and Benefits Advocacy services and supports for clients; augmented prevention and intervention services for children and youth in the schools and community; increased outreach, and support services for homeless TAY, Adults and Older Adults and individuals in underserved and inappropriately served cultural and ethnic populations.

**COMMUNITY SERVICES & SUPPORTS (CSS)**

Following a year-long community planning and plan development process, the initial City of Berkeley CSS Plan was approved by the California Department of Mental Health (DMH) in September 2006. Updates to the original plan were subsequently approved in September 2008, October 2009, April 2011, May 2013, May 2014, May 2015, June 2016, January 2017, July 2017 and October 2018. From the original CSS Plan and/or through subsequent plan updates, the City of Berkeley has provided the following services:

- Wrap-around Services for Children and their families;
- TAY, Adult and Older Adult Intensive Treatment Services;
- Multi-cultural Outreach & Engagement;
- TAY Support Services;

- Consumer Advocacy;
- Wellness and Recovery Services;
- Family Advocacy;
- Housing Services and Supports;
- Benefits Advocacy; and
- Transitional Outreach Services.

Descriptions for each CSS funded program FY18 data are outlined below:

**FULL SERVICE PARTNERSHIPS (FSP)**

**Children’s Intensive Support Services Full Service Partnership**

The Children’s Intensive Support Services Full Service Partnership (FSP) is for children ages 0-18 and their families. The program is for children and their families who would benefit from, and are interested in participating in a program designed to address the total needs of a family whose child (and possibly other family members) is experiencing significant emotional, psychological or behavioral problems that are interfering with their wellbeing.

Priority populations include children who:

- have substantial impairment in self-care, school functioning, family relationships, the ability to function in the community, and are at risk of or have already been removed from the home and have a mental health disorder and/or impairments that have presented for more than six months or are likely to continue for more than one year without treatment;
- OR
- display psychotic features, or a history of hospitalization due to Danger to Self, Danger to Others, Grave Disability or a recent attempt within the last six months from the date of referral.

The Children’s FSP program utilizes wraparound as the treatment model. Wraparound differs from many service delivery strategies, in that it provides a comprehensive, holistic, youth and family-driven way of responding when children or youth experience serious mental health or behavioral health challenges. The model puts the child or youth and family at the center. With the help of the FSP team, the family and young person take the lead in deciding their vision and goals. Team member’s work together to put the goals into an action plan, monitor how well it is working, and make changes to it as needed.

In FY18, a total of 22 children/youth and their families were served through this program. Demographics on those served were as follows:

<b>CLIENT DEMOGRAPHICS N=22</b>		
<i>Client Gender</i>	<i>Number Served</i>	<i>% of total</i>
Male	15	68%
Female	7	32%

<b>Race/Ethnicity</b>		
<i>Client Race/Ethnicity</i>	<i>Number Served</i>	<i>% of total</i>
African American	15	68%
Asian Pacific Islander	0	0%
Caucasian	5	22%
Latinx	1	5%
Mixed Race	1	5%

The average length of treatment was seven months. The shortest length of treatment was two months (three families moved out of the service area after two months of engagement) and the longest was over a year (three individuals and their families were still part of the program following the reporting timeframe). Of the 22 individuals and their families that were enrolled the outcomes were as follows: Twelve clients received Special Educational Services due to a specific learning disability; six individuals graduated to a lower level of care; six clients and families moved out of the service area due to the high cost of living in the Bay Area; three clients were placed in residential care by juvenile justice and CPS systems; three clients were still in the program following the reporting timeframe; two were transferred to the BMH Transition Age Youth (TAY), Adult and Older Adult FSP program; and two individuals and their and families disengaged.

**Transition Age Youth (TAY), Adult and Older Adult Full Service Partnership**

This program provides intensive support services to TAY, Adults and Older Adults with severe mental illness using an Assertive Community Treatment approach. The program focuses on serving individuals who are have had difficulty with obtaining or maintaining housing; frequent and/or lengthy psychiatric hospitalizations; and/or frequent or lengthy incarcerations. Priority populations also include individuals from un-served, underserved and inappropriately served cultural communities.

The team utilizes an Assertive Community Treatment approach which maintains a low staff-to-client ratio (12:1) that allows for frequent and intensive support services. Clients are provided assistance with finding appropriate housing and in some cases may qualify for temporary financial assistance. A full range of mental health services are provided by a team comprised of 1 Clinical Supervisor, 4 Licensed Behavioral Health Clinicians, 1 Social Services Specialist, 1 Registered nurse and a ½ time psychiatrist. The primary goals of the program are to engage clients in their treatment and to reduce days spent homeless, hospitalized and/or incarcerated. Goals also include increasing, employment and educational readiness; self-sufficiency; and wellness and recovery. The program serves up to 60 clients at a time.

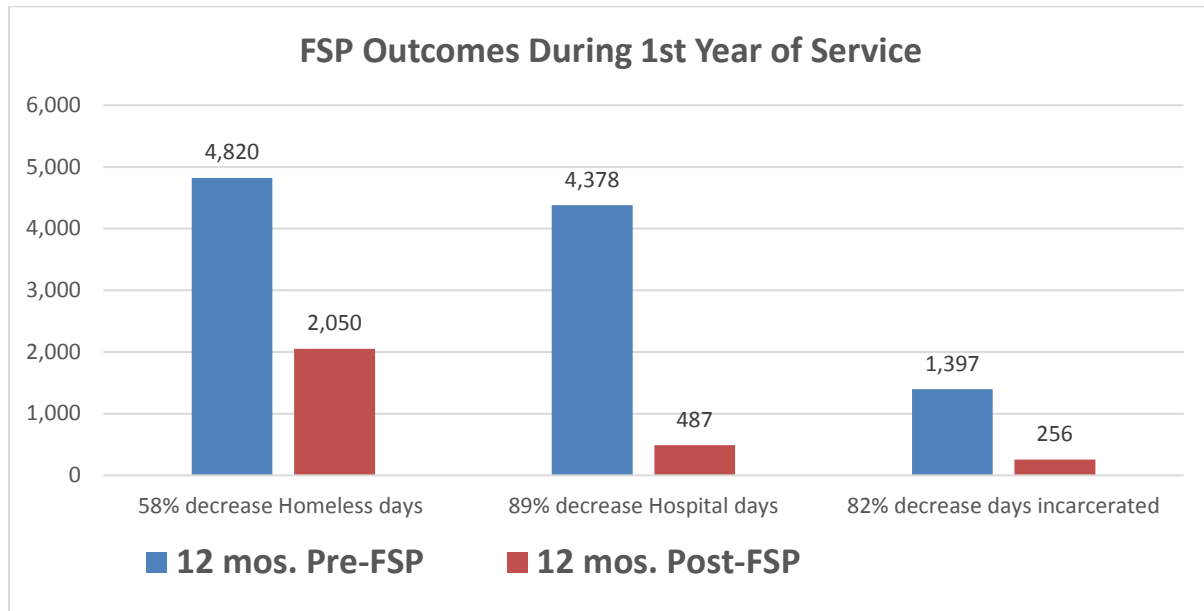
In FY18 a total of 59 Transitional Age youth (TAY), Adults, and Older Adults were served through this program. Demographics on those served include the following:

<b>CLIENT DEMOGRAPHICS N=59</b>		
<i>Client Gender</i>	<i>Number Served</i>	<i>% of total</i>
Male	38	64%
Female	21	36%

<b>Race/Ethnicity</b>		
<i>Client Race/Ethnicity</i>	<i>Number Served</i>	<i>% of total</i>
African American	33	56%
Asian Pacific Islander	5	8%
Caucasian	17	29%
Latino	4	7%
<b>Age Category</b>		
<i>Client Age Category</i>	<i>Number Served</i>	<i>% of total</i>
Transition Age Youth	5	8%
Adult	50	80%
Older Adult	9	12%

TAY, Adult and Older Adult client outcomes included the following: 13 partners were dis-enrolled from the program during FY18: Two partners met treatment goals and graduated to lower levels of care, four partners made the decision to discontinue treatment, one partner moved out of the county, two partners were unable to be located, two partners were discharged due to serving jail sentences and two partners were discharged due to being institutionalized. Three new partners were enrolled into the program over the course of the fiscal year.

There were 59 FSP program participants in FY18, all participants completed a full year of services in the program and are included in the program outcome report data. There were positive outcomes with regard to reductions in days spent homeless, in hospital settings and/or incarcerated. There was a **58% reduction in days spent homeless**. Partners spent 4,820 days homeless (on the street, couch surfing and in shelters) the year before program enrollment and 2,050 days homeless during the first year of program participation. There was an **89% reduction in days spent in psychiatric hospital settings** (Psychiatric Emergency, acute inpatient, IMDs, MHRCs and state psychiatric hospitals) during the first year of program participation. Partners spent 4,378 days in psychiatric hospital settings the year before program enrollment and 487 days in these settings during the first year of program participation. There was an **82% reduction of days spent incarcerated** during the first year of program participation. Partners spent 1,397 days incarcerated (jail and prison) the year prior to program enrollment as compared with 256 days incarcerated during the first year of program participation.



Program challenges included: Finding safe and affordable housing in the bay area as it has become increasingly difficult as housing prices continue to rise and are among the most expensive in the country. Also, Licensed Board & Cares that provide clients 24/7 support and monitor medication adherence have been closing down. Single Room Occupancy Hotels have been raising their monthly rates such that clients are not able to afford staying there without housing subsidies. The program has also struggled with how to better serve individuals with severe substance abuse problems who are unwilling to address or sometimes even acknowledge that they have substance abuse issues. Going forward the Team will continue to develop staff expertise in treating substance abuse disorders by providing ongoing training in Motivational Interviewing.

## MULTI-CULTURAL OUTREACH AND ENGAGEMENT

### **Diversity & Multicultural Services**

The Diversity & Multicultural Coordinator (DMC) provides leadership in identifying, developing, implementing, monitoring, and evaluating services and strategies that lead to continuous cultural, ethnic, and linguistic improvements within the organization's system of care, with a special emphasis on unserved, underserved, inappropriately served, and emerging populations. The DMC also collaborates with the state, regional counties, other city divisions, local agencies, and community groups in order to address mental health inequities and disparities for targeted populations and communities, and the community-at-large in the cities of Berkeley and Albany.

The Diversity & Multicultural Coordinator accomplishes these goals by:

- Providing cultural competency training to all behavioral health, community partners, and all stakeholders in the cities of Berkeley, Albany and other geographic locations in the region as a collaborative partner
- Performing outreach and engagement to unserved, underserved, inappropriately served and emerging communities and populations

- Developing long and short term goals and objectives to promote cultural/ethnic and linguistic competency within our system of care
- Developing an annual training plan and budget
- Chairing the agency's Diversity and Multicultural Committee
- Attending continuous trainings in the areas of cultural competency
- Monitoring Interpreter and Translation Services for the agency
- Collaborating with State, Regional, County, and local groups and organizations and
- Developing and updating BMH's Cultural Competency Plan as needed.

Participants involved in Berkeley Mental Health's trainings, committees, groups, cultural/ethnic community events and activities are city staff, service providers, consumers/clients, family members, and residents from diverse groups and populations. There is a focus on improving services for unserved, underserved, inappropriately served, and emerging populations and communities throughout the cities of Berkeley and Albany, and other areas within the region.

From August through December in FY18 the Diversity & Multicultural Coordinator position was unoccupied. Program services, events and activities conducted in FY18, are summarized below:

#### **Diversity & Multicultural Trainings:**

BMH's Annual Black History Month Conference 2018 – *Healing Our Families and Strengthening Our Roots in the Community* – February 20, 2018 – (Approximately 110 individuals attended this event.) – Attendees included staff, residents, consumers, family members, students, and service providers.

Alameda County Behavioral Health Care Services (BHCS) Annual Black History Month Conference – *Finding Black Psychology-Toward a New Mental Health Paradigm* – February 28, 2018 – (Approximately 250 individuals attended this event) - Attendees included staff, consumers, family members, community partners, students, and residents. This training was a collaboration with BHCS and the African American Steering Committee for Health and Wellness.

Women's Conference – *The Power of Feminine Energy: Supporting Women and Girls from All Walks of Life* – March 29, 2018 – (Approximately 60 individuals attended this event.) – Attendees included staff, residents, consumers, family members, and service providers.

Latino Conference – *Cultural Values, Unity & Respect: Creating Safe Spaces* – May 23, 2018 – (Approximately 125 individuals attended this event) - Attendees included staff, consumers, family members, community partners, students, and residents. This training was a collaboration with the Public Health Division, Berkeley Unified School District (BUSD), and community partners.

LGBTQ PRIDE Conference – *Clutching Our Pearls: LGBTQI2-S Youth Shaping the Future* – June 7, 2018 – (Approximately 90 individuals attended this training) - Attendees included staff, consumers, family members, service providers, students, and residents. This training was a collaboration with BHCS and community partners.

**Cultural/Ethnic and Community Events:**

BMH Annual Black History Month event – February 7, 2018 (Approximately 60 individuals attended this event) - Attendees included staff, consumers, family members, community partners, and residents.

Lunar New Year Event – February 23, 2018 (Approximately 25 individuals attended this event) - Attendees included staff, consumers, family members, youth, community partners, and residents.

BAHIA, Inc., Health Fair – April 28, 2018 – (Approximately 150 individuals attended this event.) Attendees included residents, consumers, family members, youth, and service providers.

May Is Mental Health Month Event – May 16, 2018 – (Approximately 80 individuals attended this event) - Attendees included staff, consumers, family members, students, community partners, and residents.

Gay Prom – Sponsorship for Horizon Services, Eden Project – June 2, 2018 – (Approximately 300 individuals attended this event) - Attendees included students, staff, consumers, family members, community partners, and residents.

City of Berkeley Juneteenth Festival – June 17, 2018 – (Approximately 1000 plus individuals attended this event) - Attendees included a diverse group of residents and stakeholders from throughout the region.

**Committees/Groups:**

- BMH Diversity & Multicultural Committee, Chair
- BMH Staff Training Committee, Chair
- Alameda County BHCS PRIDE Committee Member
- Alameda County BHCS Cultural Responsiveness Committee Member
- Statewide Spirituality Liaison, Spirituality Initiative Committee Member
- Berkeley High School (BHS) Community Resource Committee
- State and County Ethnic Services Managers/Cultural Competency Coordinators, Committee Member
- Alameda County BHCS African American Steering Committee for Health and Wellness, Committee Member
- BMH Health Equity Committee – Co-Chair
- African American Holistic Resource Center, Community Leadership Committee, Co-Chair
- City of Albany – Diversity and Inclusion Ad Hoc Committee

**Outreach and Engagement:**

- Berkeley Drop-In – Homeless Population
- McGee Baptist Church – African Americans
- ROOTS – Re-entry population
- Village Connect, Inc., African American & Latino populations
- Eden Project – LGBTQI2-S – TAY
- Pacific Center – LGBTQI2-S
- BAHIA, Inc. – Latino population



- Healthy Black Families – African American Women & Children
- City of Albany – Seniors, youth, staff and residents
- Berkeley Unified School District – Staff, Students, and Families
- Albany Unified School District – Staff, Students, and Families

**Transition Age Youth (TAY) Support Services**

Implemented through Covenant House, the Transition Age Youth (TAY) Support Services program provides outreach, services, supports, and/or referrals to TAY with serious mental health issues who are homeless or marginally housed and not currently receiving services. Priority is given to youth coming out of foster care and/or the juvenile justice system and particular outreach strategies are utilized to engage youth from various ethnic communities, including Asian and Latino populations, among others. Program services include: culturally appropriate outreach and engagement; peer counseling and support; assessment; individual and group therapy; family education; case management, coaching, ancillary program referrals and linkages. Also provided are services in housing attainment and retention, financial management, employment, schooling, and community involvement. Services are designed to be culturally relevant, tailored to each individual’s needs, and delivered in multiple, flexible environments. The main goals of the program are to increase outreach, treatment services, and supports for mentally ill TAY in need, and to promote self-sufficiency, resiliency and wellness. This program serves 15-20 youth at a time.

In FY18, a total of 174 TAY between the ages of 18-24 were served. Demographics on TAY served were as follows:

<b>CLIENT DEMOGRAPHICS N=174</b>		
<i>Client Gender</i>	<i>Number Served</i>	<i>% of Total</i>
Unknown	174	100%
<b>Race/Ethnicity</b>		
<i>Client Race/Ethnicity</i>	<i>Number Served</i>	<i>% of Total</i>
African American	85	49%
Asian Pacific Islander	4	2%
Caucasian	24	14%
Latino	19	11%
Native Hawaiian or Alaska Native	2	1%
Bi-racial/Multi-racial	10	6%
Other	23	13%
Unknown	7	4%

During FY18, in addition to mental health services and supports a large portion of youth participants were provided with Substance Use Disorder services and housing assistance. Additionally, support groups on various mental health topics were a popular addition to the project services.

## **SYSTEM DEVELOPMENT**

System Development includes Wellness Recovery Support Services that are intended to expand collaboration with stakeholders, promote the values of wellness, recovery and resilience, and move the Division towards a more consumer and family member driven system. Services are comprised of the following main components: Wellness/Recovery System Integration; Family Advocacy Services; Employment/Educational services. Some of the additional services to support clients include Housing Services and Supports, Benefits Advocacy, and Transitional Outreach services among others. Together, each ensures that consumers and family members are informed of, and able to be involved in, opportunities to provide input and direction in the service delivery system and/or to participate in recovery-oriented or other supportive services of their choosing. Strategies designed to reach program goals include: developing policies that facilitate the Division in becoming more Wellness & Recovery oriented and consumer/family member driven; outreach to, and inclusion of, consumers and family members on Division committees; provision of family support & education; supported employment and vocational services; wellness activities; peer supportive services; client advocacy; housing supportive services; and benefits advocacy.

### **Wellness Recovery System Integration**

The BMH Wellness Recovery Team works with staff, stakeholders, community members and clients to advance the goals of Wellness and Recovery on a system wide level. In order to accomplish these goals, some of the various tasks include: recruiting consumers for Division committees; convening committees around Wellness Recovery system initiatives; oversight/administration of peer stipends; convening and conducting meetings for a "Pool of Consumer Champions (POCC)"; working with staff to develop various Wellness and Recovery related policy and procedures; and oversight of the Division's "Wellness Recovery Activities". The Consumer Liaison is also a resource person around "Mental Health Advance Directives" for consumers desiring to express their treatment preferences in advance of a crisis; and is a participant on a number of local MHSA initiatives. In FY18, these individual and system-level initiatives impacted approximately 406 clients.

In FY18 some of the various activities of the Wellness Recovery Team that were conducted under the direction of the Consumer Liaison included:

### **Berkeley Pool of Consumer Champions (POCC)**

During FY18, 11 meetings were held which included: Giving suggestions for the update to the Berkeley Resource Guide; sponsoring a South Berkeley Art Walk; presenting about their work at the Alameda County POCC Steering Committee; learning a Solstice Song in English and Spanish and singing it at the Alameda County POCC Holiday party; and writing a letter of support for an Expressive Arts therapy project through Tamalpa Institute. The last project became peer led Expressive Arts field trips. The POCC also received an MHSA update on the Innovations Technology Suite Project, updated the POCC Action Plan, had a presentation on Roberts' Rules and gave input into the new Wellness Center. An average of 4-5 individuals attended each meeting for a total of 15 unduplicated individuals attending over the course of the year.

## Wellness Recovery Activities

Designed with, and building on the talents of consumers, the BMH Wellness Recovery activities included workshops, trainings and ongoing health groups. Light refreshments were served at each activity. In FY18, a total of 26 unduplicated consumers attended this program. Peer led activities included:

- Facilitated Discussions - Topics included: Ways to Reduce Stress; Healing Properties of Ginger Tea; Our Values; Watching and Discussing the Video MindGame; Plans for Summer; What to do When You Are Down; Progress On Your Goals; Things to do to Stay Well.
- Creative Writing - Topics included: Writing a story about a picture; Highs and Lows of Recovery; Description of yourself- Your Wishes and Dreams; Gratitude list; Three Truths and a Lie; What Helps and What Doesn't; Goal Setting; Your Recovery Journey; Recovery Essay; Letters to our Younger Selves; Things You Like About Yourself; What to do When Someone is Rude; The Ups and Downs of the Past Week; Your Most Memorable Walk.
- Creating – Mandalas; Greeting Cards; “Wreck This Paper Art”; Butterflies for “Day of the Dead” Altar; Using Dots to Create Art; Choices You Regret and What to do About it; Valentine Cards; Cards to our Future Selves.
- Exercise – Yoga; Stretching; Chi Gung; Walking.
- Games - Wellness Tools Hangman; Moods; Creating a Dinner for Under \$30 from Ads; Recovery Hangman; Stress Reduction Hangman; Life Stories; Jenga!
- Drawing – Including: Drawing a Gate, a Church, the London Bridge, a summer day; Coloring mandalas; Outlining objects to Create a Composition; Using Lines; Shared Drawing; Creating Art with Stray Lines; Scribble Drawing.
- Other – Drumming; Meditation; Choosing Your Goals; Calligraphy Writing; Guided Visualization; Plant Identification; Collage; Creating an Altar for the Day of the Dead Exhibit at the Oakland Museum.

## Field Trips

In FY18 a total of 17 field trips were offered with 70 persons participating. Peer led field trips in nature incorporating expressive arts entitled “Journeys in Nature” included trips to: Tilden Botanical Garden, Berkeley Marina, Tilden Park, Berkeley Rose Garden, Live Oak Park, Indian Rock and John Hinckle Park, Jewel Lake, Aquatic Park and the Vivarium and Lake Anza. Additional trips included the: San Francisco Museum Of Modern Art; South Berkeley Art Walk, Berkeley Art Museum; a trip to 4<sup>th</sup> Street in Berkeley to see the Holiday lights and the local Open Art studios; Lake Merritt Bird Sanctuary, Berkeley Animal Shelter, and a Tour of Berkeley Main Library.

## Card Party Groups

In FY18 a total of 32 Card Party groups were offered to inspire consumers to create inspirational cards for individuals in psychiatric hospitals. This program is modeled after the Do-Send-A-Card program created by the San Francisco Mental Health Association. BMH Wellness Recovery staff partnered with the Alameda Network of Mental Health Clients’ Reach Out Program to distribute the cards that were created from the Card Party groups when they visit the hospitals throughout the County. Patients can choose the card they want to receive. Through this program over 120 cards, were sent to the Reach Out Program.

### Mood Groups

Through the BestNow! interns a weekly support group focusing on moods was added. With the aid of interns 15 sessions were offered with a total of 41 visits.

### Phone Support

Through the BestNow! interns, phone support to consumers was added. BMH Wellness Recovery staff helped develop the purpose of the calls and provided training on phone counseling to the interns. A total of 16 individuals were referred or expressed interest in receiving a weekly phone call from an intern. Of those, 12 people received a total of 66 supervised phone sessions. When the internship was nearing its end, cards were sent to everyone expressing well wishes.

### Mental Health Advance Directives

This consultation is offered monthly on a drop-in basis. As a result of these meetings, recommendations were made to the existing Mental Health Advance Directive policy and procedure.

The Wellness Recovery Team also conducted or participated in the following activities during the reporting timeframe: Developed a monthly color calendar of activities that was sent to approximately 150 individuals via mail and another 130 individuals via email; created an introductory letter about the Wellness Recovery Team to be given to consumers; worked on the development of a Mission Statement for the Wellness Recovery Team; participated in the planning and implementation of the Spring 2018 CASRA conference and the May is Mental Health Month event in Berkeley; co-facilitated 4 Adult Mental Health First Aid trainings and 3 Youth Mental Health First Aid trainings; participated in the Creative Wellness Center Task Force which is planning to develop a Creative Wellness Center; conducted Consumer Perception surveying in November and May during the State survey period, including recruiting, training and supervising surveyors as well as submitting completed surveys to the state; began working with ACBHCS Staff on the 50 year History of the Consumer Movement in Alameda County; administered the Consumer and Family Member Stipend Program and continued work on updating the Stipend Policy; Supervised and trained 2 BestNow! Interns and through them added the weekly Mood Group and individual Phone Support; brought consumers to the POCC BBQ; provided in-service training to interns on Psychopharmacology and Harm Reduction; provided training on Shared Decision Making to 50 staff of Conard House; and attended the following conferences - 2017 Alternatives Conference, 2018 CASRA Conference, and the POCC Annual Conference.

### **Hearing Voices Support Group**

The Hearing Voices Support Group is offered through a contract with the Bay Area Hearing Voices Network. The weekly free drop-in Support Group is for adults who experience voices, visions, special messages, unusual beliefs or extreme states of consciousness. Support groups are co-facilitated by trained group leaders both with lived experience in the mental health system.

In FY18, weekly groups were offered with an average attendance of 10-12 individuals. Several family members have reported that they are pleased that their loved one is engaged and doing well as a result of this group.

### **Family Support Services**

The Family Service Specialist works with Family Members, staff, community-based organizations etc. to improve services and supports for BMH clients and their family members on a system-wide level. Services provide both individual family services and supports, and system-wide change initiatives. This family/caregiver-centered program serving Berkeley and Albany provides information, education, advocacy and support for family/caregivers of children, adolescents, TAY, adults and older adults with serious emotional disturbance or severe mental illness. Services are provided in a culturally responsive manner providing outreach to people of various ethnicities and language groups.

The Family Services Specialist serves as a point of contact for family members who are currently accessing or attempting to access services and/or who have questions and concerns about the mental health system, providing them with supports, and as needed, referrals to additional community resources. Outreach is provided to families through existing BMH family support groups, NAMI of the East Bay, community clinics and the Alameda County Family Education Resource Center (FERC). Additionally, the Family Services Specialist coordinates forums for family members to share their experiences with the system; recruits family members to serve on BMH committees; supports family members through a “Warm line”; conducts a Family Support Group; and creates training opportunities to educate mental health staff on how to effectively work with families. The combination of individual services and system-level initiatives impact approximately 406 clients and their family members a year.

The Family Services Specialist position was vacant until February 2018. Once hired, under the direction of the Family Services Specialist, the following individual or group services and supports were conducted through this program:

**Warm Line Phone Support:** A Warm Phone Line provided a sympathetic resource for family members needing information, referrals, supports, and assistance in navigating the complex mental health system. Through the Warm Line, the Family Services Specialist helped families find services and resources as needed.

**Family Support Group:** An English speaking Family Support group was offered to parents, children, siblings, spouses, significant others or caregivers. The group met twice a month for two hours.

**Individual Support:** The Family Services Specialist met with families as needed, to provide personal support to help them prioritize their needs, connect them with appropriate resources and supports, assist them in navigating the Mental Health system and to provide coping skills for dealing with the high level of stress that can ensue from the impact of mental illness in the family.

In FY18 a total of 26 family members were served. The total number served reflects the fact that the position was vacant and wasn't filled until late February 2018. Demographics on individuals served are outlined below:

<b>CLIENT DEMOGRAPHICS N=26</b>		
<i>Client Gender</i>	<i>Number Served</i>	<i>Percent of Total Number Served</i>
Male	22	85%
Female	4	15%
<b>Race/Ethnicity</b>		
<i>Client Race/Ethnicity</i>	<i>Number Served</i>	<i>Percent of Total Number Served</i>
African American	3	11.5%
Asian Pacific Islander	3	11.5%
Caucasian	13	50%
Hispanic/Latino	1	4%
Declined to Answer/Unknown	6	23%
<b>Age Category</b>		
<i>Client Age in Years</i>	<i>Number Served</i>	<i>Percent of Total Number Served</i>
26-55 years	4	15%
56+ years	9	35%
Declined to Answer/Unknown	13	50%

### **Employment Services**

Previously, a BMH Employment Specialist provided services to support consumers in job readiness and accessing employment opportunities. It was envisioned that these services would at a minimum, create and nurture supported vocational, educational and volunteer “try-out” opportunities in the community; build employment and educational readiness; and increase the numbers of consumers who are gainfully employed and/or engaging in other meaningful activities such as school or volunteer work. Different strategies were implemented along the way including utilizing the Dartmouth model of supported employment. The Dartmouth model helps to promote wellness and recovery by enabling clients to work alongside other non-mentally ill workers in a competitive environment in their community. In this model, employment supports were provided to clients from multiple sources including the following: Employment Specialist; Case Manager; Psychiatrist; and any involved Family Members. The Employment Specialist also: provided supports to clients who were interested in starting their own business by guiding them through the necessary steps of getting a license, advertising, etc.; assisted clients who weren’t quite ready to obtain employment, in becoming involved in volunteer opportunities; connected clients with the Department of Rehabilitation for computer skills training; worked with staff to ensure clients were adhering to their medication regimen; and supported clients in filling out job applications and or practicing their interview skills.

Although various strategies were implemented over the years, client participation and employment outcomes remained low through FY12, followed in FY13, with an unexpected vacancy in the Employment Specialist position. Low client outcomes coupled with a vacancy in the position prompted BMH to evaluate current best practices for mental health client employment. Additionally, input received during various MHSA Community Program Planning processes, provided recommendations on strategies to better support clients in reaching their employment goals, such as: assisting clients on interviews and on what to share with an employer regarding reasonable accommodations; providing mentoring and job shadowing; implementing technology training for clients; having services be integrated and supported, and implementing evidence based practices.

A new Employment Specialist position was proposed through the previously approved Three Year Plan. It was envisioned that once hired, the Employment Specialist would be focused on utilizing an evidenced based model for supporting individuals with serious mental illness in obtaining and retaining competitive employment. The hiring process for this position has not occurred yet, as the City of Berkeley has been evaluating whether the best use of funds would be to hire the full-time position, or to contract the services out to a local organization that focuses on employment services and supports for mental health consumers. As a decision on the best approach had not been finalized yet, in the previously approved MHSA FY19 Annual Update, the Division requested to have flexibility on how to best utilize funds allocated for the Employment Services Specialist position.

**Housing Services and Supports**

Previously a Housing Specialist worked with clients and staff throughout the Division to provide Housing Resources, with the aim of increasing housing opportunities for clients and increasing housing retention. In FY13 the Housing Specialist Position became vacant. Up until early FY18, although clients continued to receive housing support from case managers and/or through Shelter Plus Care personnel, there was not a dedicated staff member in place to focus solely on this aspect of the work. The vacancy in the Housing Specialist position allowed BMH to re-assess where staff expertise would be most beneficial in supporting mental health clients with their housing needs. Additionally, input received during the FY14 and previous MHSA Community Program Planning processes included concerns around the lack of affordable housing in Berkeley and echoed the need for additional supports to assist clients in maintaining their housing.

In FY17, BMH began interviewing for the Housing Specialist position and the position was filled in early FY18. The current Housing Specialist has been involved in: providing housing resource services for clients; working with landlords to increase housing opportunities; collaborating with case management staff, landlords, and Board & Care Managers to provide additional supports for clients who are already housed; and working in tandem with the City of Berkeley HHCS Department Hub (which serves as a single entry point into emergency shelter and transitional housing, where clients are triaged based on their housing and service needs).

**Benefits Advocacy Services**

Through this project a community-based organization, the Homeless Action Center (HAC), assists clients in obtaining public benefits. Services are provided for approximately 10 BMH clients a year. In FY18, 19 clients were served through this agency. Demographics on those served were as follows:

<b>CLIENT DEMOGRAPHICS N=19</b>		
<i>Client Gender</i>	<i>Number Served</i>	<i>Percent of Total Number Served</i>
Male	11	58%
Female	8	42%

<b>Race/Ethnicity</b>		
<i>Client Race/Ethnicity</i>	<i>Number Served</i>	<i>Percent of Total Number Served</i>
African American	9	47%
Caucasian	7	37%
Mixed	1	5%
Other	2	11%
<b>Age Category</b>		
<i>Client Age in Years</i>	<i>Number Served</i>	<i>Percent of Total Number Served</i>
18-24 years	3	16%
25-44 years	6	32%
45-54 years	5	26%
55-61 years	4	21%
62 & over	1	5%

### **Flexible Funds for Level One Clients**

A contract with the community-based organization, Berkeley Food & Housing Project, enables flexible funds to be used with clients across the system for supports such as housing, clothing assistance, food, transportation, etc. This use of flexible funds aids individuals in achieving better stability in areas where they are less capable of addressing their daily living needs.

### **Mobile Crisis Team (MCT) Expansion**

Through the previously approved MHSA FY14/15 - 16/17 Three Year Program and Expenditure Plan, and as a result of staff and community input on increasing and improving services for those experiencing a mental health crisis, the following additions to BMH have been or are in the process of being implemented through CSS System Development funds:

- New staff were added to expand Mobile Crisis Team (MCT) capacity, allowing two teams to respond separately to crises between 11:30am and 5:00pm. Based on a safety review of the program, staff work as a pair after 5:00pm.
- BMH Staff has continued to conduct multiple Mental Health First Aid Trainings to teach community members how to assist individuals who are in crisis or are showing signs and symptoms of a mental illness.
- A Consumer/Family Member Satisfaction Survey for Crisis services was developed and implemented by BMH Staff.

### **Transitional Outreach Team (TOT)**

This program was added thru the previously approved FY16 MHSA Annual Update to support Crisis Services, through interventions that address issues individuals experience either immediately prior to, or following a mental health crisis. This team, follows up with individuals and families that have had a recent crisis. The goal of the team is brief outreach engagement that will help that individual and/or family get connected to the resources they need so that they are able to move towards recovery.



In FY18, 224 individuals were served through this project. Demographics on those served were as follows:

<b>CLIENT DEMOGRAPHICS N=224</b>		
<i>Client Gender</i>	<i>Number Served</i>	<i>Percent of Total Number Served</i>
Male	114	51%
Female	110	49%
<b>Race/Ethnicity</b>		
<i>Client Race/Ethnicity</i>	<i>Number Served</i>	<i>Percent of Total Number Served</i>
African American	52	23%
Caucasian	97	43%
Latino/Hispanic	11	5%
Asian	9	4%
Mixed	1	1%
Other	54	24%
<b>Age Category</b>		
<i>Client Age in Years</i>	<i>Number Served</i>	<i>Percent of Total Number Served</i>
0-15	15	6%
16-25	42	19%
26-59	101	45%
60+	29	13%
Unknown	37	17%

Outcomes of the program during the reporting timeframe included:

- Successfully conducted follow up to those who have had contact with Mobile Crisis by phone and/or in person.
- Connected many individuals and families to needed mental health care, housing, literacy services, family services, emergency medications.
- Offered intensive short term support to individuals and families who experienced a mental health crisis, including referrals, linkage, psychoeducation, and active support in connecting with needed service in Berkeley or elsewhere in the Alameda County system of care.
- Provided in person outreach and engagement to individuals in inpatient settings who needed assistance connecting to treatment and were unlikely to make it to the clinic for an intake. Settings included John George Psychiatric Facility, Villa Fairmont, Herrick Hospital, Woodrow House, and other sites. TOT staff worked with facility staff in addition to mental health consumers.
- Provided in person outreach and engagement to individuals receiving homeless services and staff at homeless service provider agencies, including MASC, BOSS, BFHP, and others. Also conducted in person outreach at homeless encampments throughout the City.
- Coordinated with other programs within the City's Mental Health Division, including the Crisis/Assessment/Triage (CAT) On Duty staff, field based services such as Mobile Crisis (MCT) and the Homeless Outreach and Treatment Team (HOTT), and with the case management teams at the Adult and Children's clinics.
- Hired a second staff member for the program, increasing capacity in all of the above areas.

Successes:

- Provided numerous individuals and families with follow up services. This capacity did not exist before this program was implemented, and is much needed.
- Positive feedback from service recipients.
- Provided culturally responsive services to Spanish speaking individuals and families to help them navigate the mental health system.

- Connected reluctant, difficult to engage individuals with care at Berkeley Mental Health through persistent outreach and engagement at inpatient facilities and in the community.

Challenges:

- Facility and system issues affecting the BMH Adult Services Program as a whole continue to affect consistency.
- Difficulty in hiring the second staff has delayed the full implementation of the program. (Second staff came on board 9/20/18.)

### **Sub-Representative Payee Program**

In the previously approved MHSA FY2014/15 – 2016/17 Three Year Program and Expenditure Plan the Division proposed to use a portion of CSS System Development funds to outsource Sub-Representative Payee services, as the practice for many years at the BMH Adult Clinic was for clinicians to act as representative payees, managing client's money. While on some levels this practice improved clients' attendance at regular appointments, it also presented an array of other challenges around the dual role of clinician/money manager.

In FY19, Sub-Representative Payee services was contracted out to Building Opportunities for Self Sufficiency (BOSS) who were chosen through a competitive Request For Proposal (RFP) process.

### **Wellness Recovery Center**

Per previously approved MHSA Plans the City of Berkeley has allotted \$450,000 of CSS System Development funds annually to pool with Alameda County BHCS monies to fund a local Wellness Recovery Center. In FY16, a Memorandum of Agreement (MOU) with Alameda County BHCS was finalized.

Alameda County BHCS executed an RFP process and Bonita House was the chosen community-based organization who will be implementing the Wellness Center. Bonita House identified a site on University Avenue where the Wellness Center will ultimately be located and construction has begun.

### **BMH Peer and Family Member Positions**

Since the first MHSA Plan, BMH has included positions for peers and family members with lived experience to be added to various programs throughout the Division. The BMH Division utilizes existing City job classifications to create an employment track for peer or family member providers. The entry level position is Community Health Worker, the mid-level is Assistant Mental Health Clinician, and the top-level is Social Services Specialist. All of these classifications are used broadly for differing purposes throughout the City. For the specific positions where the MHSA Plan envisioned utilizing peer or family providers, BMH has had success in establishing employment lists where there are applicants who describe themselves as peer providers or family member providers. In early August 2018, a Peer Specialist was hired to support the Wellness Recovery services work. It is anticipated that BMH will continue to increase the number of peer and family member providers in the future.

### **Homeless Outreach and Treatment Team (HOTT)**

The Homeless Outreach and Treatment Team (HOTT) program was established out of an effort to address the current homeless crisis, and as a result of input received through various MHSA community program planning processes. Utilizing a portion of PEI and CSS funds, blended with realignment and general funds HOTT is a three year pilot program to move homeless mentally ill individuals in Berkeley/Albany into permanent housing and to connect them into the web of services and supports that currently exist within the system of care. Key program components include the following: Persistent and Consistent Outreach; Supportive Case Management; Linkage to Care; and Treatment.

A local consultant, Resource Development Associates, was hired to conduct a dedicated independent evaluation to assess the program accomplishments and to ascertain whether HOTT should continue past the initial funding period. The initial report on FY18 showed many positive findings including the following:

- HOTT is serving as an important resource for the local community and homeless service continuum
- The program has been very effective in persistent and consistent outreach, especially for chronically homeless individuals with a history of refusing services
- HOTT meets people where they are, in parks, encampments, motels
- The program has successfully connected homeless individuals to critical resources and service linkages

The full Evaluation Report can be accessed on the MHSA Website:

[https://www.cityofberkeley.info/uploadedFiles/Health\\_Human\\_Services/Level\\_3 -  
Mental\\_Health/Berkeley-HOTT\\_Evaluation-Report.final.pdf](https://www.cityofberkeley.info/uploadedFiles/Health_Human_Services/Level_3_-_Mental_Health/Berkeley-HOTT_Evaluation-Report.final.pdf)

In FY18 through the first quarter of FY19, 289 individuals were served through this program. As this program is funded in both the CSS and PEI MHSA components, demographics on individuals served through this program are outlined in the PEI section of this FY20 Annual Update.

### **Case Management for Youth and Transition Age Youth**

In response to a continued high need for additional services and supports for youth and TAY who are suffering from mental health issues and may be homeless or marginally housed, BMH allocated \$100,000 of CSS System Development funds in FY19 to increase case management services for this population. Use of funding for these services was previously approved in the FY16 MHSA Annual Update. Services are currently provided by Youth Spirit Artworks who were chosen through a competitive RFP process.

### **AlbanyCares (formerly Albany Community Resource Center)**

In the previously approved Three Year Plan the City of Berkeley allocated \$32,000 of MHSA CSS System Development funds to support the City of Albany Community Resource Center. The Albany Community Resource Center was initially a short-term pilot project that offered residents a one-stop venue to learn about and receive referrals and resources to assist with a range of social and economic needs. The Community Resource Center was staffed by a half-time Community Resource Center Director.

In early 2018, due to a loss of staffing the Albany Community Resource Center closed prematurely. During the time the Resource Center was in operation, 54 individuals (30 females, and 24 males) between the ages of 8-87 years old were served. The demographics of individuals served were as follows: 9% African American; 7% Asian; 7% Latino; 33% Caucasian; 2% Mixed; 42% Unknown. The top concerns of those served included housing or homelessness, mental health issues, and medical and/or dental needs. The provision of referrals and assistance for Albany residents were able to continue on an interim basis at the Albany Senior Center by Resource Center volunteers.

In March 2018, the Albany City Council authorized the development of a “Human Services Resource Linkage Program” or “AlbanyCares” which would continue the work of the Albany Community Resource Center and would include a full-time Human Services Resource Coordinator. To continue to provide support to this program BMH increased the MHPA annual funding allocation to \$50,000, through the approved FY19 Annual Update.

#### **Additional Services for Asian Pacific Islanders**

The Asian Pacific Islander population is significantly underserved in the mental health system. In an effort to better meet the needs of this underserved population, BMH proposed through the previously approved MHPA FY19 Annual Update to utilize \$100,000 of unallocated CSS System Development funds to contract with a local community-based organization or to partner with ACBHCS to increase funding for a contractor selected for similar purposes. The contractor will provide access to additional services and supports for this population, and if BMH directly contracts with an organization the contractor will be chosen through a competitive Request for Proposal (RFP) process.

#### **Evaluation Consultant**

Feedback received over the past couple of years regarding program outcomes has largely focused on implementing evaluative measures that help BMH, MHPA Stakeholders and community members more fully understand and determine how well programs are meeting participant and community needs. Integral to this type of outcome measure is to engage the voice of the program participant around the services they received. Despite best intentions of staff there is simply not the time or expertise to effectively accomplish this and the specialized skills of a consultant will ensure the most successful outcome.

In response to this input, BMH proposed through the previously approved MHPA FY19 Annual Update to allocate \$100,000 of CSS System Development funds for a Consultant who will conduct an evaluation on all BMH programs across the system utilizing the “Results Based Accountability” (RBA) framework. The RBA framework will measure how much was done, how well it was done, and whether individuals are better off as a result of the services they received. The Consultant will be chosen through a competitive RFP process. In FY20, the consultant will be hired and the RBA evaluation framework will be implemented across the system.

## **PREVENTION & EARLY INTERVENTION (PEI)**

The original City of Berkeley Prevention & Early Intervention (PEI) Plan was approved by DMH in April 2009. Subsequent Plan Updates were approved in October 2010, April 2011, May 2013, May 2014, May 2015, June 2016, January 2017, July 2017 and October 2018. From the original approved PEI Plan and/or through Plan Updates, the City of Berkeley has provided the following services through this funding component:

- An early identification, assessment, treatment and referral program for children (0-5 years old) and their families;
- Prevention and short-term intervention services in the Berkeley school system;
- Trauma support services for youth, adults and older adults in unserved, underserved and inappropriately served populations;
- An anti-stigma support program for mental health consumers and family members;
- Intervention services for at-risk children; and
- Increased homeless outreach services for TAY, adults, and older adults.

### **PEI Reporting Requirements**

Per MHPA PEI regulations, all PEI funded programs have to collect additional state identified outcome measures (specific to the category of services provided) as well as detailed demographic information. The first report that included data specific to the new PEI requirements, [“City of Berkeley Mental Health Services Act \(MHPA\) Fiscal Year 2017 Prevention & Early Intervention Evaluation Report”](#) is located on the City of Berkeley Mental Health Division MHPA website. Beginning in FY19, PEI Evaluations are required to be included in each MHPA Annual Update or Three Year Plan. See Appendix A for the Fiscal Years 2015/2016 – 2017/2018 Three Year Prevention & Early Intervention Evaluation.

### **Impact Berkeley**

In FY18, the City of Berkeley introduced a new initiative in the HHCS Department called “Impact Berkeley”. Central to this effort is using a highly regarded framework called Results Based Accountability (RBA) to account for the work of the Department. RBA provides a new way of understanding the quality and impact of services provided by collecting data that answer three basic questions:

- How much did you do?
- How well did you do it?
- Is anyone better off?

RBA has been incorporated into selected programs within the Department. In FY18, this included community agency programs funded through the MHPA Prevention & Early Intervention Community Education & Supports program. Through this initiative the Department worked with each contractor to envision, clarify and develop measures on the outcomes and results each program is seeking to

achieve, and used a rigorous framework to begin measuring and enhancing progress towards these results. Page 42 of this FY20 Annual Update provides an aggregated summary of some of the results of this initiative. The full report on the Impact Berkeley PEI program results can be accessed on the MHSa Website: [MHSa Plans and Updates - City of Berkeley, CA](#)

Descriptions of PEI funded programs, and FY18 program data are outlined below:

**Behavioral-Emotional Assessment, Screening, Treatment, and Referral (BE A STAR)**

The Be A Star program is a collaboration with the City of Berkeley’s Public Health Department providing a coordinated system in Berkeley and Albany that identifies children birth to age five and their parents, who are at risk of childhood development challenges including developmental, social, emotional, and/or behavioral concerns. The program specifically targets low income families, including those with teen parents, who are homeless, substance abusing, or in danger of foster care. Services include triage, assessment, treatment and referrals to appropriate community-based or specialist services as needed. Children and families are accessed through targeted efforts at the following: Black Infant Health; Vera Casey Teenage Parenting programs; Child Health and Disability Prevention programs, Pediatric providers, and through state-subsidized Early Childhood Development Centers. The goals of the program are to identify, screen and assess families early, and connect them with services and supports as needed. The program uses the “Ages and Stages Questionnaires” (ASQ) screening tool to assess children in need. The ASQ consists of a series of 20 questionnaires that correspond to age intervals from birth to 6 years designed to help parents check their child’s development. Each questionnaire contains simple questions for parents to answer that reflect developmental milestones for each age group. Answers are scored and help to determine whether the child’s development is on schedule or whether the child should be referred for a developmental checkup with a professional. Over 400 children are assessed each year.

**PEI Goals:** The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

In FY18, 345 children were reached through this program at Berkeley Unified School District (BUSD). A total of 49 of the children reached were already receiving services through an Independent Education Plan (IEP). A total of 280 ASQ’s were returned and scored. Through these screenings, 36 children scored in the “Of Concern” range. Outlined below is a breakdown of the BUSD Preschool ASQ screening results of children in the “of concern” range:

BUSD Preschool	Number Screened	Screening Results “Of Concern”	% Scored of Concern
Franklin	171	15	9%
King	74	12	16%
Hopkins	72	7	10%

As a result of the BUSD ASQ screenings, 148 referrals were made to the following services: 28 to Mental Health services; 26 to BUSD Special Education; 38 Speech Services; 56 to BUSD “Response To Intervention (RTI)” services.

Demographics on children who received outreach and/or screenings at BUSD were as follows:

<b>PARTICIPANT DEMOGRAPHICS N=345</b>	
<b>Age Groups</b>	
0-15 (Children/Youth)	100%
<b>Race</b>	
Black or African American	23%
Asian	15%
White	4%
Other	30%
More than one race	12%
Declined to Answer (or Unknown)	16%
<b>Ethnicity: Hispanic or Latino</b>	
Mexican/Mexican-American/Chicano	24%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Declined to Answer (or Unknown)	6%
<b>Primary Language Used</b>	
Declined to Answer (or Unknown)	100%
<b>Sexual Orientation</b>	
Declined to answer (or Unknown)	100%
<b>Disability</b>	
Declined to answer (or Unknown)	100%
<b>Veteran Status</b>	
No	100%
<b>Gender: Gender Assigned at Birth</b>	
Declined to answer (or Unknown)	100%
<b>Current Gender Identity</b>	
Declined to answer (or Unknown)	100%

A total of 992 additional ASQ's were administered at Berkeley Pediatric Sites. Outcome demographic data is not available on Berkeley Pediatric site screenings.

**Supportive Schools Program**

Through this program leveraged MHSA PEI funds provide resources to support mental health prevention and intervention services in the Berkeley Elementary schools. Services include: outreach; mental health programming; classroom, group, and one-on-one psycho-social education and support; and consultation with parents and/or teachers.

In FY18, approximately 830 youth participated in individual or group therapy services. Demographic data on individuals served through this program included:

<b>PARTICIPANT DEMOGRAPHICS N=830</b>	
<b>Age Group</b>	
0-15 (Children/Youth)	100%
<b>Race</b>	
American Indian or Alaska Native	4%
Asian	5%
Black or African American	23%
Native Hawaiian/Pacific Islander	<1%
White	37%
Other	1%
More than one race	14%
Declined to Answer (or Unknown)	15%
<b>Ethnicity: Hispanic or Latino</b>	
Mexican/Mexican-American/Chicano	1%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
More than one ethnicity	8%
Declined to answer (or Unknown)	92%
<b>Primary Language Used</b>	
English	7%
Declined to Answer (or Unknown)	93%
<b>Sexual Orientation</b>	
Declined to answer (or Unknown)	100%



Disability	
Mental domain not including a mental illness (including but not limited to a learning disability, developmental disability, dementia)	3%
Declined to answer (or Unknown)	97%
Veteran Status	
No	100%
Gender: Assigned sex at birth	
Male	47%
Female	38%
Declined to answer (or Unknown)	15%
Current Gender Identity	
Male	46%
Female	39%
Questioning or unsure of gender identity	Unknown
Declined to answer (or Unknown)	15%

**Community Education & Supports**

The Community Education & Supports program implements culturally-responsive psycho-educational trauma support services for individuals (18 and above) in various cultural, ethnic and age specific populations that are unserved, underserved and inappropriately served in Berkeley and Albany including: African Americans; Asian Pacific Islanders; Latinos; LGBTQI; TAY; and Senior Citizens. All services are conducted through area community-based organizations. In FY18 each of the Community Education & Supports contractors participated in the HHCS Results-Based Accountability (RBA) Evaluation. In this first year of RBA implementation results were presented in an aggregated format aggregated across all programs as follows.

How Much Did We Do?	How Well Did We Do It?	Is Anyone Better Off?
<ul style="list-style-type: none"> <li>• 585 Support Groups/Workshops</li> <li>• 1,885 Support Group/Workshop Contacts</li> <li>• 129 Outreach Activities</li> <li>• 1,438 Outreach Contacts</li> <li>• 413 Referrals</li> </ul>	<ul style="list-style-type: none"> <li>• Participants attended 6 support groups or workshop sessions on average over year</li> <li>• More than 9 out of 10 survey respondents were satisfied with services</li> <li>• Referrals by type: 108 Mental Health 97 Social Services 82 Other 74 Physical Health 52 Housing</li> </ul>	<ul style="list-style-type: none"> <li>• 85% Survey respondents reported having increased feeling of social support and connection</li> <li>• 23% Improvement in truancy rate for participating Albany students</li> <li>• Survey respondents reported positive mental health changes</li> </ul>

For additional details, definitions of terms, technical notes on how the performance measures were calculated, access information on how various data variables were quantified and for full reporting on other data elements, access the full report on the Impact Berkeley PEI program results on the MHSa website: [MHSa Plans and Updates - City of Berkeley, CA](#)

Descriptions for each project within this program are outlined below:

### **Albany Trauma Project**

Implemented through Albany Unified School District this project provides trauma support services to Latinos, Asian Pacific Islanders and African American TAY, and Adults. Through various supports the project: provides helpful information and coping strategies around the effects of trauma; offers interventions to keep at-risk individuals and families from developing serious mental health symptoms and behaviors; provides a forum for clinicians to monitor trauma-exposed individuals and families who may need more intensive mental health services; and creates a venue to explore trauma and stress management through symbols of healing, artwork, and alternative coping strategies. Services include: Youth Support Groups and Adult one-on-one support. Additional one time cultural activities to promote healing through reflection groups and art projects are also conducted throughout the year. This project annually serves approximately 30-40 youth and 25-45 adults.

Descriptions of services provided and numbers served through this project are outlined below:

**Youth Support Groups:** The use of Support Groups or Group Therapy are considered to be a highly effective and preferred intervention for adolescents who tend to be more likely to accept feedback from their peers than from adults. Through this project, separate weekly therapeutic support groups are provided at Albany High School and MacGregor High School for Asian Pacific Islander, Latino, and African American youth. Groups meet for 1-2 hours a week throughout the school year and are focused on helping participants process various traumatic events through the development of trust, close connections to each other, and creating a safe space for the expression and understanding of feelings.

**PEI Goals:** The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the reduction of school failure or drop out.

In FY18, a total of 39 students participated in three separate Support Groups with a total of 455 group sessions. An additional 77 individual sessions were held among group participants. Throughout the year there were 2 Child Protective Services (CPS) report made and four suicide assessments were conducted.

Thirty-two students completed a questionnaire that was administered on the 3<sup>rd</sup> week of group. Questionnaire Results are outlined below:

<b>QUESTIONNAIRE RESULTS N = 32</b>	
<b>QUESTIONS</b>	<b>PARTICIPANT RESPONSES</b>
Have you lost someone close to you?	Yes – 60% No – 40%
Have you witnessed violence in your family?	Yes – 71% No – 29%
Have you witnessed violence in your home?	Yes – 40% No – 60%
Have you been a victim of violence or abuse?	Yes – 32% No – 68%
If yes, have you spoken to anyone about this?	Yes – 60% No – 30% Didn't Answer – 10%
Do you feel that you've had the support in your life to cope effectively with the painful things you've experienced?	Almost Never – 6% Sometimes – 31% Often – 21% Usually – 18% Almost Always – 21% Didn't Answer – 3%
Do you use healthy ways to cope with stress in your life?	Almost Never – 6% Sometimes – 21% Often – 25% Usually – 31% Almost Always – 15% Didn't Answer – 2%
Do you use drugs or alcohol to help cope with your feelings, i.e. relax, calm down, quiet your mind, reduce anger, etc.?	Almost Never – 43% Sometimes – 25% Often – 6% Usually – 15% Almost Always – 9% Didn't Answer – 2%
Are there adults at your school who you can talk openly to about personal issues?	Yes – 69% No – 31%

Twenty-two students completed a questionnaire that was administered on the second to the last Support Group meeting. Results are outlined below:

<b>QUESTIONNAIRE RESULTS N = 22</b>	
<b>QUESTIONS or STATEMENTS</b>	<b>PARTICIPANT RESPONSES</b>
I felt welcomed into group.	Almost Never – 0% Sometimes – 0% Often – 4% Usually – 19% Almost Always – 75% Didn't Answer – 2%
I felt the group was a place I could express my feelings.	Almost Never – 0% Sometimes – 9% Often – 4% Usually – 22%

	<p>Almost Always – 63%</p> <p>Didn't Answer – 2%</p>
I felt supported by other group members.	<p>Almost Never – 0%</p> <p>Sometimes – 0%</p> <p>Often – 9%</p> <p>Usually – 18%</p> <p>Almost Always – 72%</p> <p>Didn't Answer – 1%</p>
Have you spoken to someone about the painful things you've experienced?	<p>Almost Never - 4%</p> <p>Sometimes – 14%</p> <p>Often – 14%</p> <p>Usually – 47%</p> <p>Almost Always – 19%</p> <p>Didn't Answer – 2%</p>
Do you feel that you have support in your life to deal with painful things you've experienced?	<p>Almost Never – 0%</p> <p>Sometimes – 18%</p> <p>Often – 18%</p> <p>Usually – 27%</p> <p>Almost Always – 36%</p> <p>Didn't Answer – 1%</p>
Do you use healthy ways to cope with the stress in your life?	<p>Almost Never – 0%</p> <p>Sometimes – 21%</p> <p>Often – 31%</p> <p>Usually – 28%</p> <p>Almost Always – 18%</p> <p>Didn't Answer – 2%</p>
Do you use drugs or alcohol to help cope with your feelings, i.e. relax, calm down, quiet your mind, reduce anger, etc.?	<p>Almost Never – 59%</p> <p>Sometimes – 13%</p> <p>Often – 4%</p> <p>Usually – 18%</p> <p>Almost Always – 4%</p> <p>Didn't Answer – 2%</p>
Are there adults at your school who you can talk openly to about personal issues?	<p>Yes – 68%</p> <p>No – 22%</p> <p>Sometimes – 9%</p> <p>Didn't Answer – 1%</p>
Would you recommend this group to a friend?	<p>Yes – 90%</p> <p>No – 0%</p> <p>Maybe – 10%</p>

According to the pre-group questionnaire a vast majority of Group members had experienced significant trauma. Other traumas students had experienced which were discussed during Support Groups sessions had to do with racism, immigration, loss of a parent, mental illness of a parent or sibling, parental alcoholism/addiction, adoption, significant early loss, divorce, extreme physical illness of a parent, poverty, rejection by parents, and living in highly chaotic and conflicted families.

Results suggest that without exception group members reported positive experiences in the support groups. All students who completed the post-group questionnaire responded that they felt welcomed into the group, and felt supported by other group members and selected either “Often, Usually, or Almost Always” as their responses. All students except for 2 (who responded “maybe”)

responded “yes” to the question: “I would recommend this group to a friend.” In addition, students’ responses in the “Dear Group Letter” indicated a highly positive experience in the groups.

In comparing the pre and post-group questionnaire results there was an increase in the following: students felt more supported in their lives, used healthy coping strategies more often, decreased their use of alcohol and drug use as a way to manage their feelings, and attended school with more frequency.

**Adult Support Groups:** Previously this project implemented outreach and engagement activities and support groups to Latino immigrant adults dealing with trauma issues, who live and work the backstretch of Golden Gate Field’s race track as groomers, exercise jockeys, and caretakers of the horses. Over the course of this reporting timeframe this project has migrated to more of a one-on-one engagement and support project with occasional drumming and other cultural and strength building group activities.

**PEI Goals:** The goal of this project is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

In FY18, approximately 35 unduplicated individuals participated in either one-on-one engagement or community group events. All participants had a myriad of basic living and mental health needs and many were isolated and illiterate.

This project has continued to be a key source of reaching a community that otherwise would not have resources. It is structured to take into account the barriers those living and working on the backstretch experience in accessing services, including complicated work hours, difficulty getting transportation, as well as their levels of acculturation, language and experience. Self-report from multiple participants’ overtime, has indicated that having mental health resources come into the backstretch has been a strong support for them.

In FY18, there were a total of 73 unduplicated individuals were served through the Albany Trauma Project. Demographics on individuals served were as follows:

PARTICIPANT DEMOGRAPHICS N=73	
Age Group	
16-25	62%
26-59	29%
60+	9%
Race	
Asian	22%
Black or African American	12%
Native Hawaiian or other Pacific Islander	3%
White	15%
Other	48%

<b>Ethnicity: Hispanic or Latino</b>	
Central American	4%
Mexican/Mexican-American/Chicano	59%
South American	1%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
African	12%
Asian Indian/South Asian	3%
Chinese	16%
Filipino	1%
Japanese	4%
<b>Primary Language Used</b>	
English	26%
Spanish	60%
Mandarin	7%
Other	7%
<b>Sexual Orientation</b>	
Gay or Lesbian	1%
Heterosexual or Straight	90%
Bisexual	4%
Questioning or Unsure	2%
Declined to Answer (or Unknown)	3%
<b>Disability</b>	
No Disability	52%
Difficulty Hearing or Having Speech Understood	4%
Physical/Mobility Disability	8%
Chronic Health Condition	5%
Declined to Answer (or Unknown)	31%
<b>Veteran Status</b>	
No	100%

Gender: Assigned sex at birth	
Male	62%
Female	38%
Current Gender Identity	
Male	62%
Female	38%

**Living Well Project**

Implemented through Center for Independent Living, this project provides services for Senior Citizens (aged 50 and over) who are coping with trauma and/or mental health issues associated with acquired disabilities. Senior Citizens with acquired disabilities are one of the most difficult groups to reach with disability services. It is similarly difficult to intervene with this group’s developing mental health issues related to aging and the traumatic impact of acquiring one or more disabilities (such as loss of mobility, vision, hearing, et al). The core of the project is a wellness workshop series entitled “Living Well with a Disability”. Through a combination of education, goal setting, group and peer counseling, the workshop series is designed to promote positive attitudinal shifts in a population who, despite the tremendous need for care, are often typically not responsive to mental health intervention. The workshop series includes a 10 week, one to two hour class conducted by Peer Facilitators, and an optional 30 minute counseling session. Counseling sessions are designed to monitor curriculum impact and continually assess individual goals and resource needs. This project serves up to 150 Older Adults a year.

PEI Goals: The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

In FY18, eight workshop cycles were conducted, five of the workshops were the “Living Well” series and three were “Continuing to Live Well” series, as it has been found that seniors with significant long-term goals want and need more than one workshop cycle to reach and maintain their goals. Each Living Well Workshop Series included the following sessions: Orientation; Goal Setting; Problem Solving; Healthy Reactions; Beating the Blues (Depression and Moods); Healthy Communication; Seeking Information; Physical Activity; Eating Well (Nutrition); Advocacy (Self and Systems Change); and Maintenance. Topics of Grief and Loss, Depression, Retirement, and Senior Invisibility were also incorporated into the program. This program also hosted outreach and informational events. In all approximately 81 Senior Citizens participated in some aspect of this program with 59 participating in the Living Well Workshops. Demographics of Workshop participants are outlined below:

<b>PARTICIPANT DEMOGRAPHICS N=59</b>	
<b>Age Groups</b>	
26-59 (Adult)	5%
Ages 60+ (Older Adult)	93%
Declined to Answer (or Unknown)	2%
<b>Race</b>	
Asian	3%
Black or African American	50%
Native Hawaiian or Other Pacific Islander	1%
White	20%
Other	13%
More than one race	3%
Declined to Answer (or Unknown)	10%
<b>Ethnicity: Hispanic or Latino</b>	
Caribbean	3%
Central American	2%
South American	2%
Other	18%
Declined to Answer (or Unknown)	75%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
African	7%
Chinese	3%
European	5%
More than one Ethnicity	2%
Other	10%
Declined to Answer (or Unknown)	73%
<b>Primary Language Used</b>	
English	98%
Spanish	2%



<b>Sexual Orientation</b>	
Gay or Lesbian	2%
Heterosexual or Straight	66%
Questioning or Unsure	2%
Declined to Answer (or Unknown)	30%
<b>Disability</b>	
Difficulty seeing	11%
Difficulty hearing or Having Speech Understood	7%
Mental (not mental health)	17%
Physical/mobility disability	26%
Chronic health condition	17%
No Disability	17%
Declined to Answer (or Unknown)	5%
<b>Veteran Status</b>	
Yes	3%
No	80%
Declined to Answer (or Unknown)	17%
<b>Gender: Assigned sex at birth</b>	
Male	22%
Female	47%
Declined to Answer (or Unknown)	31%
<b>Current Gender Identity</b>	
Male	19%
Female	37%
Transgender	44%

### **Harnessing Hope Project**

Implemented through GOALS for Women this project provides community-based, culturally competent, outreach and support services for African Americans residing in the South and West Berkeley neighborhoods who have experienced traumatic life events including racism and socioeconomic oppression and have unmet mental health support needs. The primary goals of

the project are to normalize stress responses and empower families through psycho-education, consciousness raising, strength-based coping skills, and supportive services through the following: Outreach and engagement; screening and assessment; psycho-education; family education; support groups such as “Kitchen Table Talk groups (non-stigmatizing, culturally responsive, peer centered groups) and “Just Like Sunday Dinners” ( a space for African Americans from all generations to come together to gain supports from one another); workshops and classes; mental health referrals and community linkages; peer counseling and support. A key component of this project is to train and mentor community leaders to become Peer Facilitators of Kitchen Table Talk groups. This project serves approximately 50-130 individuals a year.

**PEI Goals:** The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence including the prevention of suicide.

In FY18, the following activities were conducted through this project:

**Outreach and Engagement:** Outreach and engagement activities were conducted to approximately 107 women at various City locations, agencies and events to increase knowledge and the recognition of early signs of mental illness and to inform residents of project services.

**Peer Facilitator Training:** Peer Facilitator Trainings were held to increase knowledge and skills around how to facilitate peer support groups through an African American cultural lens. Five individuals participated in the Peer Facilitator Trainings. Some participants went on to facilitate Kitchen Table Talk Support Groups, and were supported through mentoring sessions that were held to provide facilitators with support and skills around how to handle difficult group topics and issues.

**Kitchen Table Talk Support Groups:** These support groups were designed to increase information and supports around current and historical trauma and to teach participants healthy coping skills. Approximately 54 African American women ranging in ages from 18-60, and youth ranging in ages from 12-16 participated in Kitchen Table Talk Support Groups, many of whom were also assessed and received individual and/or family psycho-educational support services, or were referred to additional community resources as needed. Group participants learned from each other and demonstrated their cultural strengths and resilience around effective ways to manage stress.

In FY18, 54 individuals were served through this project. Demographics on individuals served through this project were as follows:

PARTICIPANT DEMOGRAPHICS N=54	
Age Groups	
0-15 (Children/Youth)	8%
16-25 (Transition Age Youth)	5%
26-59 (Adult)	67%
Ages 60+ (Older Adult)	12%

Declined to Answer (or Unknown)	8%
<b>Race</b>	
Black or African American	87%
Asian	2%
White	8%
More than one Race	3%
<b>Ethnicity: Hispanic or Latino</b>	
Declined to Answer (or Unknown)	0%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
African	1%
Declined to Answer (or Unknown)	99%
<b>Primary Language Used</b>	
English	100%
<b>Sexual Orientation</b>	
Heterosexual or Straight	91%
Questioning or Unsure	2%
Declined to Answer (or Unknown)	7%
<b>Disability</b>	
Declined to Answer (or Unknown)	100%
<b>Veteran Status</b>	
Yes	12%
No	81%
Declined to Answer (or Unknown)	7%
<b>Gender: Assigned sex at birth</b>	
Declined to Answer	100%
<b>Current Gender Identity</b>	
Male	25%
Female	71%
Other	4%

**Trauma Support Project for LGBTQI Population**

Implemented through the Pacific Center for Human Growth, this project provides outreach, engagement and support group services for individuals (18 and above) in the LGBTQI community who are suffering from the impact of oppression, trauma and other life stressors. Particular emphasis is on outreaching and providing supportive services to identified underserved populations within the local LGBTQI community. Approximately 12-15 weekly or bi-weekly support groups are held throughout the year targeting various populations and needs within the LBGTQI community. Support groups are led by Peer Facilitator community volunteers who are trained in Group Facilitation/Conflict Resolution and who have opportunities to participate in additional Skill Building workshops in order to share methods used to address group challenges and to learn new facilitator techniques. This project serves approximately 250 individuals a year.

**PEI Goals:** The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

In FY18, outreach to over 1000 community members was conducted at various locations including Street Fairs, Community Agencies, and area events. During the reporting timeframe, a total of 15 new Peer Facilitators were trained. Fourteen Peer Facilitators attended Skill Building Consultation Trainings that were conducted on a monthly basis by the Program Manager. Eighteen ongoing peer support groups were held on a weekly or bi-weekly basis including the following: Butch-Stud; Female to Male; Women Coming Out; Middle-Aged Men; Married/Formerly Married Gay/Bisexual Men; Young Men; Queer Femmes; Transgender Support Group; Lesbians/Women of Color; Partners of Trans and Gender-Variant; Middle Eastern Women’s Group; Senior Gay Men’s Group; Bi-sexual Women; Aging Lesbians; Gender Variant Group; Island Pride, Outstanding Seniors, TAG - Transitional Age Group, and QPAD – for Queer Men in their 20’s and 30’s.

In FY18, a total of 164 individuals participated in support groups throughout the year. Fifteen support group participants were referred to individual Mental Health Services. Demographics on individuals served through this program included the following:

<b>PARTICIPANT DEMOGRAPHICS N=164</b>	
<b>Age Groups</b>	
16-25 (Transition Age Youth)	34%
26-59 (Adult)	56%
Ages 60+ (Older Adult)	10%

<b>Race</b>	
American Indian or Alaska Native	3%
Asian	6%
Black or African American	5%
Native Hawaiian or Other Pacific Islander	3%
White	63%
More than one race	10%
Declined to Answer (or Unknown)	10%
<b>Ethnicity: Hispanic or Latino</b>	
Central American	5%
Mexican/Mexican-American/Chicano	47%
Puerto Rican	5%
South American	10%
Decline to Answer (or Unknown)	33%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
African	4%
Asian Indian/South Asian	2%
Chinese	3%
Eastern European	12%
European	58%
Filipino	1%
Japanese	1%
Korean	2%
Middle Eastern	5%
More than one Ethnicity	3%
Other	6%
Decline to Answer (or Unknown)	3%
<b>Primary Language Used</b>	
English	98%
Declined to Answer (or Unknown)	2%

<b>Sexual Orientation</b>	
Gay or Lesbian	33%
Heterosexual or Straight	2%
Bisexual	24%
Questioning or Unsure	4%
Queer	31%
Other	4%
Declined to Answer (or Unknown)	2%
<b>Disability</b>	
Other Disability	23%
No Disability	77%
<b>Veteran Status</b>	
Yes	9%
No	91%
<b>Gender: Assigned sex at birth</b>	
Male	31%
Female	67%
Declined to Answer (or Unknown)	2%
<b>Current Gender Identity</b>	
Male	22%
Female	38%
Transgender	9%
Genderqueer	21%
Questioning or Unsure	4%
Other	6%

### **Transition Age Youth Trauma Support Project**

Implemented through Covenant House, this project provides supportive services for Transition Age Youth (TAY) who are suffering from the impact of trauma and/or other life stressors and are homeless, marginally housed, or housed but in need of supports. The project serves a wide range of youth from various cultural and ethnic backgrounds who share the common goal of living lives less impacted by trauma and more impacted by wellness. The project consists of the following four components: One-on-one sessions that assess individuals needs around trauma supports and support group readiness; psycho-educational support groups; youth social outings that provide TAY with exposure to healthy settings designed to enhance life skills and choices; and youth celebratory events that are held monthly to convene youth around a positive occasion to acknowledge the various small and large accomplishments of TAY participants, and build trust and community. Approximately 30-35 TAY receive services through this project a year.

**PEI Goals:** The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

In FY18, 22 TAY participated in one-on-one sessions, case management, support groups, and/or group outings and celebrations. Demographics on youth served were as follows:

<b>CLIENT DEMOGRAPHICS N=22</b>	
<b>Age Group</b>	
16-25 (Transition Age Youth)	100%
<b>Race</b>	
American Indian or Alaska Native	4%
Black or African American	32%
White	23%
Other	18%
More than one Race	23%
<b>Ethnicity: Hispanic or Latino</b>	
Mexican/Mexican-American	84%
Puerto Rican	8%
South American	8%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Declined to Answer (or Unknown)	100%
<b>Primary Language Used</b>	
English	64%
Spanish	36%

<b>Sexual Orientation</b>	
Gay or Lesbian	18%
Heterosexual or Straight	50%
Bisexual	27%
Questioning or Unsure	5%
<b>Disability</b>	
Difficulty Seeing	27%
Mental (not mental health)	37%
Physical/Mobility Disability	9%
Chronic Health Condition	27%
<b>Veteran Status</b>	
Yes	2%
No	98%
<b>Gender: Assigned sex at birth</b>	
Male	77%
Female	23%
<b>Current Gender Identity</b>	
Male	60%
Female	19%
Transgender	13%
Genderqueer	4%
Questioning or Unsure	4%



**Social Inclusion Program**

The Social Inclusion program was created to combat stigma, attitudes and discrimination around individuals with mental health issues. Through this program, a “Telling Your Story” group provides mental health consumers with opportunities to be trained, compensated and empowered to share their stories of healing in a supportive peer environment. When they feel ready, consumers can elect to be community presenters, sharing their inspirational stories at pre-arranged local public venues to dispel myths and educate others. This program serves approximately 5-10 individuals a year.

**PEI Goals:** To reduce negative feelings, attitudes, beliefs, perceptions, stereotypes and/or discrimination related to being diagnosed with a mental illness, having a mental illness, or to seeking mental health services and to increase acceptance, dignity, inclusion, and equity for individuals with mental illness, and members of their families. To create changes in attitude, knowledge and/or behaviors related to seeking mental health services or related to mental illness.

In FY18, the “Telling Your Story” group met 22 times with 16 unduplicated individuals attending for a total of 169 visits. Groups averaged 7-8 attendees. Program participants spent time discussing and practicing what makes a good story. One panel presentation to Berkeley Mental Health interns, which was well received.

In FY18 this program began collecting outcomes data. Measures were based on the assumption that individuals participating in “Telling Your Story” were finding meaning, transforming their lived experience and enhancing their recovery. The Recovery Assessment Scale (RAS) was used. After three measurements, it appeared that results were more impacted by what happened that day in the person’s life than in the “Telling Your Story” group. Staff then assessed whether developing RBA measures would be a better way to assess the program.

The “Telling Your Story” group brainstormed and discussed criteria on what makes a good story. The list of criteria that was generated was re-visited at many meetings and each criteria was discussed by the group. The group then practiced giving feedback to each person based on the criteria. A survey that included the criteria, with emphasis on participants understanding and awareness of turning points in their stories was then developed. The survey was then administered towards the end of the fiscal year and the results were tallied. The results indicated that the highest rated question pertained to participants’ confidence in telling a story that would change negative perceptions of mental illness. The results also guided the group to work on effectively using pauses and timing in telling a story.

Demographics on group participants are outlined below:

CLIENT DEMOGRAPHICS N=16	
Age Group	
26-59 (Adult)	37%
Ages 60+ (Older Adult)	37%
Declined to Answer (or Unknown)	26%

<b>Race</b>	
Asian	8%
Black or African American	50%
White	34%
Other	8%
<b>Ethnicity: Hispanic or Latino</b>	
Puerto Rican	8%
Declined to Answer (or Unknown)	92%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Declined to Answer (or Unknown)	100%
<b>Primary Language Used</b>	
English	75%
Declined to Answer (or Unknown)	25%
<b>Sexual Orientation</b>	
Gay or Lesbian	7%
Heterosexual or Straight	58%
Bisexual	14%
Queer	7%
Declined to Answer (or Unknown)	14%
<b>Disability</b>	
Difficulty Seeing	12%
Difficulty Hearing, or Having Speech Understood	16%
Mental (not mental health)	20%
Physical/Mobility Disability	12%
Chronic health condition	24%
Other Disability	4%
No Disability	8%
Declined to Answer (or Unknown)	4%

Veteran Status	
No	100%
Gender: Assigned sex at birth	
Male	33%
Female	58%
Declined to Answer (or Unknown)	9%
Current Gender Identity	
Male	33%
Female	58%
Declined to Answer (or Unknown)	9%

### **High School Youth Prevention Program**

This program operates in conjunction with other health related services offered at Berkeley High School (BHS) and Berkeley Technology Academy (BTA) to provide young people with the information and individual support they need to make positive and healthy decisions in their lives. The program includes: outreach activities designed to provide students with basic information around the risks of certain behaviors, and ways to protect themselves and make positive and safer decisions; classroom presentations to enable students to receive more in-depth information around a variety of health topics and available resources, and provide the opportunity for students to do a personal assessment of risk and current lifestyle choices; drop-in crisis and counseling services; individual appointments to identify young people who may need more intensive intervention; and short-term treatment. The individual appointments, held at the school-based health center, provide young people with the opportunity to hold very in-depth discussions around the choices they are making and the risks that are involved in their choices. They receive guidance about changes they can make to reduce or eliminate their risks, and are given the opportunity to identify barriers that might exist for them that prevent them from making healthier choices. In addition, they complete a 40 question, in-depth HEADSSS (Home, Education, Activities, Drugs/Alcohol, Sexuality, Safety, and Suicidality) assessment. Based on the outcome of the individual appointment and/or assessment, a young person may be referred to either a medical or mental health professional for follow-up care and intervention and/or treatment. Approximately 2600 Berkeley High School Students and 100 B-Tech students receive some level of services through this program each year.

This program was implemented in FY13 and has become a successful partnership between BUSD and the Public Health and Mental Health Divisions of Berkeley’s HHCS Department. As the program has developed, the staffing structure for the program has increased and evolved to better meet the needs of the participants of both BHS and B-Tech. Additionally, BMH has been involved in implementing and assessing the Cognitive, Behavioral, and Intervention for Trauma in Schools (CBITS) as a model of care at these locations. The need for additional supports and resources for this program will continue to be accessed and adjusted accordingly.

**PEI Goals:** The goal of this program is to bring about mental health, including the reduction of school failure or dropout.

In FY18, approximately 1,260 students received services through this project, and 264 students received ongoing mental health services for a total of 738 visits. Demographics on the total number served were as follows:

<b>PARTICIPANT DEMOGRAPHICS N=1,260</b>	
<b>Age Groups</b>	
0-15 (Children/Adult)	6%
16-25 (Transition Age Youth)	13%
Declined to Answer (or Unknown)	81%
<b>Race</b>	
Asian	4%
Black or African American	23%
White	30%
Other	22%
More than one Race	17%
Declined to Answer (or Unknown)	4%
<b>Ethnicity: Hispanic or Latino</b>	
Mexican/Mexican-American/Chicano	18%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Declined to Answer (or Unknown)	80%
<b>Primary Language</b>	
Declined to Answer (or Unknown)	100%
<b>Sexual Orientation</b>	
Declined to Answer (or Unknown)	100%

<b>Disability</b>	
Declined to Answer (or Unknown)	100%
<b>Veteran Status</b>	
No	100%
<b>Gender: Assigned sex at birth</b>	
Male	36%
Female	63%
Declined to Answer (or Unknown)	1%
<b>Current Gender Identity</b>	
Male	36%
Female	63%
Declined to Answer (or Unknown)	1%

Demographics on the 264 students receiving ongoing counseling services were as follows:

<b>PARTICIPANT DEMOGRAPHICS N= 252</b>	
<b>Age Groups</b>	
0-15 (Children/Adult)	27%
16-25 (Transition Age Youth)	73%
<b>Race</b>	
Asian	5%
Black or African American	28%
White	25%
Other	18%
More than one Race	18%
Declined to Answer (or Unknown)	6%
<b>Ethnicity: Hispanic or Latino</b>	
Declined to Answer (or Unknown)	18%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Declined to Answer (or Unknown)	100%
<b>Primary Language</b>	
Declined to Answer (or Unknown)	100%
<b>Sexual Orientation</b>	
Declined to Answer (or Unknown)	100%

Disability	
Declined to Answer (or Unknown)	100%
Veteran Status	
No	100%
Gender: Assigned sex at birth	
Male	34%
Female	64%
Declined to Answer (or Unknown)	2%
Current Gender Identity	
Male	34%
Female	64%
Declined to Answer (or Unknown)	2%

**Community-Based Child & Youth Risk Prevention Program**

This program targets children and youth from un-served, underserved, and inappropriately served populations who are impacted by multiple risk factors including trauma, family or community violence, familial distress, and/or family substance abuse, (among other issues). The program is primarily community-based with some supports also provided in a few area schools. A range of psycho-educational activities provide information and supports for those in need. Services also include assessment, brief treatment, case management, and referrals to long term providers and other resources as needed. The main goals are to reduce risk factors or other stressors, and promote positive cognitive, social, and emotional well-being. This program serves approximately 50 Children & Youth a year.

**PEI Goals:** The goal of this program is to bring about mental health including the reduction of school failure and the removal of children from their homes.

In FY18, a total of 67 children (aged 0-5) were served through this program. Demographics on those served were as follows:

PARTICIPANT DEMOGRAPHICS N=67	
Age Groups	
0-15 (Children/Adult)	100%
Race	
Asian	9%
Black or African American	48%
White	13%
Other	28%

More than one Race	2%
<b>Ethnicity: Hispanic or Latino</b>	
Mexican/Mexican-American/Chicano	7%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Declined to Answer (or Unknown)	93%
<b>Primary Language</b>	
Declined to Answer (or Unknown)	100%
<b>Disability</b>	
Declined to Answer (or Unknown)	100%
<b>Gender: Assigned sex at birth</b>	
Male	60%
Female	40%
<b>Current Gender Identity</b>	
Male	60%
Female	40%

### **Homeless Outreach and Treatment Team (HOTT)**

The Homeless Outreach and Treatment Team (HOTT) program was established out of an effort to address the current homeless crisis, and as a result of input received through various MHSA community program planning processes. Utilizing a portion of PEI and CSS funds, blended with realignment and general funds HOTT is a three year pilot program to move homeless mentally ill individuals in Berkeley/Albany into permanent housing and to connect them into the web of services and supports that currently exist within the system of care. Key program components include the following: Persistent and Consistent Outreach; Supportive Case Management; Linkage to Care; and Treatment.

**PEI Goals:** The goal of this program is to connect individuals who have severe mental illnesses as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to, care provided by county mental health programs.

A local consultant, Resource Development Associates, was hired to conduct a dedicated independent evaluation to assess the program accomplishments and to ascertain whether HOTT should continue past the initial funding period. The initial report on FY18 showed many positive findings including the following:

- HOTT is serving as an important resource for the local community and homeless service continuum.
- The program has been very effective in persistent and consistent outreach, especially for chronically homeless individuals with a history of refusing services.
- HOTT meets people where they are, in parks, encampments, motels.

- The program has successfully connected homeless individuals to critical resources and service linkages.

The City of Berkeley Homeless Outreach and Treatment Team (HOTT) Evaluation can be reviewed on the MHSa website:

[https://www.cityofberkeley.info/uploadedFiles/Health\\_Human\\_Services/Level\\_3 -  
Mental Health/Berkeley-HOTT\\_Evaluation-Report.final.pdf](https://www.cityofberkeley.info/uploadedFiles/Health_Human_Services/Level_3_-_Mental_Health/Berkeley-HOTT_Evaluation-Report.final.pdf)

In FY18 through the first quarter of FY19, 289 individuals were served through this program. The HOTT Evaluation reported on numbers from January 2018 through October 2018 and staff provided data collected from July – December 2017. Demographics on individuals that received services through this program were as follows:

<b>PARTICIPANT DEMOGRAPHICS N= 289</b>	
<b>Age Groups</b>	
16-25 (Transition Age Youth)	<1%
26-59 (Adult)	6%
Ages 60+ (Older Adult)	1%
Declined to Answer (or Unknown)	92%
<b>Race</b>	
Asian	1%
Black or African American	33%
White	35%
Other	10%
Declined to Answer (or Unknown)	21%
<b>Ethnicity: Hispanic or Latino</b>	
Mexican/Mexican-American/Chicano	9%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Non-Hispanic or Non-Latino	65%
Declined to Answer (or Unknown)	26%
<b>Primary Language Used</b>	
English	65%
Other	3%
Declined to Answer (or Unknown)	32%
<b>Sexual Orientation</b>	
Declined to Answer (or Unknown)	100%



Disability	
Declined to Answer (or Unknown)	100%
Veteran Status	
Declined to Answer (or Unknown)	100%
Gender: Assigned sex at birth	
Declined to Answer (or Unknown)	100%
Current Gender Identity	
Male	7%
Female	8%
Declined to Answer (or Unknown)	85%

The HOTT program made 921 referrals in 2018 for homeless individuals to many critical services and resources, including 92 referrals to mental health services.

### **Dynamic Mindfulness Program (DMind)**

Through the previously approved MHSA FY19 Annual Update BMH allocated \$95,000 of unspent PEI funds to support the Berkeley Unified School District (BUSD) Dynamic Mindfulness (DMind) Program. DMind is an evidence-based trauma-informed program that will be implemented in each of the BUSD middle and high schools. Validated by independent researchers as a transformative program for teaching children and youth, skills for optimal stress resilience and healing from trauma, the DMind program integrates mindful action, breathing, and centering into an intervention that can be implemented in the classroom in 5-15 minute sessions, 3 to 5 times a week. This program has proven to be successful with vulnerable students who are exhibiting signs of trauma/PTSD from Adverse Childhood Experiences (ACEs), and/or disengagement from school, chronic absences, and significant behavioral challenges, including emotion regulation, impulse control, and anger management. DMind also enables teacher well-being, which has been shown to enhance student learning. The program components will include in-class and after-school DMind sessions for students, student peer leadership development, training and coaching of school staff, and program evaluation.

### **Mental Health Peer Education Program**

Through the previously approved MHSA FY19 Annual Update BMH allocated \$92,778 of unspent PEI funds to support the BUSD Mental Health Peer Education Program. This is a new program in BUSD that implements a mental health curriculum for 9th graders and an internship program for a cohort of high school students in an effort to increase student awareness of common mental health difficulties, resources, and healthy coping and intervention skills. Through this program students are trained by a licensed BUSD clinician to conduct class presentations covering common mental health disorders, on and off campus resources, as well as basic coping and intervention skills.

### **California Mental Health Services Authority (CalMHSA) PEI Statewide Projects**

In 2009, California's counties formed the California Mental Health Services Authority (CalMHSA) as a Joint Powers Authority to implement PEI statewide program initiatives. With an approved combined funding level of \$40 million per year for four years during the timeframe of 2011 through 2015, CalMHSA implemented statewide initiatives in the following areas: Suicide Prevention, Stigma and Discrimination Reduction, and Student Mental Health. Following 2015, funding for PEI Statewide projects was generated through pooled contributions from individual counties. Contributing counties are members of a CalMHSA board that provides direction into the types of initiatives that are implemented. In order to continue to sustain programming, CalMHSA previously asked counties to allocate 4% of their annual local PEI allocation each year from FY2018 – FY2020 to these statewide initiatives. In the City of Berkeley, this currently amounts to approximately \$53,987 a year.

Through the previously approved Three Year Plan the City of Berkeley allocated PEI funds for one year towards this statewide initiative, and for the remaining two years, elected to assess on an annual basis whether or not to continue to allocate funds to this initiative. In FY18, through this initiative resources on Suicide Prevention, Student Mental Health and Stigma and Discrimination reached an excess amount of 1,423 individuals. Additionally an excess of 1,276 pamphlets and resources on Suicide Prevention, Student Mental Health and Stigma and Discrimination were distributed in local schools and the community. BMH also participated in the CalMHSA "Each Mind Matters" campaign and distributed materials and giveaways at the local "May is Mental Health Month" event. As with last year, in FY20, BMH is proposing to allocate 4% of PEI Funds (approximately \$53,987) to CalMHSA to access and participate in the PEI Statewide Program initiative.

### **INNOVATIONS (INN)**

The City of Berkeley's initial INN Plan was approved in February 2012. Subsequent updates to the initial plan were approved in May 2013, January 2014, June 2014 and January 2015. Per the initial INN Plan and/or through Plan Updates the following seven pilot projects were implemented from June 2012 – June 2015 through this funding component:

- A Community Empowerment project for African Americans;
- Services and supports for Ex-offenders re-entering the community, Veterans returning home from being deployed or at war, and their families;
- Cultural Wellness strategies for Asian Pacific Islanders;
- A Holistic Health care project for TAY;
- Technology Support Groups for senior citizens;
- Nutrition, Healthy Meal Preparation, and Exercise classes for Board and Care residents;
- Mental Health services and supports for LGBTQI located in community agencies.

In May 2016, the second MHSa INN Plan was approved. This plan implemented a Trauma Informed Care for Educators project in BUSD. This project was extended in FY18 and in FY19

proposed changes to the population and funding amount of the original TIC Plan were vetted through community program planning, and an update to the TIC Plan underwent a 30 Day Public Review and Public Hearing process. The TIC Plan Update was approved through City Council in October 2018 and by the MHSAOAC in December 2018.

Additionally, in September 2018, following a four month community planning process and approval from City Council, the City of Berkeley Technology Suite Project was approved by the MHSAOAC. This project allocates a total of \$462,916 to join a Statewide Collaborative with other California counties to pilot a Mental Health Technology Project that will make various technology-based mental health services and supports available locally in Berkeley and Albany.

### **INN Reporting Requirements**

Per MSHA INN regulations, all INN funded programs have to collect additional state identified outcome measures and detailed demographic information. The first report that included data specific to the new INN requirements, [“City of Berkeley Mental Health Services Act \(MSHA\) Fiscal Year 2017 Innovations Evaluation Report”](#), is located on the City of Berkeley Mental Health Division MSHA Website. See Appendix B for the Fiscal Year 2018 Annual Innovation Evaluation Report. The next round of Innovation programs to be funded will also have provisions for evaluation to be an integral part of the project.

A description of the currently funded INN programs and project updates are outlined below:

### **Trauma Informed Care Project**

In May 2016, following a three month community planning process the City of Berkeley received approval from the Mental Health Oversight and Accountability Commission (MHSAOAC) to implement a Trauma Informed Care (TIC) for Educators project into several Berkeley Unified School District (BUSD) schools to assess whether educators who are trained to become aware of their own trauma and trauma triggers (and how to address them), are better equipped to recognize and make appropriate decisions on how to help students who are exhibiting trauma symptoms, and assist them in accessing the mental health services and supports they may need.

The project was implemented through the 20/20 Vision Program which is operated out of the City of Berkeley, City Manager’s Office. After a year of the TIC Project being executed, there were two vacancies in the 20/20 Vision Program which impacted the ability to continue the implementation of the TIC Project. The project was only able to be implemented for one year in FY17 and during that timeframe an evaluation was conducted by Hatchuel Tabernik & Associates on the project outcomes. The report is part of the larger “City of Berkeley Mental Health Services Act (MSHA) Fiscal Year 2017 Innovations Evaluation Report” referenced above.

Outlined below is demographic data and program outcomes from that report.

In FY17, 93 individuals participated in TIC Trainings. Demographic data that was collected during this timeframe was as follows:

<b>PARTICIPANT DEMOGRAPHICS N=93</b>	
<b>Age Groups</b>	
26-59 (Adult)	100%
<b>Race</b>	
Asian/Pacific Islander	8.5%
Black or African American	10%
White	60%
Other	4.3%
More than one Race	5.7%
<b>Ethnicity</b>	
Hispanic or Latino	11.4%
<b>Gender</b>	
Male	22.9%
Female	77.1%

Pre and Post Survey results demonstrated that participants had an increased sense of efficacy with trauma-induced behavior and mental health concerns among their students. As a result of the program, educators felt less challenged by behavior issues in their classroom, increased their knowledge around students' barriers to accessing services and how to handle and approach students' behavior issues, and felt more comfortable working with parents, especially around recommending that their child seek counseling.

While the data indicated that it was too early to determine the student impact of the program, baseline FY16 data on the number of students identified for "Response to Intervention"- RTI (a multi-tier approach to the early identification and support of students with learning and behavior needs, as a proxy for early disciplinary issues) and Mental Health follow-up, was collected and compared with the reporting timeframe. Fifty students were referred to RTI, which was an increase from the 14 students in FY16, who were referred to the services. The number of students identified for Mental Health follow-up, remained the same, at 5 students each year. Although an evaluation was conducted, with only one year of project implementation there was not enough time to adequately evaluate the learning objectives.

In FY18, due to staffing vacancies this project was not able to continue to be implemented. When staffing vacancies were filled in mid FY18, meetings were held with several BUSD principals who indicated that although their schools received a lot of positive benefits out of the TIC project, additional training requirements within the school system had been added for teachers and administrators that needed to be fulfilled over the next couple of years. As a result, the TIC Project would not be able to be prioritized within the school system at that time. In light of the changes in the school system, staff conducted outreach and found that four area Head Start Centers were interested in executing the same TIC Project for their early childhood educators and staff, to impact the children and families who are served at the centers.

As such, proposed changes to the population and funding amount of the original TIC Plan were vetted through community program planning, and an update to the TIC Plan underwent a 30 Day Public Review and Public Hearing process. The TIC Plan Update was approved through City Council in October 2018 and by the MHSOAC in December 2018. The proposed new funding amount for the remainder of the modified TIC project will be \$340,000. The modified project implements TIC Training for Educators and interested parents in four local Head Start sites.

### **Technology Suite Project**

In September 2018, following a four month community planning process and approval from City Council, the City of Berkeley Technology Suite Project was approved by the MHSOAC. This project allocates a total of \$462,916 to join a Statewide Collaborative with other California counties to pilot a Mental Health Technology Project that will make various technology-based mental health services and supports available locally in Berkeley and Albany. The proposed INN project will seek to learn whether the Technology Suite Project will increase access to mental health services and supports; and whether it will increase the quality of mental health services, including leading to better outcomes.

Since plan approval the City of Berkeley has been working both internally and with the State collaborative on various aspects of this project to prepare for city wide implementation. It is envisioned that the technology suite apps will be locally available by September 2019.

### **Future MHSA INN Projects**

In FY20, BMH will begin the community planning process for the next round of INN funded Projects. As reported in the approved FY19 Annual Update the funding amount for this round of MHSA INN Projects will be approximately \$400,000, which depending on the planning process, may be awarded to one or more projects.

## **WORKFORCE, EDUCATION & TRAINING (WET)**

The City of Berkeley WET Plan was approved in July 2010 by DMH for a total amount of \$656,900 to be utilized on local programs through FY18. A subsequent update was approved in May 2013. Specific programs in the approved WET Plan include:

- Peer Leadership Coordination;
- Staff Development and MHSA Training;
- High School Career Pathways Program;
- Graduate Level Training Stipend Program;
- Peer Leader Stipend Program.

Descriptions for each WET funded program along with a report on program activities, is outlined below:

### **Peer Leadership Coordination**

The Peer Leadership program trained mental health consumers to be providers of mental health services, and to provide leadership within the mental health consumer community. Per the approved WET plan, the Peer Leader Coordinator provided and coordinated training for consumers, including those from culturally and linguistically diverse communities to increase the necessary skills that would enable participants to secure consumer positions in the mental health system as they became available; and to participate on BMH committees and Boards. In this capacity, the Peer Leader Coordinator, in partnership with the Alameda County Network of Mental Health Clients' BESTNow! program, developed a Facilitation Training to train peers as co-facilitators of support and self-help groups. There is a great need for self-help and support groups in the mental health system and consumers hired as peer specialists often are required to co-facilitate groups as part of their job duties. After completing the 12-week classroom course, participants gave a small presentation about their group to BMH Staff. Participants received stipends through BESTNow! for co-facilitating and providing outreach for their group for six months. This enabled Peer led activities and groups to be offered and increased attendance at the existing Wellness Recovery Activities group.

Through this program the Peer Leader Coordinator researched local organizations in the Bay Area that could offer training and stipends for the Peer Leadership program. As staff on all BMH treatment teams identified the need for support groups for their clients, and group facilitation as an important Peer Specialist skill, a contract was developed with the Alameda County Network of Mental Health Clients BESTNOW! Program to offer Facilitation Training in Berkeley for up to 10 consumers. The training included 12 weeks of classroom instruction in support group facilitation and an internship co-facilitating a support group. Two new peer led groups were implemented during this timeframe: "Dancing Voices", which offered a variety of creative activities such as dance, poetry, and visual arts to explore identity and wellness; and "Getting on Track", which was geared towards elders and offered activities and education related to healthy living. Other attendees were able to facilitate existing BMH wellness recovery groups and activities.

Some of the challenges of this project included establishing the groups and ensuring they were well-attended. Another challenge was that participants had contrasting expectations for the training. Some expected to become employed through this project, while others were looking to enhance their own wellness and skill sets. Some participants felt that the training should have included longer term paid placement opportunities outside the one group of which a stipend was offered. This at times impacted class agendas and trainers worked to address the various concerns. In order to avoid this type of conflict in any future program, it's important to ensure the goals and limitations of the project are clearly communicated.

Overall, this project was very successful in training participants and offering peer-led groups. The trainers witnessed significant personal development and growth among participants and a number of them gained confidence and sought out paid work. Others became increasingly comfortable in their developing facilitation skills and showed increased engagement in class. The positive changes in the participants highlighted the value of peer-led and peer-focused trainings.

### **Staff Development and MHS Training**

This WET component implements training for BMH staff and those from affiliated community agencies in an effort to transform the system of care. A BMH Staff Training Coordinator prepares, facilitates, presents, monitors, evaluates and documents training activities for BMH's system of care. The Training Coordinator also collaborates with staff from state, counties, local agencies and community groups in order to enhance staff development of employees in the cities of Berkeley and Albany and other areas in the region.

The Training Coordinator accomplishes these goals by:

- Providing staff training in the area of behavioral health to all stakeholders in the cities of Berkeley, Albany and other geographic locations in the region as a collaborative partner;
- Developing long and short term goals and objectives to promote staff development and competencies within our system of care;
- Developing an annual budget;
- Chairing the agency's Staff Training Committee;
- Attending continuous trainings in the areas of behavioral health services and other trainings as needed;
- Collaborating with State, Regional, County, and local groups and organizations; and
- Developing a two-year staff training work plan.

From August through December of FY18 the Training Coordinator position was unoccupied. In FY18, the Training Coordinator implemented the following trainings through this component: ADA: Disability rights and Reasonable Accommodations – January 23, 2018 – (56 individuals attended this training.) Attendees included staff.

Law and Ethics for Mental Health, Behavioral Health and Health Care Providers – March 23, 2018 – (37 individuals attended this training.) Attendees included staff and service providers.

Strengths-Based Workshop – April 11, 2018 – (10 individuals attended this training.) Attendees included staff.

Law Enforcement & HIPAA – May 14, 2018 – (24 individuals attended this training.) Attendees included staff.

### **High School Career Pathways Program**

Through this program BUSD implemented a curriculum and mentoring program for youth designed to provide opportunities that support student's interest in pursuing a career in the mental health field. This project was implemented in FY15. During this timeframe, BMH FYC, provided internships to two Berkeley High School students. In FY18 there was a vacancy in the school personnel who had oversight of this program, therefore there were not any student internships in that reporting timeframe and the project was not continued.

### **Graduate Level Training Stipend Program**

Per the original WET Plan, this program offered stipends to Psychologists, Social Workers, Marriage and Family Therapists and other counseling trainees and interns who have cultural and linguistic capabilities. Guidelines were developed and a system was implemented to recruit

and provide incentives to those meeting criteria, thereby allowing BMH to attract a more culturally and linguistically diverse pool of graduate level trainees and interns. This program was first implemented in 2016 and in FY18 this program offered stipends to all counseling trainees and interns at BMH. In FY20, through the approved City of Berkeley MHSA Reversion Expenditure Plan, the remaining WET funds will be expended on this program.

**Peer Leader Stipend Program**

Under the direction of the Peer Leader Coordinator, this program provided opportunities for peer leaders to take active roles on Division committees, and/or serve in direct service positions in the clinics. As part of participating in various leadership or peer positions, consumers and family members were offered stipends. These opportunities helped to prepare consumers and their family members for roles within the public mental health system. BESTNow! also offered stipends to individuals who participated in the internship program offered in partnership with BMH through the Peer Leadership Coordination program.

**CAPITAL FACILITIES AND TECHNOLOGICAL NEEDS (CFTN)**

The original City of Berkeley CFTN Plan was approved by DMH in April 2011, with updates to the plan in May 2015, June 2016, and January 2017. Through previously approved MHSA Plans and/or Annual Updates, BMH has allocated a total of \$3,773,811 towards the renovation of the Adult Mental Health Clinic.

The Adult Clinic serves Berkeley's most at-risk and fragile population through crisis intervention, case management, individual/or group therapy, and psychiatric medication support. FSP/Intensive Case Management Teams, Clinical services, Mobile Crisis, and Homeless Outreach. In its current condition, use of the Adult Clinic space is inefficient and inadequately aligned with MHSA goals, including that of creating welcoming spaces for client and family centered wellness and recovery programs and services. In addition to electrical, HVAC and other environmental upgrades, it was originally envisioned that CFTN funds would be used to re-configure shared work spaces to increase safety; improve clinical, wellness/recovery, support services, and administrative functions; and support the implementation of electronic health records and other emerging technologies. In FY18, renovation on the Adult Clinic was in the design and pre-construction phase. In FY19 construction on the Adult Clinic began.



## FY18 AVERAGE COST PER CLIENT

<b>COMMUNITY SERVICES &amp; SUPPORTS</b>			
<b>Program Name</b>	<b>Approx. # of Clients</b>	<b>Cost</b>	<b>Average Cost Per Client</b>
Children's Intensive Support Services FSP	22	\$345,016	\$15,683
TAY, Adult & Older Adult FSP	59	\$1,692,695	\$28,689
TAY Support Services	174	\$122,856	\$706
Wellness Recovery System Integration (includes: Homeless Outreach and Treatment Team; Wellness Recovery Services; Family Support Services; Employment/Educational Services; Housing Services and Supports, Crisis Services)	406	\$1,242,987	\$3,062
Benefits Advocacy	19	\$20,000	\$1,053
<b>PREVENTION &amp; EARLY INTERVENTION</b>			
BE A STAR	345	\$101,689	\$295
Supportive Schools Program	830	\$55,000	\$66
Albany Trauma Project	148	\$53,040	\$358
Living Well Project	59	\$32,046	\$543
Harnessing Hope Project	54	\$32,046	\$593
LGBTQI Trauma Project	164	\$32,046	\$195
TAY Trauma Project	22	\$32,046	\$1,456
High School Youth Prevention Program	1,260	\$411,840	\$327
Social Inclusion Program	16	\$6,035	\$85
Homeless Outreach and Treatment Team	289	\$142,617	\$493
Child And Youth at Risk Project	67	\$9,311	\$139
<b>INNOVATION</b>			
Trauma Informed Care Project	93	\$32,773	\$352

## PRUDENT RESERVE FUNDS

Per MHSA legislation mental health jurisdictions are required to maintain a local Prudent Reserve to be able to fund the most crucially CSS support services in the event there is a year where there is a downturn in the amount of MHSA funds received at the state and locally allocated. Beginning this year, new state regulations require a report out on the level of local Prudent Reserves by the end of the fiscal year. Mental health jurisdictions must show that the amount of the Prudent Reserve is not higher than 33% of a total of the past five years of MHSA funding distributions and must submit the “Mental Health Services Act Prudent Reserve Assessment/Reassessment” form attesting to the amount in the Prudent Reserve fund. The current amount of the City of Berkeley MHSA Prudent Reserve is \$1,605,816. Based on the new state regulations on how to calculate the allowable amount in the Prudent Reserve, the amount the City of Berkeley should have in the Prudent Reserve is \$1,237,629.31, (a difference of \$368,186.69). In FY20 the City of Berkeley will transfer \$320,323 from the Prudent Reserve to the CSS funding component, and \$47,864 into the PEI funding component – these transfers will bring the City of Berkeley into compliance with the new state regulations regarding the Prudent Reserve. The current funding amount and the signed “Mental Health Services Act Prudent Reserve Assessment/Reassessment” form will be submitted to the state by 6/30/19.

State of California  
Health and Human Services Agency

Department of Health Care Services

**MENTAL HEALTH SERVICES ACT  
PRUDENT RESERVE ASSESSMENT/REASSESSMENT**

County/City: City of Berkeley

Fiscal Year: FY2018/19

**Local Mental Health Director**


Name: Steve Grolnic-McClurg

Telephone: (510) 981-5249

Email: SGrolnic-McClurg@cityofberkeley.info

I hereby certify<sup>1</sup> under penalty of perjury, under the laws of the State of California, that the Prudent Reserve assessment/reassessment is accurate to the best of my knowledge and was completed in accordance with California Code of Regulations, Title 9, section 3420.20 (b).

Steven Grolnic-McClurg



6/21/19

Local Mental Health Director (PRINT NAME)

Signature

Date

<sup>1</sup>Welfare and Institutions Code section 5892 (b)(2) DHCS 1819 (02/19)

# PROGRAM BUDGETS

1B

**FY 2019/20 Mental Health Services Act Annual Update  
Funding Summary**

County: City of BerkeleyDate: 5/29/19

	MHSA Funding					
	A	B	C	D	E	F
	Community Services and Supports	Prevention and Early Intervention	Innovation	Workforce Education and Training	Capital Facilities and Technological Needs	Prudent Reserve
<b>A. Estimated FY2019/20 Funding</b>						
1. Estimated Unspent Funds from Prior Fiscal Years	6,777,484	1,801,362	1,347,715	5,000	2,500,000	
2. Estimated New FY2019/20 Funding	4,797,986	1,349,684	315,656			
3. Transfer in FY 2019/20 <sup>a/</sup>						
4. Transfer Local Prudent Reserve in FY 2019/20	320,323	47,864				
5. Estimated Available Funding for FY 2019/20	11,895,793	3,198,910	1,663,371	5,000	2,500,000	
<b>B. Estimated FY19/20 Expenditures</b>	7,015,404	1,690,045	954,800	5,000	2,500,000	
<b>G. Estimated FY19/20 Fund Balance</b>	4,880,389	1,508,865	708,571	0	0	

<b>H. Estimated Local Prudent Reserve Balance</b>	
1. Estimated Unspent Local Prudent Reserve on June 30, 2019	1,605,816
2. Contributions to the Local Prudent Reserve in FY2019/20	0
3. Transfers from the Local Prudent Reserve in FY2019/ FY19/20	360,883
4. Estimated Local Prudent Reserve balance on June 30 e 30, 2020	1,244,933

a/ Pursuant to Welfare and Institutions Code Section 5892(b), Counties may use a portion of their CSS funds for WET, CFTN, and the Local Prudent Reserve. The total amount of CSS funding used for this purpose shall not exceed 20% of the total average amount of funds allocated to that County for the previous five years.

FY 2019/20 Mental Health Services Act Annual Update  
Community Services and Supports (CSS) Funding

County: City of Berkeley

Date: 5/29/19

	Fiscal Year 2019/20					
	A	B	C	D	E	F
	Estimated Total Mental Health Expenditures	Estimated CSS Funding	Estimated Medi-Cal FFP	Estimated 1991 Realignment	Estimated Behavioral Health Subaccount	Estimated Other Funding
<b>FSP Programs</b>						
1. TAY, Adult & Older Adult FSP	2,114,328	2,114,328				
2. Children's FSP	601,198	601,198				
3. Homeless FSP and Outreach Team	633,761	633,761				
4.	0					
5.	0					
6.	0					
7.	0					
8.	0					
9.	0					
10.	0					
11.	0					
12.	0					
13.	0					
14.	0					
15.	0					
16.	0					
17.	0					
18.	0					
19.	0					
<b>Non-FSP Programs</b>						
1. Multicultural Outreach & Engagement	311,520	311,520				
2. System Development, Wellness & Recovery	2,297,251	2,297,251				
3. Homeless Outreach & Treatment Team (HOTT)	465,633	165,996		89,874		209,763
4. Fitness to Independence	74,251	74,251				
5. Crisis Services	107,128	107,128				
6.	0					
7.	0					
8.	0					
9.	0					
10.	0					
11.	0					
12.	0					
13.	0					
14.	0					
15.	0					
16.	0					
17.	0					
18.	0					
19.	0					
<b>CSS Administration</b>	709,971	709,971				
<b>CSS MHSA Housing Program Assigned Funds</b>						
<b>Total CSS Program Estimated Expenditures</b>	7,315,041	7,015,404	0	89,874	0	209,763
<b>FSP Programs as Percent of Total</b>	47.7%					

**FY 2019/20 Mental Health Services Act Annual Update  
Prevention and Early Intervention (PEI) Funding**

County: City of BerkeleyDate: 5/29/19

	<b>Fiscal Year 2019/20</b>					
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
	<b>Estimated Total Mental Health Expenditures</b>	<b>Estimated PEI Funding</b>	<b>Estimated Medi- Cal FFP</b>	<b>Estimated 1991 Realignment</b>	<b>Estimated Behavioral Health Subaccount</b>	<b>Estimated Other Funding</b>
<b>PEI Programs - Prevention</b>						
1. Homeless Outreach (HOTT)	116,408	23,906		29,102		63,400
2. Community Based Children & Youth Risk	22,661	22,661				
3. High School Prevention Program	106,412	106,412				
4. Social Inclusion	9,000	9,000				
5. African American Success Project	37,500	37,500				
6. CAL MHSA	40,490	40,490				
7. Dynamic Mindfulness	71,250	71,250				
8. Mental Health Peer Education Program (MEET)	77,900	77,900				
9.	0	0				
10.	0	0				
<b>PEI Programs - Early Intervention</b>						
11. BE A STAR	162,260	162,260				
12. Community Education & Supports	192,376	192,376				
13. High School Prevention Program	319,235	319,235				
14. Homeless Outreach (HOTT)	349,225	71,719		87,306		190,200
15. Community Based Children & Youth Risk	67,982	67,982				
16. African American Success Project	112,500	112,500				
17. CAL MHSA	13,497	13,497				
18. Dynamic Mindfulness	23,750	23,750				
19. Mental Health Peer Education Program (MEET)	25,966	25,966				
20. Supportive Schools Project	55,000	55,000				
<b>PEI Administration</b>	256,641	256,641				
<b>PEI Assigned Funds</b>						
<b>Total PEI Program Estimated Expenditures</b>	2,060,053	1,690,045	0	116,408	0	253,600

FY 2019/20 Mental Health Services Act Annual Update  
 Innovations (INN) Funding

County: City of Berkeley

Date: 5/29/19

	Fiscal Year 2019/20					
	A	B	C	D	E	F
	Estimated Total Mental Health Expenditures	Estimated INN Funding	Estimated Medi- Cal FFP	Estimated 1991 Realignment	Estimated Behavioral Health Subaccount	Estimated Other Funding
<b>INN Programs</b>						
1. Trauma Informed Care Project	200,000	200,000				
2. Techonology Suite Project	334,800	334,800				
3. New INN Programs	400,000	400,000				
4.	0					
5.	0					
6.	0					
7.	0					
8.	0					
9.	0					
10.	0					
11.	0					
12.	0					
13.	0					
14.	0					
15.	0					
16.	0					
17.	0					
18.	0					
19.	0					
20.	0					
<b>INN Administration</b>	20,000	20,000				
<b>Total INN Program Estimated Expenditures</b>	954,800	954,800	0	0	0	0



FY 2019/20 Mental Health Services Act Annual Update  
 Workforce, Education and Training (WET) Funding

County: City of Berkeley

Date: 5/29/19

	Fiscal Year 2019/20					
	A	B	C	D	E	F
	Estimated Total Mental Health Expenditures	Estimated WET Funding	Estimated Medi- Cal FFP	Estimated 1991 Realignment	Estimated Behavioral Health Subaccount	Estimated Other Funding
<b>WET Programs</b>						
1.	5,000	5,000				
2.	0					
3.	0					
4.	0					
5.	0					
6.	0					
7.	0					
8.	0					
9.	0					
10.	0					
11.	0					
12.	0					
13.	0					
14.	0					
15.	0					
16.	0					
17.	0					
18.	0					
19.	0					
20.	0					
<b>WET Administration</b>	0					
<b>Total WET Program Estimated Expenditures</b>	5,000	5,000	0	0	0	0

FY 2019/20 Mental Health Services Act Annual Update  
 Capital Facilities/Technological Needs (CFTN) Funding

County: City of Berkeley

Date: 5/29/19

	Fiscal Year 2019/20					
	A	B	C	D	E	F
	Estimated Total Mental Health Expenditures	Estimated CFTN Funding	Estimated Medi- Cal FFP	Estimated 1991 Realignment	Estimated Behavioral Health Subaccount	Estimated Other Funding
<b>CFTN Programs - Capital Facilities Projects</b>						
1. Adult Clinic Renovation (2640 MLK)	2,500,000	2,500,000				
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
<b>CFTN Programs - Technological Needs Projects</b>						
11.						
12.						
13.						
14.						
15.						
16.						
17.						
18.						
19.						
20.						
<b>CFTN Administration</b>						
<b>Total CFTN Program Estimated Expenditures</b>	2,500,000	2,500,000				

**APPENDIX A**  
Fiscal Year's  
2015/2016 – 2017/2018  
Prevention & Early Intervention  
Three Year Evaluation Report

# **City of Berkeley Mental Health Services Act (MHSA)**



## **Fiscal Year's 2015/16 – 2017/2018 Prevention & Early Intervention Three Year Evaluation Report**



WELLNESS • RECOVERY • RESILIENCE

## INTRODUCTION

Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) funds are used to prevent mental illnesses from becoming severe and disabling. Programs funded under the MHSA PEI component are focused on individuals across the life span and should emphasize improving timely access to services for underserved populations. Programs shall also include the following components:

- Outreach to increase knowledge and recognition of the early signs of mental health challenges or potentially severe and disabling mental illnesses.
- Reduction in stigma associated with either having or being diagnosed with a mental illness or seeking mental health services.
- Reduction in discrimination against people with mental health challenges or mental illness.
- Access and linkages to necessary medical care for those in need of additional services.
- Emphasis on strategies to reduce the following negative outcomes that may result from untreated mental health challenges and mental illness: Suicide; Incarcerations; School failure or dropout; Unemployment; Prolonged suffering; Homelessness; Removal of children from their homes.

Per Mental Health Services Act (MHSA) State requirements, beginning December 2017, Mental Health jurisdictions are to submit a Prevention and Early Intervention (PEI) Evaluation Report to the Mental Health Services Oversight and Accountability Commission (MHSOAC) on an annual basis. The first PEI Annual Report provided a report on Fiscal Year 2017 (FY17) Data. Additionally, beginning December 2018, a Three Year PEI Evaluation Report is due to the MHSOAC every three years. The City of Berkeley requested and was granted a one-month extension to complete the FY17 PEI Evaluation Report. The report is posted on the City of Berkeley Mental Health Division website:

[https://www.cityofberkeley.info/uploadedFiles/Health\\_Human\\_Services/Level\\_3\\_-\\_Mental\\_Health/City%20of%20Berkeley%20FY17%20PEI%20Evaluation%20Report\(2\).pdf](https://www.cityofberkeley.info/uploadedFiles/Health_Human_Services/Level_3_-_Mental_Health/City%20of%20Berkeley%20FY17%20PEI%20Evaluation%20Report(2).pdf)

New PEI Regulations released in 2018 now require mental health jurisdictions to submit either a Three Year Evaluation Report or an Annual Evaluation Report to the State by June 30<sup>th</sup> of each fiscal year. The PEI Evaluation Report should be included with the MHSA Annual Update or Three Year Program and Expenditure Plan and undergo a 30 Day Public Comment period and approval from the local governing board. In FY19, the Fiscal Years 2015/2016 – 2017/2018 Three Year Prevention & Early Intervention Evaluation Report (Three Year PEI Evaluation Report) that covers data from FY16/17 – FY17/18 is due.

This Three Year PEI Evaluation Report provides descriptions of currently funded MHSA services, and reports on FY16/17 and FY17/18 program and demographic data to the extent possible. Although this is a three year evaluation spanning the FY15/16 – FY17/18 timeframe, per state regulations data from FY15/16 is not required in this Three Year PEI Evaluation Report as new PEI requirements were not implemented in that fiscal year.

As with the first PEI Evaluation Report the main obstacles in collecting data for this Three Year PEI Evaluation Report continue to be limited staffing and resources both within the City and at Contractor sites to implement and oversee all the necessary data collection requirements. While, it may be a multi-year process before the City of Berkeley will be able to present a complete data set for each PEI Program on an Annual basis, ongoing efforts will continue towards accomplishing this goal.

### **Impact Berkeley Initiative**

Impact Berkeley: In FY18, the City of Berkeley introduced a new initiative in the Health Housing and Community Services (HHCS) Department called “Impact Berkeley”. Central to this effort is using a highly regarded framework called Results Based Accountability (RBA) to account for the work of the Department. RBA provides a new way of understanding the quality and impact of services provided by collecting data that answer three basic questions:

1. How much did you do?
2. How well did you do it?
3. Is anyone better off?

RBA has been incorporated into selected programs within the Department. In FY18, this included community agency programs funded through the MHSA Prevention & Early Intervention Community Education & Supports program. Through this initiative the Department worked with each contractor to envision, clarify and develop measures on the outcomes and results each program is seeking to achieve, and used a rigorous framework to begin measuring and enhancing progress towards these results. Page 30 of this Three Year Evaluation Report provides an aggregated summary of some of the results of this initiative. The full report on the RBA results can be accessed on the MHSA website: [MHSA Plans and Updates - City of Berkeley, CA](#)

### **BACKGROUND**

In 2007, the California Department of Mental Health (DMH) issued State Requirements (through DMH Information Notice 07-17) outlining how Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) funds were to be used for local programs. Through these requirements, PEI Programs were to be utilized on the following Key Community Mental Health Needs and Priority Populations:

Key Community Mental Health Needs:

- Disparities in Access to Mental Health Services – Reduce disparities in access to early mental health interventions due to stigma, lack of knowledge about mental health services or lack of suitability (i.e., cultural competency) of traditional mainstream services.
- Psycho-Social Impact of Trauma – Reduce the negative psycho-social impact of trauma on all ages.
- At-Risk Children, Youth and Young Adult Populations – Increase prevention efforts and response to early signs of emotional and behavioral health problems among specific at-risk populations.
- Stigma and Discrimination – Reduce stigma and discrimination affecting individuals with mental illness and mental health problems.
- Suicide Risk – Increase public knowledge of the signs of suicide risk and appropriate actions to prevent suicide.

PEI Priority Populations:

- Underserved Cultural Populations – Projects that address individuals who are unlikely to seek help from any traditional mental health services whether because of stigma, lack of knowledge, or other barriers (such as members of ethnically/racially diverse communities, members of gay, lesbian, bisexual, transgender communities, etc.) and would benefit from PEI programs and interventions.
- Individuals Experiencing Onset of Serious Psychiatric Illness – Individuals identified by providers, including but not limited to primary health care, as presenting signs of mental illness first break, including individuals who are unlikely to seek help from any traditional mental health service.

- Children and Youth in Stressed Families – Children and youth placed out-of-home or individuals in families where there is substance abuse or violence, depression or other mental illnesses or lack of caregiving adults (e.g., as a result of a serious health condition or incarceration), rendering the children and youth at high risk of behavioral and emotional problems.
- Trauma-Exposed – Individuals who are exposed to traumatic events or prolonged traumatic conditions including grief, loss and isolation, including individuals who are unlikely to seek help from any traditional mental health service.
- Children and Youth at Risk for School Failure – Due to unaddressed emotional and behavioral problems.
- Children and Youth at Risk of or Experiencing Juvenile Justice Involvement – Individuals with signs of behavioral/emotional problems who are at risk of or have had any contact with any part of the juvenile justice system, and who cannot be appropriately served through MHSA Community services and Supports funded services.

In April 2009, following a nine-month long Community Planning Process, the original City of Berkeley Prevention and Early Intervention plan was approved. Subsequent updates to the original plan were approved in October 2010, April 2011, May 2013, May 2014, June 2016, January 2017, July 2017 and October 2018. Based on the DMH Regulations, through the original PEI Plan (or subsequent updates) programs were created to address Key Community Mental Health Needs and PEI Priority Populations as follows:

PEI Program	Key Community Mental Health Needs	PEI Priority Populations
Behavioral-Emotional Assessment, Screening, Treatment and Referral – (BE A STAR)	➤ At-Risk Children, Youth and Young Adult Populations	<ul style="list-style-type: none"> <li>• Children and Youth in Stressed Families</li> <li>• Children and Youth at Risk for School Failure</li> <li>• Underserved Cultural Populations</li> </ul>
Supportive Schools (originally named “Building Effective Schools Together”- BEST)	➤ At-Risk Children, Youth and Young Adult Populations	<ul style="list-style-type: none"> <li>• Children and Youth in Stressed Families</li> <li>• Children and Youth at Risk for School Failure</li> <li>• Underserved Cultural Populations</li> </ul>
Community Education & Supports	<ul style="list-style-type: none"> <li>➤ Psycho-social Impact of Trauma</li> <li>➤ At-Risk Children, Youth and Young Adult Populations</li> </ul>	<ul style="list-style-type: none"> <li>• Trauma Exposed</li> <li>• Underserved Cultural Populations</li> <li>• Children/Youth in Stressed Families</li> <li>• Children and Youth at Risk for School Failure</li> </ul>
Social Inclusion	<ul style="list-style-type: none"> <li>➤ Stigma and Discrimination</li> <li>➤ Psycho-social Impact of Trauma</li> </ul>	<ul style="list-style-type: none"> <li>• Trauma Exposed</li> <li>• Underserved Cultural Populations</li> </ul>
Community Based Child & Youth Risk Prevention Program	➤ At-Risk Children, Youth and Young Adult Populations	<ul style="list-style-type: none"> <li>• Children and Youth in Stressed Families</li> <li>• Children and Youth at Risk for School Failure</li> </ul>

PEI Program	Key Community Mental Health Needs	PEI Priority Populations
		<ul style="list-style-type: none"> <li>• Underserved Cultural Populations</li> </ul>
High School Youth Prevention Project	<ul style="list-style-type: none"> <li>➤ At-Risk Children, Youth and Young Adult Populations</li> <li>➤ Disparities in Access to Mental Health services</li> <li>➤ Psycho-social Impact of Trauma</li> </ul>	<ul style="list-style-type: none"> <li>• Trauma Exposed</li> <li>• Children and Youth in Stressed Families</li> <li>• Children and Youth at Risk for School Failure</li> <li>• Underserved Cultural Populations</li> </ul>
Homeless Outreach & Treatment Team (HOTT)	<ul style="list-style-type: none"> <li>➤ Psycho-social Impact of Trauma</li> <li>➤ Disparities in Access to Mental Health services</li> <li>➤ At-Risk Children, Youth and Young Adult Populations</li> </ul>	<ul style="list-style-type: none"> <li>• Underserved Cultural Populations</li> <li>• Trauma Exposed</li> </ul>
Mental Health Peer Mentor Program	<ul style="list-style-type: none"> <li>➤ At-Risk Children, Youth and Young Adult Populations</li> <li>➤ Disparities in Access to Mental Health services</li> <li>➤ Psycho-social Impact of Trauma</li> </ul>	<ul style="list-style-type: none"> <li>• Trauma Exposed</li> <li>• Children and Youth in Stressed Families</li> <li>• Children and Youth at Risk for School Failure</li> <li>• Underserved Cultural Populations</li> </ul>
Dynamic Mindfulness Program	<ul style="list-style-type: none"> <li>➤ At-Risk Children, Youth and Young Adult Populations</li> <li>➤ Disparities in Access to Mental Health services</li> <li>➤ Psycho-social Impact of Trauma</li> </ul>	<ul style="list-style-type: none"> <li>• Trauma Exposed</li> <li>• Children and Youth in Stressed Families</li> <li>• Children and Youth at Risk for School Failure</li> <li>• Underserved Cultural Populations</li> </ul>

On October 6, 2015, updated PEI regulations designed by the Mental Health Services Oversight and Accountability Commission (MHSOAC) became effective. The updated regulations changed the PEI requirements. Per new PEI State Regulations, Mental Health jurisdictions are to utilize PEI funds to implement all of the following programs: Prevention, Early Intervention, Access and Linkage to Treatment, Stigma and Discrimination Reduction, and Outreach for Increasing Recognition of Early Signs of Mental Illness. Jurisdictions may also opt to utilize some PEI funds to implement a Suicide Prevention program. The definitions of each program are outlined below:



### PREVENTION

Activities to reduce risk factors for developing a potentially serious mental illness and to build protective factors.

### EARLY INTERVENTION

Treatment and other services and interventions, to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the applicable negative outcomes that may result from untreated mental illness.

### ACCESS and LINKAGE to TREATMENT

Connecting children who are seriously emotionally disturbed, and adults and seniors with severe mental illness as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to care provided by county mental health programs.

**STIGMA and DISCRIMINATION REDUCTION**

Activities to reduce negative feelings, attitudes, beliefs, perceptions, stereotypes and/or discrimination related to being diagnosed with a mental illness, having a mental illness, or to seeking mental health services and to increase acceptance, dignity, inclusion, and equity for individuals with mental illness, and members of their families.

**OUTREACH FOR INCREASING RECOGNITION OF EARLY SIGNS OF MENTAL ILLNESS**

Engaging, encouraging, educating, and/or training, and learning from potential responders about ways to recognize and respond effectively to early signs of potentially severe and disabling mental illness.

**OPTIONAL - SUICIDE PREVENTION**

Activities to prevent suicide as a consequence of mental illness.

Within each PEI program the following strategies must also be implemented: Access and Linkage, Improve Timely Access, and Reduce and Circumvent Stigma. The definitions of each strategy are outlined below:

Access and Linkage	Improve Timely Access	Reduce and Circumvent Stigma
<ul style="list-style-type: none"><li>• Activities that engage and connect youth, adults, and seniors with severe mental illness, as early in the onset of the condition as practicable, to medically necessary care and treatment.</li></ul>	<ul style="list-style-type: none"><li>• Improve timely access to mental health services for underserved populations through accessibility, cultural and language appropriateness, transportation, family focus, hours available, and cost of services</li></ul>	<ul style="list-style-type: none"><li>• Reduce and circumvent stigma, including self-stigma, and discrimination related to being diagnosed with a mental illness, or seeking mental health services. Make services accessible, welcoming, and positive.</li></ul>

The new PEI Regulations, also included program and demographic data requirements that are to be reported to the MHSOAC through Annual and Triennial PEI Evaluation Reports. The following pages outline the PEI Program and Demographic reporting requirements:

### PEI PROGRAM REQUIREMENTS

PROGRAM TYPE	PROGRAM DEFINITION	PROGRAM AND DATA COLLECTION REQUIREMENTS
Prevention	A set of related activities to reduce risk factors for developing a potentially serious mental illness and to build protective factors.	<ul style="list-style-type: none"> <li>➤ Describe the target population- type of risk(s) and the criteria used for establishing/identifying those at risk</li> <li>➤ Measure the impact of one or more of the negative outcomes listed in the MHSA (suicide, incarcerations, school failure or dropout, unemployment, homelessness, and removal of children from their homes)</li> <li>➤ Demonstrate the use of an evidence-based or promising practice or a community or practice-based evidence standard*</li> <li>➤ Collect all PEI demographic variables</li> </ul>
Early Intervention	Treatment and other services and interventions, including relapse prevention, to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the applicable negative outcomes that may result from untreated mental illness.	<ul style="list-style-type: none"> <li>➤ Provide services that do not exceed 18 months</li> <li>➤ Program may include services to parents, caregivers, and other family members of the person with early onset of a mental illness.</li> <li>➤ Program may be combined with a Prevention program</li> <li>➤ Measure the impact of one or more of the negative outcomes listed in the MHSA (suicide, incarcerations, school failure or dropout, unemployment, homelessness, removal of children from their homes).</li> <li>➤ Demonstrate the use of an evidence-based or promising practice or a community or practice-based evidence standard*</li> <li>➤ Collect all PEI demographic variables</li> </ul>
Access and Linkage to Treatment	Connecting children who are seriously emotionally disturbed, and adults and seniors with severe mental illness as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to care provided by county mental health programs.	<ul style="list-style-type: none"> <li>➤ Collect # of unduplicated individuals served</li> <li>➤ Collect # of unduplicated referrals made to a Treatment program (and type of program)</li> <li>➤ Collect # of individuals who followed through (participated at least once in Treatment)</li> <li>➤ Measure average time between referral and engagement in services per each individual</li> <li>➤ Measure duration of untreated mental illness (interval between onset of symptoms and start of treatment)per each individual</li> <li>➤ Collect all PEI demographic variables</li> </ul>
Stigma and Discrimination Reduction	Direct activities to reduce negative feelings, attitudes, beliefs, perceptions, stereotypes and/or discrimination related to being diagnosed with a mental illness,	<ul style="list-style-type: none"> <li>➤ Collect the number of individuals reached by activity (e.g., # who participated in each service or activity)</li> </ul>

PROGRAM TYPE	PROGRAM DEFINITION	PROGRAM AND DATA COLLECTION REQUIREMENTS
	having a mental illness, or to seeking mental health services and to increase acceptance, dignity, inclusion, and equity for individuals with mental illness, and members of their families.	<ul style="list-style-type: none"> <li>➤ Measure changes in attitude, knowledge, and/or behavioral related to seeking mental health services or related to mental illness</li> <li>➤ Collect all PEI demographic variables</li> </ul>
Outreach for Increasing Recognition of Early Signs of Mental Illness	A process of engaging, encouraging, educating, and/or training, and learning from potential responders about ways to recognize and respond effectively to early signs of potentially severe and disabling mental illness.	<ul style="list-style-type: none"> <li>➤ May include reaching out to individuals with signs and symptoms of a mental illness, so they can recognize and respond to their own symptoms.</li> <li>➤ May be a stand-alone program, a strategy within a Prevention program, a strategy within an Early Intervention program, a strategy within another program funded by PEI funds, or a combination thereof.</li> <li>➤ Unduplicated # of individual potential responders</li> <li>➤ The types of potential responders engaged in each setting (e.g., nurses, principals, parents, etc.)</li> <li>➤ The # and kind of settings in which the potential responders were engaged</li> <li>➤ Measure impact to 1 or more of the negative outcomes listed in the Act (suicide, incarcerations, school failure or dropout, unemployment, homelessness, and removal of children from their homes)</li> <li>➤ Collect all demographic variables for all unduplicated individual potential responders</li> </ul>
<u>OPTIONAL</u> Suicide Prevention	Activities to prevent suicide as a consequence of mental illness.	<ul style="list-style-type: none"> <li>➤ Collect available #of individuals reached</li> <li>➤ Collect # of individuals reached by activity (ex. # trained, # who accessed website)</li> <li>➤ Select and use a validated method to measure changes in attitudes, knowledge and/or behavior regarding suicide related mental illness</li> <li>➤ Collect all PEI demographic variables for all individuals reached</li> </ul>

\* Evidence-based practice standard: Activities for which there is scientific evidence consistently showing improved mental health outcomes for the intended population, including, but not limited to, scientific peer-reviewed research using randomized clinical trials.

Promising practice standard: Programs and activities for which there is research showing positive outcomes, but the research does not meet the standards used to establish evidence-based practices and does not have enough research or replication to support generalizable positive public health outcomes.

Community and/or practice-based evidence standard: A set of practices that communities have used and determined to yield positive results by community consensus over time, which may or may not have been measured empirically. Takes a number of factors into consideration, including worldview, historical, and social contexts of a given population or community, which are culturally rooted.

## PEI Demographic Reporting Requirements

For the information reported under the various program categories, each program will need to report disaggregate numbers served, number of potential responders engaged, and number of referrals for treatment and other services by:

**(A) The following Age groups:**

- 0-15 (children/youth)
- 16-25 (transition age youth)
- 26-59 (adult)
- ages 60+ (older adults)
- Number of respondents who declined to answer the question

**(B) Race by the following categories:**

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or other Pacific Islander
- White
- Other
- More than one race
- Number of respondents who declined to answer the question

**(C) Ethnicity by the following categories:**

**(i) Hispanic or Latino as follows**

- Caribbean
- Central American
- Mexican/Mexican-American/Chicano
- Puerto Rican
- South American
- Other
- Number of respondents who declined to answer the question

**(ii) Non-Hispanic or Non-Latino as follows**

- African
- Asian Indian/South Asian
- Cambodian
- Chinese
- Eastern European
- European
- Filipino
- Japanese
- Korean
- Middle Eastern
- Vietnamese
- Other
- Number of respondents who declined to answer the question
- More than one ethnicity

**(D) Primary language used listed by threshold languages for the individual county**

- English
- Spanish
- Number of respondents who declined to answer the question

**(E) Sexual orientation**

- Gay or Lesbian
- Heterosexual or Straight
- Bisexual
- Questioning or unsure of sexual orientation
- Queer
- Another sexual orientation
- Number of respondents who declined to answer the question

**(F) Disability**, defined as a physical or mental impairment or medical condition lasting at least six months that substantially limits a major life activity, which is not the result of a severe mental illness

- If Yes, report the number that apply in each domain of disability(ies)
  - Communication domain separately by each of the following:
    - difficulty seeing,
    - difficulty hearing, or having speech understood)
    - other, please specify
  - Mental domain not including a mental illness (including but not limited to a learning disability, developmental disability, dementia)
  - Physical/mobility domain
  - Chronic health condition (including but not limited to chronic pain)
  - Other (specify)
- No
- Number of respondents who declined to answer the question

**(G) Veteran Status,**

- Yes
- No
- Number of respondents who declined to answer the question

**(H) Gender**

- (i) Assigned sex at birth:
  - (a) Male
  - (b) Female
  - (c) Number of respondents who declined to answer the question
- (ii) Current gender identity:
  - (a) Male
  - (b) Female
  - (c) Transgender
  - (d) Genderqueer
  - (e) Questioning or unsure of gender identity
  - (f) Another gender identity
  - (g) Number of respondents who declined to answer the question

Effective July 2018 amended PEI regulations specified the following:

- For projects/programs serving children or youth younger than 18 years of age, the demographic information collected and reported should only be done so to the extent permissible by privacy laws.
- For projects/programs serving minors younger than 12 years of age, demographic information shall be collected and reported, except for sexual orientation, current gender identity, and veteran status.
- Information that cannot be obtained directly from the minor may be obtained from the minor’s parent, legal guardian, or other authorized source.

**CITY OF BERKELEY PEI PROGRAMS**

Upon the release of the new PEI Regulations, the City of Berkeley programs were reviewed to evaluate whether programs that were already funded would fit into the new required PEI Program definitions. As a result, local PEI funded programs were re-classified from the previous construct, into the following:

STATE REQUIRED PEI PROGRAMS	CITY OF BERKELEY PEI PROGRAMS
Combined Prevention and Early Intervention	<ul style="list-style-type: none"> <li>• Be A Star</li> <li>• High School Youth Prevention Project</li> <li>• Community Based Child &amp; Youth Risk Prevention Program</li> <li>• Mental Health Peer Education Program*</li> <li>• Dynamic Mindfulness Program*</li> </ul>
Early Intervention	<ul style="list-style-type: none"> <li>• Supportive Schools Program</li> <li>• Community Education &amp; Supports Projects</li> </ul>
Access and Linkage to Treatment	<ul style="list-style-type: none"> <li>• Homeless Outreach &amp; Treatment Team</li> </ul>
Stigma and Discrimination Reduction	<ul style="list-style-type: none"> <li>• Social Inclusion Project</li> </ul>
Outreach for Increasing Recognition of Early Signs of Mental Illness	<ul style="list-style-type: none"> <li>• High School Youth Prevention Project</li> </ul>

\*This project was added through the MHSA FY19 Annual Update

The City then assessed the current capacity both internal and at Contractor sites that would be necessary to collect and evaluate the new PEI Data and quickly realized there were very limited resources and staffing available. Beginning in FY18, as a measure to provide resources to assist with the collection of data at Contractor sites, additional funds were added to each PEI funded contract.

Additionally, within FY18, the City of Berkeley Health, Housing and Community Services (HHCS) Department began the roll-out of “Impact Berkeley” in various Public Health and Mental Health programs. “Impact Berkeley” is an evaluation that utilizes the methodology of “Results Based Accountability” (RBA), which seeks to answer how many individuals are being served, how well the program is providing services, and whether participants are better off as a result of participating in the program, or receiving services. Through this initiative the Department envisioned, clarified, and developed a common language about the



outcomes and results that each program seeks to achieve, and then began implementing a rigorous framework to measure and enhance programs towards these results. The first part of this roll-out included the PEI Community Education & Supports Program contracted services. In FY18, staff began working with PEI funded Contractors both on establishing measures for “Impact Berkeley” and for PEI program requirements. Results of the first year of the RBA Evaluation are captured in this report and will continue to be reported in future PEI Evaluation Reports.

This Three Year PEI Evaluation Report documents program measures and demographic elements to the extent data was available. While, it may be a multi-year process before the City of Berkeley will be able to present a complete data set for each PEI Program on an Annual basis, ongoing efforts will continue towards accomplishing this goal.

# PREVENTION AND EARLY INTERVENTION COMBINED PROGRAMS



### Behavioral-Emotional Assessment, Screening, Treatment, and Referral (BE A STAR)

The Be A Star program is a collaboration with the City of Berkeley's Public Health Department providing a coordinated system in Berkeley and Albany that identifies children birth to age five and their parents, who are at risk of childhood development challenges including developmental, social, emotional, and/or behavioral concerns. The program specifically targets low income families, including those with teen parents, who are homeless, substance abusing, or in danger of foster care. Services include triage, assessment, treatment and referrals to appropriate community-based or specialist services as needed. Children and families are accessed through targeted efforts at the following: Black Infant Health; Vera Casey Teenage Parenting programs; Child Health and Disability Prevention programs, Pediatric providers, and through state-subsidized Early Childhood Development Centers. The goals of the program are to identify, screen and assess families early, and connect them with services and supports as needed. The program uses the "Ages and Stages Questionnaires" (ASQ) screening tool to assess children in need. The ASQ consists of a series of 20 questionnaires that correspond to age intervals from birth to 6 years designed to help parents check their child's development. Each questionnaire contains simple questions for parents to answer that reflect developmental milestones for each age group. Answers are scored and help to determine whether the child's development is on schedule or whether the child should be referred for a developmental checkup with a professional. Over 400 children are assessed each year.

**PEI Goals:** The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

In FY17, a total of 455 children were reached through this program. At Berkeley Unified School District (BUSD) this program reached 370, 3-5 year olds. A total of 59 of the children reached were already receiving services through an Independent Education Plan (IEP). A total of 296 ASQ's were returned and scored. Through these screenings, 45 children scored in the "Of Concern" range. Outlined below is a breakdown of the BUSD Preschool ASQ screening results of children in the "of concern" range:

BUSD Preschool	Number Screened	Screening Results "Of Concern"	% Scored of Concern
Franklin	150	26	17.3%
King	74	12	16.2%
Hopkins	72	7	9.7%

As a result of the BUSD ASQ screenings, 49 referrals were made to the following services: 25 to Mental Health services; 11 to BUSD Special Education; 13 to other area Districts Special Education services.

A total of 85 additional ASQ's were administered by Public Health nurses during home visits. Of the 85 completed ASQ's, 8% scored in the "of concern" range and 27% scored in the "monitoring" range. Children who received scores in the "Of Concern" range were referred to their pediatrician for follow-up and those receiving scores in the "monitor only" range were screened again at a later date (usually between 2-6 months later).

Demographics on all children who received outreach and/or screenings were as follows:

<b>PARTICIPANT DEMOGRAPHICS N=455</b>	
<b>Age Groups</b>	
0-15 (Children/Youth)	100%
<b>Race</b>	
Black or African American	23%
Asian	23%
White	9%
Other	31%
More than one race	6%
Declined to Answer (or Unknown)	8%
<b>Ethnicity: Hispanic or Latino</b>	
Mexican/Mexican-American/Chicano	31%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Declined to Answer (or Unknown)	69%
<b>Primary Language Used</b>	
Declined to Answer (or Unknown)	100%
<b>Sexual Orientation</b>	
Declined to answer (or Unknown)	100%
<b>Disability</b>	
Declined to answer (or Unknown)	100%
<b>Veteran Status</b>	
No	100%
<b>Gender: Gender Assigned at Birth</b>	
Declined to answer (or Unknown)	100%
<b>Current Gender Identity</b>	
Declined to answer (or Unknown)	100%

In FY18, at Berkeley Unified School District (BUSD) 345 children were reached through this program. A total of 49 of the children reached were already receiving services through an Independent Education Plan (IEP). A total of 280 ASQ's were returned and scored. Through these screenings, 36 children scored in

the “Of Concern” range. Outlined below is a breakdown of the BUSD Preschool ASQ screening results of children in the “of concern” range:

BUSD Preschool	Number Screened	Screening Results “Of Concern”	% Scored of Concern
Franklin	171	15	9%
King	74	12	16%
Hopkins	72	7	10%

As a result of the BUSD ASQ screenings, 148 referrals were made to the following services: 28 to Mental Health services; 26 to BUSD Special Education; 38 Speech Services; 56 to BUSD “Response To Intervention (RTI)” services.

Demographics on children who received outreach and/or screenings at BUSD were as follows:

PARTICIPANT DEMOGRAPHICS N=345	
Age Groups	
0-15 (Children/Youth)	100%
Race	
Black or African American	23%
Asian	15%
White	4%
Other	30%
More than one race	12%
Declined to Answer (or Unknown)	16%
Ethnicity: Hispanic or Latino	
Mexican/Mexican-American/Chicano	24%
Ethnicity: Non-Hispanic or Non-Latino	
Declined to Answer (or Unknown)	6%
Primary Language Used	
Declined to Answer (or Unknown)	100%
Disability	
Declined to answer (or Unknown)	100%
Gender: Gender Assigned at Birth	
Declined to answer (or Unknown)	100%

### High School Youth Prevention Program

This program operates in conjunction with other health related services offered at Berkeley High School (BHS) and Berkeley Technology Academy (BTA) to provide young people with the information and individual support they need to make positive and healthy decisions in their lives. The program includes: outreach activities designed to provide students with basic information around the risks of certain behaviors, and ways to protect themselves and make positive and safer decisions; classroom presentations to enable students to receive more in-depth information around a variety of health topics and available resources, and provide the opportunity for students to do a personal assessment of risk and current lifestyle choices; drop-in crisis and counseling services; individual appointments to identify young people who may need more intensive intervention; and short-term treatment. The individual appointments, held at the school-based health center, provide young people with the opportunity to hold very in-depth discussions around the choices they are making and the risks that are involved in their choices. They receive guidance about changes they can make to reduce or eliminate their risks, and are given the opportunity to identify barriers that might exist for them that prevent them from making healthier choices. In addition, they complete a 40 question, in-depth HEADSSS (Home, Education, Activities, Drugs/Alcohol, Sexuality, Safety, Suicidality) assessment. Based on the outcome of the individual appointment and/or assessment, a young person may be referred to either a medical or mental health professional for follow-up care and intervention and/or treatment. Approximately 2600 Berkeley High School Students and 100 B-Tech students receive some level of services through this program each year.

This program was implemented in FY13 and has become a successful partnership between BUSD and the Public Health and Mental Health Divisions of Berkeley's HHCS Department. As the program has developed, the staffing structure for the program has increased and evolved to better meet the needs of the participants of both BHS and B-Tech. Additionally, BMH has been involved in implementing and assessing the Cognitive, Behavioral, Intervention for Trauma in Schools (CBITS) as a model of care at these locations. The need for additional supports and resources for this program will continue to be accessed and adjusted accordingly.

**PEI Goals:** The goal of this program is to bring about mental health, including the reduction of school failure or dropout.

In FY17, approximately 3,652 students received services through this project with 1,215 students receiving mental health services. Demographics on the total number served were as follows:

<b>PARTICIPANT DEMOGRAPHICS N=3,652</b>	
<b>Age Groups</b>	
0-15 (Children/Adult)	22%
16-25 (Transition Age Youth)	78%
<b>Race</b>	
American Indian or Alaska Native	1%
Asian	5%

Black or African American	24%
Native Hawaiian or Pacific Islander	1%
White	29%
Other	2%
More than one Race	18%
Declined to Answer (or Unknown)	1%
<b>Ethnicity: Hispanic or Latino</b>	
Mexican/Mexican-American/Chicano	20%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Declined to Answer (or Unknown)	80%
<b>Primary Language</b>	
English	93%
Spanish	7%
<b>Sexual Orientation</b>	
Gay or Lesbian	1%
Heterosexual or Straight	96.3%
Bisexual	2.6%
Declined to Answer (or Unknown)	.1%
<b>Disability</b>	
Declined to Answer (or Unknown)	100%
<b>Veteran Status</b>	
No	100%
<b>Gender: Assigned sex at birth</b>	
Male	21%
Female	77%
Declined to Answer (or Unknown)	2%
<b>Current Gender Identity</b>	
Male	21%
Female	77%
Transgender	>.1%
Declined to Answer (or Unknown)	1.4%

Demographics on the students receiving ongoing counseling services were as follows:

<b>PARTICIPANT DEMOGRAPHICS N=1,215</b>	
<b>Age Groups</b>	
0-15 (Children/Adult)	22%
16-25 (Transition Age Youth)	78%
<b>Race</b>	
Asian	8%
Black or African American	25%
Native Hawaiian or Pacific Islander	3%
White	24%
Other	28%
More than one Race	12%
<b>Ethnicity: Hispanic or Latino</b>	
Central American	6%
Mexican/Mexican-American/Chicano	19%
Declined to Answer (or Unknown)	3%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Declined to Answer (or Unknown)	72%
<b>Primary Language</b>	
English	82%
Spanish	16%
Declined to Answer (or Unknown)	2%
<b>Sexual Orientation</b>	
Declined to Answer (or Unknown)	100%
<b>Disability</b>	
Declined to Answer (or Unknown)	100%
<b>Veteran Status</b>	
No	100%



<b>Gender: Assigned sex at birth</b>	
Male	34%
Female	64%
Declined to Answer (or Unknown)	2%
<b>Current Gender Identity</b>	
Male	34%
Female	64%
Declined to Answer (or Unknown)	2%

In FY18, approximately 1,260 students received services through this project, and 264 students received ongoing mental health services for a total of 738 visits. Demographics on the total number served were as follows:

<b>PARTICIPANT DEMOGRAPHICS N=1,260</b>	
<b>Age Groups</b>	
0-15 (Children/Adult)	6%
16-25 (Transition Age Youth)	13%
Declined to Answer (or Unknown)	81%
<b>Race</b>	
Asian	4%
Black or African American	23%
White	30%
Other	22%
More than one Race	17%
Declined to Answer (or Unknown)	4%
<b>Ethnicity: Hispanic or Latino</b>	
Mexican/Mexican-American/Chicano	18%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Declined to Answer (or Unknown)	80%
<b>Primary Language</b>	
Declined to Answer (or Unknown)	100%

<b>Sexual Orientation</b>	
Declined to Answer (or Unknown)	100%
<b>Disability</b>	
Declined to Answer (or Unknown)	100%
<b>Veteran Status</b>	
No	100%
<b>Gender: Assigned sex at birth</b>	
Male	36%
Female	63%
Declined to Answer (or Unknown)	1%
<b>Current Gender Identity</b>	
Male	36%
Female	63%
Declined to Answer (or Unknown)	1%

Demographics on the 264 students receiving ongoing counseling services were as follows:

<b>PARTICIPANT DEMOGRAPHICS N= 264</b>	
<b>Age Groups</b>	
0-15 (Children/Adult)	27%
16-25 (Transition Age Youth)	73%
<b>Race</b>	
Asian	5%
Black or African American	28%
White	25%
Other	18%
More than one Race	18%
Declined to Answer (or Unknown)	6%
<b>Ethnicity: Hispanic or Latino</b>	
Declined to Answer (or Unknown)	18%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Declined to Answer (or Unknown)	100%

Primary Language	
Declined to Answer (or Unknown)	100%
Sexual Orientation	
Declined to Answer (or Unknown)	100%
Disability	
Declined to Answer (or Unknown)	100%
Veteran Status	
No	100%
Gender: Assigned sex at birth	
Male	34%
Female	64%
Declined to Answer (or Unknown)	2%
Current Gender Identity	
Male	34%
Female	64%
Declined to Answer (or Unknown)	2%

### Community-Based Child & Youth Risk Prevention Program

This program targets children and youth from un-served, underserved, and inappropriately served populations who are impacted by multiple risk factors including trauma, family or community violence, familial distress, and/or family substance abuse, (among other issues). The program is primarily community-based with some supports also provided in a few area schools. A range of psycho-educational activities provide information and supports for those in need. Services also include assessment, brief treatment, case management, and referrals to long term providers and other resources as needed. The main goals are to reduce risk factors or other stressors, and promote positive cognitive, social, and emotional well-being. This program serves approximately 50 Children & Youth a year.

**PEI Goals:** The goal of this program is to bring about mental health including the reduction of school failure and the removal of children from their homes.

In FY17, The City of Berkeley was not able to implement this program due to staff turnover and vacancies.

In FY18, a total of 67 children (aged 0-5) were served through this program. Demographics on those served were as follows:

<b>PARTICIPANT DEMOGRAPHICS N=67</b>	
<b>Age Groups</b>	
0-15 (Children/Adult)	100%
<b>Race</b>	
Asian	9%
Black or African American	48%
White	13%
Other	28%
More than one Race	2%
<b>Ethnicity: Hispanic or Latino</b>	
Mexican/Mexican-American/Chicano	7%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Declined to Answer (or Unknown)	93%
<b>Primary Language</b>	
Declined to Answer (or Unknown)	100%
<b>Disability</b>	
Declined to Answer (or Unknown)	100%
<b>Gender: Assigned sex at birth</b>	
Male	60%
Female	40%
<b>Current Gender Identity</b>	
Male	60%
Female	40%

### **Mental Health Peer Education Program**

The Mental Health Peer Education Program was added through the MHSA FY19 Annual Update. This program implements a mental health curriculum for 9th graders, and an internship program for a cohort of high school students, in Berkeley Unified School District (BUSD), in an effort to increase student awareness of common mental health difficulties, resources, and healthy coping and intervention skills. Through this program students are trained by a licensed BUSD clinician to conduct class presentations covering common mental health disorders, on and off campus resources, as well as basic coping and intervention skills.

PEI Goals: The goal of this program is to bring about mental health, including the reduction of school failure or dropout.

### **Dynamic Mindfulness Program (DMind)**

The Dynamic Mindfulness (DMind) program was added through the MHSA FY19 Annual Update. DMind is an evidence-based trauma-informed program that will be in each of the BUSD middle and high schools. Validated by independent researchers as a transformative program for teaching children and youth, skills for optimal stress resilience and healing from trauma, the DMind program integrates mindful action, breathing, and centering into an intervention that can be implemented in the classroom in 5-15 minute sessions, 3 to 5 times a week. This program has proven to be successful with vulnerable students who are exhibiting signs of trauma/Post Traumatic Stress Disorder (PTSD) from Adverse Childhood Experiences (ACEs), and/or disengagement from school, chronic absences, and significant behavioral challenges, including emotion regulation, impulse control, and anger management. DMind also enables teacher well-being, which has been shown to enhance student learning. The program components include in-class and after-school DMind sessions for students, student peer leadership development, training and coaching of school staff, and program evaluation.

PEI Goals: The goal of this program is to bring about mental health, including the reduction of school failure or dropout.



# EARLY INTERVENTION (ONLY) PROGRAMS



### Supportive Schools Program

Through this program leveraged MHSA PEI funds provide resources to support mental health prevention and intervention services in the Berkeley Elementary schools. Services include: outreach; mental health programming; classroom, group, and one-on-one psycho-social education and support; and consultation with parents and/or teachers.

**PEI Goals:** The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the reduction of school failure and the removal of children from their homes.

In FY17, approximately 1,072 youth participated in individual or group therapy services and 35 parents received consultation services. Demographic data on individuals served through this program included:

<b>PARTICIPANT DEMOGRAPHICS N=1,107</b>	
<b>Age Group</b>	
0-15 (Children/Youth)	97%
26-59 (Adult)	3%
<b>Race</b>	
American Indian or Alaska Native	3%
Asian	5%
Black or African American	22%
Native Hawaiian/Pacific Islander	<1%
White	33%
Other	<1%
More than one race	14%
Declined to Answer (or Unknown)	7%
<b>Ethnicity: Hispanic or Latino</b>	
Mexican/Mexican-American/Chicano	15%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
African	1%
Asian Indian/South Asian	<1%
European	<1%
Filipino	<1%
Japanese	<1%
Korean	<1%

Middle Eastern	<1%
Vietnamese	<1%
More than one ethnicity	1%
Declined to answer (or Unknown)	80%
<b>Primary Language Used</b>	
English	8%
Spanish	4%
Mandarin	<1%
Declined to Answer (or Unknown)	88%
<b>Sexual Orientation</b>	
Declined to answer (or Unknown)	100%
<b>Disability</b>	
Mental domain not including a mental illness (including but not limited to a learning disability, developmental disability, dementia)	6%
Declined to answer (or Unknown)	94%
<b>Veteran Status</b>	
No	100%
<b>Gender: Assigned sex at birth</b>	
Male	47%
Female	38%
Declined to answer (or Unknown)	15%
<b>Current Gender Identity</b>	
Male	43%
Female	41%
Questioning or unsure of gender identity	<1%
Declined to answer (or Unknown)	16%

In FY18, approximately 830 youth participated in individual or group therapy services. Demographic data on individuals served through this program included:



<b>PARTICIPANT DEMOGRAPHICS N=830</b>	
<b>Age Group</b>	
0-15 (Children/Youth)	100%
<b>Race</b>	
American Indian or Alaska Native	4%
Asian	5%
Black or African American	23%
Native Hawaiian/Pacific Islander	<1%
White	37%
Other	1%
More than one race	14%
Declined to Answer (or Unknown)	15%
<b>Ethnicity: Hispanic or Latino</b>	
Mexican/Mexican-American/Chicano	1%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
More than one ethnicity	8%
Declined to answer (or Unknown)	92%
<b>Primary Language Used</b>	
English	7%
Declined to Answer (or Unknown)	93%
<b>Sexual Orientation</b>	
Declined to answer (or Unknown)	100%
<b>Disability</b>	
Mental domain not including a mental illness (including but not limited to a learning disability, developmental disability, dementia)	3%
Declined to answer (or Unknown)	97%
<b>Veteran Status</b>	
No	100%

Gender: Assigned sex at birth	
Male	47%
Female	38%
Declined to answer (or Unknown)	15%
Current Gender Identity	
Male	46%
Female	39%
Questioning or unsure of gender identity	Unknown
Declined to answer (or Unknown)	15%

### Community Education & Supports Program

The Community Education & Supports program implements culturally-responsive psycho-educational trauma support services for individuals (18 and above) in various cultural, ethnic and age specific populations that are unserved, underserved and inappropriately served in Berkeley and Albany including: African Americans; Asian Pacific Islanders; Latinos; LGBTQI; TAY; and Senior Citizens. All services are conducted through area community-based organizations.

In FY18 each of the Community Education & Supports contractors participated in the HHCS Results-Based Accountability (RBA) Evaluation. In this first year of RBA implementation results were presented in an aggregated format aggregated across all programs as follows:

How Much Did We Do?	How Well Did We Do It?	Is Anyone Better Off?
<ul style="list-style-type: none"> <li>• 585 Support Groups/Workshops</li> <li>• 1,885 Support Group/Workshop Contacts</li> <li>• 129 Outreach Activities</li> <li>• 1,438 Outreach Contacts</li> <li>• 413 Referrals</li> </ul>	<ul style="list-style-type: none"> <li>• Participants attended 6 support groups or workshop sessions on average over year</li> <li>• More than 9 out of 10 survey respondents were satisfied with services</li> <li>• Referrals by type: 108 Mental Health 97 Social Services 82 Other 74 Physical Health 52 Housing</li> </ul>	<ul style="list-style-type: none"> <li>• 85% Survey respondents reported having increased feeling of social support and connection</li> <li>• 23% Improvement in truancy rate for participating Albany students</li> <li>• Survey respondents reported positive mental health changes</li> </ul>

For additional detail on how various data variables were quantified and for full reporting on other data elements, access the full [MHSA Plans and Updates - City of Berkeley, CA](#)

Descriptions of services provided and numbers served through this project are outlined below:

### Albany Trauma Project

**Youth Support Groups:** The use of Support Groups or Group Therapy are considered to be a highly effective and preferred intervention for adolescents who tend to be more likely to accept feedback from their peers than from adults. Through this project, separate weekly therapeutic support groups are provided at Albany High School and MacGregor High School for Asian Pacific Islander, Latino, and African American youth. Groups meet for 1-2 hours a week throughout the school year and are focused on helping participants process various traumatic events through the development of trust, close connections to each other, and creating a safe space for the expression and understanding of feelings.

**PEI Goals:** The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the reduction of school failure or drop out.

In FY17, a total of 21 students participated in three separate Support Groups with a total of 449 group sessions. An additional 54 individual sessions were held among group participants. Throughout the year there was 1 Child Protective Services (CPS) report made and four suicide assessments were conducted.

Twenty-four students completed a questionnaire that was administered on the 3<sup>rd</sup> week of group. Questionnaire Results are outlined below:

QUESTIONNAIRE RESULTS N = 24	
QUESTIONS	PARTICIPANT RESPONSES
Have you lost someone close to you?	Yes – 75% No – 25%
Have you witnessed violence in your family?	Yes – 58% No – 42%
Have you witnessed violence in your home?	Yes – 42% No – 58%
Have you been a victim of violence or abuse?	Yes – 37% No – 63%
If yes, have you spoken to anyone about this?	Yes – 25% No – 12% Didn't answer – 63%
Do you feel that you've had the support in your life to cope effectively with the painful things you've experienced?	Yes - 63% No – 33% Didn't answer – 4%
Are you currently experiencing a lot of stress in your life?	Yes – 83% No – 17%
Do you use drugs or alcohol to help cope with your feelings, i.e. relax, calm down, quiet your mind, reduce anger, etc.?	Yes – 50% No – 50%

QUESTIONNAIRE RESULTS N = 24	
QUESTIONS	PARTICIPANT RESPONSES
Are there adults at your school who you can talk openly to about personal issues?	Yes – 50% No – 50%

Twenty-one students completed a questionnaire that was administered on the second to the last Support Group meeting. Results are outlined below:

QUESTIONNAIRE RESULTS N = 21	
QUESTIONS or STATEMENTS	PARTICIPANT RESPONSES
I felt welcomed into group.	Yes – 100%
I felt the group was a place I could express my feelings.	Yes – 90% Sometimes – 10%
I felt supported by other group members.	Yes – 95% Most times – 5%
Do you have support in your life to deal with the painful things you've experienced?	Yes - 90% Somewhat – 10%
Are you currently experiencing a lot of stress in your life?	Yes - 48% Kind of – 9% Not as much – 9% In the middle – 5% Not really – 19% No – 10%
Do you use drugs or alcohol to help cope with your feelings, i.e. relax, calm down, quiet your mind, reduce anger, etc.?	Yes – 14% Sometimes – 10% Kind of – 5% No – 71%
In the future, I would seek therapy or group counseling if I felt I needed help.	Yes – 62% Maybe – 33% No – 5%
Are there adults at your school who you can talk openly to about personal issues?	Yes – 90% Kind of – 5% No – 5%

According to the pre-test a vast majority of Group members had experienced significant trauma. Other traumas students had experienced which were discussed during Support Groups sessions had to do with

racism, immigration, loss of a parent, mental illness of a parent or sibling, parental alcoholism/addiction, adoption, significant early loss, divorce, extreme physical illness of a parent, poverty, rejection by parents, and living in highly chaotic and conflicted families. An unusually high number of students did not live with either of their parents which led them to feel further isolated and rejected.

In comparing the results of the questionnaires there was a marked increase in students who felt there was an adult at school they could speak with about personal issues, a significant decrease in students perception of stress in their lives, and a decrease in the number of Group members who indicated they used substances to manage their feelings. This seems to suggest that the Support Group experience helped participants to: engage in healthier coping strategies, and to feel less overwhelmed and more connected to each other and adults at school. Questionnaire results also suggest that Group members had a positive experience. All participants who completed the end of the group questionnaire responded that they felt welcomed into the group. Only two students indicated that they sometimes felt that the Group was a place they could talk about their feelings, all of the other participants indicated they could talk about their feelings in group. Additionally, only one student indicated they sometimes felt supported by their peers, while all other participants indicated that they felt supported by their peers. Lastly, a high percentage of students indicated if they needed help in the future, that they may seek Therapy or Group Counseling services.

**Adult Support Groups:** This project implements Outreach and engagement activities and support groups to Latino immigrant adults dealing with trauma issues, who live and work the backstretch of Golden Gate Field's race track as groomers; exercise jockeys and caretakers of the horses. Groups meet once a week from 1-2 hours each and utilize strength-based and indigenous activities focused on increasing positive communication and coping skills to support participants through issues of acculturation, immigration, and dislocation.

**PEI Goals:** The goal of this project is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

In FY17, 289 individuals participated in either individual or group counseling, case management services, weekly workshop activities, or community group events. All participants had a myriad of basic living and mental health needs and many were isolated and illiterate. In addition to the weekly support groups many participated in special holiday celebrations and activities (such as celebrations of Dia de los muertos and Virgin de Guadalupe) that were offered through this project to build community, and support issues of healing.

This project has continued to be a key source of reaching a community that otherwise would not have resources. It is structured to take into account the barriers those living and working on the backstretch experience in accessing services, including complicated work hours, difficulty getting transportation, as well as their levels of acculturation, language and experience. Self-report from multiple participants' overtime, has indicated that having mental health resources come into the backstretch has been a strong support for them.

In FY17, there were a total of 289 individuals served through the Albany Trauma Project. Demographics on individuals served were as follows:

<b>PARTICIPANT DEMOGRAPHICS N=289</b>	
<b>Age Group</b>	
0-15 (Children/Youth)	3%
16-25 (Transition Age Youth)	11%
26-59 (Adult)	8%
60 and Over (Older Adult)	5%
Declined to Answer (or Unknown)	73%
<b>Race</b>	
Asian	2%
Black or African American	2%
Other	96%
<b>Ethnicity: Hispanic or Latino</b>	
Central American	8%
Mexican/Mexican-American/Chicano	88%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Declined to answer (or Unknown)	4%
<b>Primary Language Used</b>	
English	5%
Spanish	95%
<b>Sexual Orientation</b>	
Heterosexual	93%
Declined to answer (or Unknown)	7%
<b>Disability</b>	
Difficulty Seeing	1%
Physical/mobility domain	1%
Chronic health condition	1%
Declined to answer (or Unknown)	97%
<b>Veteran Status</b>	
No	100%

<b>Gender: Assigned sex at birth</b>	
Male	16%
Female	11%
	73%
<b>Current Gender Identity</b>	
Male	16%
Female	11%
Declined to answer (or Unknown)	73%

In FY18, a total of 38 students participated in three separate Support Groups with a total of 455 group sessions. An additional 77 individual sessions were held among group participants. Throughout the year there were 2 Child Protective Services (CPS) report made and four suicide assessments were conducted.

Thirty-two students completed a questionnaire that was administered on the 3<sup>rd</sup> week of group. Questionnaire Results are outlined below:

<b>QUESTIONNAIRE RESULTS N = 32</b>	
<b>QUESTIONS</b>	<b>PARTICIPANT RESPONSES</b>
Have you lost someone close to you?	Yes – 60% No – 40%
Have you witnessed violence in your family?	Yes – 71% No – 29%
Have you witnessed violence in your home?	Yes – 40% No – 60%
Have you been a victim of violence or abuse?	Yes – 32% No – 68%
If yes, have you spoken to anyone about this?	Yes – 60% No – 30% Didn't Answer – 10%
Do you feel that you've had the support in your life to cope effectively with the painful things you've experienced?	Almost Never – 6% Sometimes – 31% Often – 21% Usually – 18% Almost Always – 21% Didn't Answer – 3%
Do you use healthy ways to cope with stress in your life?	Almost Never – 6% Sometimes – 21% Often – 25% Usually – 31% Almost Always – 15%

	Didn't Answer – 2%
Do you use drugs or alcohol to help cope with your feelings, i.e. relax, calm down, quiet your mind, reduce anger, etc.?	Almost Never – 43% Sometimes – 25% Often – 6% Usually – 15% Almost Always – 9% Didn't Answer – 2%
Are there adults at your school who you can talk openly to about personal issues?	Yes – 69% No – 31%

Twenty-two students completed a questionnaire that was administered on the second to the last Support Group meeting. Results are outlined below:

<b>QUESTIONNAIRE RESULTS N = 22</b>	
<b>QUESTIONS or STATEMENTS</b>	<b>PARTICIPANT RESPONSES</b>
I felt welcomed into group.	Almost Never – 0% Sometimes – 0% Often – 4% Usually – 19% Almost Always – 75% Didn't Answer – 2%
I felt the group was a place I could express my feelings.	Almost Never – 0% Sometimes – 9% Often – 4% Usually – 22% Almost Always – 63% Didn't Answer – 2%
I felt supported by other group members.	Almost Never – 0% Sometimes – 0% Often – 9% Usually – 18% Almost Always – 72% Didn't Answer – 1%
Have you spoken to someone about the painful things you've experienced?	Almost Never - 4% Sometimes – 14% Often – 14% Usually – 47% Almost Always – 19% Didn't Answer – 2%
Do you feel that you have support in your life to deal with painful things you've experienced?	Almost Never – 0% Sometimes – 18% Often – 18% Usually – 27% Almost Always – 36%



	Didn't Answer – 1%
Do you use healthy ways to cope with the stress in your life?	Almost Never – 0% Sometimes – 21% Often – 31% Usually – 28% Almost Always – 18% Didn't Answer – 2%
Do you use drugs or alcohol to help cope with your feelings, i.e. relax, calm down, quiet your mind, reduce anger, etc.?	Almost Never – 59% Sometimes – 13% Often – 4% Usually – 18% Almost Always – 4% Didn't Answer – 2%
Are there adults at your school who you can talk openly to about personal issues?	Yes – 68% No – 22% Sometimes – 9% Didn't Answer – 1%
Would you recommend this group to a friend?	Yes – 90% No – 0% Maybe – 10%

Results from the pre and post group questionnaires suggest that without exception group members reported positive experience in the support groups. All students who completed the post-group questionnaire responded that they felt welcomed into the group, and felt supported by other group members and selected either “Often, Usually, or Almost Always” as their responses. All students except for 2 (who responded “maybe”) responded “yes” to the question: “I would recommend this group to a friend.” In addition, students’ responses in the “Dear Group Letter” indicated a highly positive experience in the groups.

Per questionnaire results there was an increase in the following: students felt more supported in their lives, used healthy coping strategies more often, decreased their use of alcohol and drug use as a way to manage their feelings, and attended school with more frequency.

**Adult Support Groups:** Over the course of FY18 this project has migrated to more of a one-on-one engagement and support project with occasional drumming and other cultural and strength building group activities. Approximately 35 unduplicated individuals participated in either one-on-one engagement or community group events.

In FY18, a total of 73 unduplicated individuals were served through the Albany Trauma Project. Demographics on individuals served were as follows:

<b>PARTICIPANT DEMOGRAPHICS N=73</b>	
<b>Age Group</b>	
16-25 (Transition Age Youth)	62%
26-59 (Adults)	29%
60+ (Older Adults)	9%
<b>Race</b>	
Asian	22%
Black or African American	12%
Native Hawaiian or other Pacific Islander	3%
White	15%
Other	48%
<b>Ethnicity: Hispanic or Latino</b>	
Central American	4%
Mexican/Mexican-American/Chicano	59%
South American	1%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
African	12%
Asian Indian/South Asian	3%
Chinese	16%
Filipino	1%
Japanese	4%
<b>Primary Language Used</b>	
English	26%
Spanish	60%
Mandarin	7%
Other	7%
<b>Sexual Orientation</b>	
Gay or Lesbian	1%
Heterosexual or Straight	90%
Bisexual	4%

Questioning or Unsure	2%
Declined to Answer (or Unknown)	3%
<b>Disability</b>	
No Disability	52%
Difficulty Hearing or Having Speech Understood	4%
Physical/Mobility Disability	8%
Chronic Health Condition	5%
Declined to Answer (or Unknown)	31%
<b>Veteran Status</b>	
No	100%
<b>Gender: Assigned sex at birth</b>	
Male	62%
Female	38%
<b>Current Gender Identity</b>	
Male	62%
Female	38%

### Living Well Project

Implemented through Center for Independent Living, this project provides services for Senior Citizens (aged 50 and over) who are coping with trauma and/or mental health issues associated with acquired disabilities. Senior Citizens with acquired disabilities are one of the most difficult groups to reach with disability services. It is similarly difficult to intervene with this group's developing mental health issues related to aging and the traumatic impact of acquiring one or more disabilities (such as loss of mobility, vision, hearing, et al). The core of the project is a wellness workshop series entitled "Living Well with a Disability". Through a combination of education, goal setting, group and peer counseling, the workshop series is designed to promote positive attitudinal shifts in a population who, despite the tremendous need for care, are often typically not responsive to mental health intervention. The workshop series includes a 10 week, one to two hour class conducted by Peer Facilitators, and an optional 30 minute counseling session. Counseling sessions are designed to monitor curriculum impact and continually assess individual goals and resource needs. This project serves up to 150 Older Adults a year.

**PEI Goals:** The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

In FY17, eight workshop cycles were conducted, five of the workshops were the “Living Well” series and three were “Continuing to Live Well” series, as it has been found that seniors with significant long-term goals want and need more than one workshop cycle to reach and maintain their goals. Each Living Well Workshop Series included the following sessions: Orientation; Goal Setting; Problem Solving; Healthy Reactions; Beating the Blues (Depression and Moods); Healthy Communication; Seeking Information; Physical Activity; Eating Well (Nutrition); Advocacy (Self and Systems Change); and Maintenance. Topics of Grief and Loss, Depression, Retirement, and Senior Invisibility were also incorporated into the program. By participant self-report, the Living Well Workshop Series was very helpful, with many reporting that they wanted the workshops to be extended for a longer period of time. This program also hosted outreach and informational events. In all approximately 205 Senior Citizens participated in some aspect of this program with 54 participating in the Living Well Workshops.

Demographics of Workshop participants are outlined below:

<b>PARTICIPANT DEMOGRAPHICS N=54</b>	
<b>Age Groups</b>	
26-59 (Adult)	9%
Ages 60+ (Older Adult)	91%
<b>Race</b>	
American Indian or Alaska Native	2%
Black or African American	63%
White	20%
Other	7%
Declined to Answer (or Unknown)	8%
<b>Ethnicity: Hispanic or Latino</b>	
Caribbean	4%
Central American	2%
Mexican/Mexican-American/Chicano	4%
Puerto Rican	2%
South American	2%
Other	5%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
African	4%
Other	19%
Declined to Answer (or Unknown)	58%

Primary Language Used	
English	93%
Spanish	7%
Sexual Orientation	
Heterosexual or Straight	76%
Declined to Answer (or Unknown)	24%
Disability	
Difficulty seeing	7%
Difficulty hearing	9%
Mental domain not including a mental illness (including but not limited to a learning disability, developmental disability, dementia)	17%
Physical/mobility domain	28%
Chronic health condition	37%
Declined to Answer (or Unknown)	11%
Veteran Status	
Yes	9%
No	89%
Declined to Answer (or Unknown)	2%
Gender: Assigned sex at birth	
Male	20%
Female	76%
Declined to Answer (or Unknown)	4%
Current Gender Identity	
Male	20%
Female	70%
Declined to Answer (or Unknown)	10%

In FY18, eight workshop cycles were conducted, five of the workshops were the “Living Well” series and three were “Continuing to Live Well” series. Each Living Well Workshop Series included the following sessions: Orientation; Goal Setting; Problem Solving; Healthy Reactions; Beating the Blues (Depression and Moods); Healthy Communication; Seeking Information; Physical Activity; Eating Well (Nutrition); Advocacy (Self and Systems Change); and Maintenance. Topics of Grief and Loss, Depression, Retirement,

and Senior Invisibility were also incorporated into the program. As with FY18, in FY19 participants reported the Living Workshop Series to be very helpful with many reporting that they they wanted the workshops to be extended for a longer period of time.

In all approximately 81 Senior Citizens participated in some aspect of this program in FY18 with 59 participating in the Living Well Workshops. Demographics of Workshop participants are outlined below:

<b>PARTICIPANT DEMOGRAPHICS N=59</b>	
<b>Age Groups</b>	
26-59 (Adult)	5%
Ages 60+ (Older Adult)	93%
Declined to Answer (or Unknown)	2%
<b>Race</b>	
Asian	3%
Black or African American	50%
Native Hawaiian or Other Pacific Islander	1%
White	20%
Other	13%
More than one race	3%
Declined to Answer (or Unknown)	10%
<b>Ethnicity: Hispanic or Latino</b>	
Caribbean	3%
Central American	2%
South American	2%
Other	18%
Declined to Answer (or Unknown)	75%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
African	7%
Chinese	3%
European	5%
More than one Ethnicity	2%
Other	10%
Declined to Answer (or Unknown)	73%

Primary Language Used	
English	98%
Spanish	2%
Sexual Orientation	
Gay or Lesbian	2%
Heterosexual or Straight	66%
Questioning or Unsure	2%
Declined to Answer (or Unknown)	30%
Disability	
Difficulty seeing	11%
Difficulty hearing or Having Speech Understood	7%
Mental (not mental health)	17%
Physical/mobility disability	26%
Chronic health condition	17%
No Disability	17%
Declined to Answer (or Unknown)	5%
Veteran Status	
Yes	3%
No	80%
Declined to Answer (or Unknown)	17%
Gender: Assigned sex at birth	
Male	22%
Female	47%
Declined to Answer (or Unknown)	31%

Current Gender Identity	
Male	19%
Female	37%
Transgender	44%

### Harnessing Hope Project

Implemented through GOALS for Women this project provides community-based, culturally competent, outreach and support services for African Americans residing in the South and West Berkeley neighborhoods who have experienced traumatic life events including racism and socioeconomic oppression and have unmet mental health support needs. The primary goals of the project are to normalize stress responses and empower families through psycho-education, consciousness raising, strength-based coping skills, and supportive services through the following: Outreach and engagement; screening and assessment; psycho-education; family education; support groups such as “Kitchen Table Talk groups (non-stigmatizing, culturally responsive, peer centered groups) and “Just Like Sunday Dinners” ( a space for African Americans from all generations to come together to gain supports from one another); workshops and classes; mental health referrals and community linkages; peer counseling and support. A key component of this project is to train and mentor community leaders to become Peer Facilitators of Kitchen Table Talk groups. This project serves approximately 50-130 individuals a year.

**PEI Goals:** The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence including the prevention of suicide.

In FY17, the following activities were conducted through this project:

**Outreach and Engagement:** Outreach and engagement activities were conducted to approximately 107 women at various City locations, agencies and events to increase knowledge and the recognition of early signs of mental illness and to inform residents of project services.

**Kitchen Table Talk Support Groups:** These groups were designed to increase information and supports around current and historical trauma and to teach participants healthy coping skills. Approximately 27 African American women ranging in ages from 18-60, and youth ranging in ages from 12-16 participated in Kitchen Table Talk Support Groups. Group participants learned from each other and demonstrated their cultural strengths and resilience around effective ways to manage stress.

**Peer Facilitator Training:** Peer Facilitator Trainings were held to increase knowledge and skills around how to facilitate peer support groups through an African American cultural lens. Five individuals participated in the Peer Facilitator Trainings. Some participants went on to facilitate Kitchen Table Talk Support Groups, and were supported through mentoring sessions that were held to provide facilitators with support and skills around how to handle difficult group topics and issues.

In FY17, 33 individuals were served through this project. Demographics on individuals served through this project were as follows:



<b>PARTICIPANT DEMOGRAPHICS N=33</b>	
<b>Age Groups</b>	
0-15 (Children/Youth)	24%
16-25 (Transition Age Youth)	3%
26-59 (Adult)	37%
Ages 60+ (Older Adult)	12%
Declined to answer (or Unknown)	24%
<b>Race</b>	
Black or African American	88%
Asian	3%
More than one Race	6%
Declined to answer (or Unknown)	3%
<b>Ethnicity: Hispanic or Latino</b>	
Mexican/Mexican-American/Chicano	6%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Vietnamese	3%
East Asian	3%
Declined to Answer (or Unknown)	88%
<b>Primary Language Used</b>	
Declined to Answer (or Unknown)	100%
<b>Sexual Orientation</b>	
Heterosexual or Straight	27%
Declined to Answer (or Unknown)	73%
<b>Disability</b>	
Declined to Answer (or Unknown)	100%
<b>Veteran Status</b>	
Declined to Answer (or Unknown)	100%
<b>Gender: Assigned sex at birth</b>	
Male	9%
Female	82%
Declined to Answer	9%

<b>Current Gender Identity</b>	
Male	9%
Female	82%
Declined to Answer (or Unknown)	9%

In FY18 outreach was conducted to 109 individuals and 54 individuals received services through this project. Demographics on individuals served through this project were as follows:

<b>PARTICIPANT DEMOGRAPHICS N=54</b>	
<b>Age Groups</b>	
0-15 (Children/Youth)	8%
16-25 (Transition Age Youth)	5%
26-59 (Adult)	67%
Ages 60+ (Older Adult)	12%
Declined to Answer (or Unknown)	8%
<b>Race</b>	
Black or African American	87%
Asian	2%
White	8%
More than one Race	3%
<b>Ethnicity: Hispanic or Latino</b>	
Declined to Answer (or Unknown)	0%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
African	1%
Declined to Answer (or Unknown)	99%
<b>Primary Language Used</b>	
English	100%
<b>Sexual Orientation</b>	
Heterosexual or Straight	91%
Questioning or Unsure	2%
Declined to Answer (or Unknown)	7%
<b>Disability</b>	
Declined to Answer (or Unknown)	100%

Veteran Status	
Yes	12%
No	81%
Declined to Answer (or Unknown)	7%
Gender: Assigned sex at birth	
Declined to Answer	100%
Current Gender Identity	
Male	25%
Female	71%
Other	4%

### Trauma Support Project for LGBTQI Population

Implemented through the Pacific Center for Human Growth, this project provides outreach, engagement and support group services for individuals (18 and above) in the LGBTQI community who are suffering from the impact of oppression, trauma and other life stressors. Particular emphasis is on outreaching and providing supportive services to identified underserved populations within the local LGBTQI community.

Approximately 12-15 weekly or bi-weekly support groups are held throughout the year targeting various populations and needs within the LGBTQI community. Support groups are led by Peer Facilitator community volunteers who are trained in Group Facilitation/Conflict Resolution and who have opportunities to participate in additional Skill Building workshops in order to share methods used to address group challenges and to learn new facilitator techniques. This project serves approximately 250 individuals a year.

**PEI Goals:** The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

In FY17, outreach to over 400 community members was conducted at various locations including Street Fairs, Community Agencies, and area events. During the reporting timeframe, a total of 16 new Peer Facilitators were trained. Fourteen Peer Facilitators attended Skill Building Consultation Trainings that were conducted on a monthly basis by the Program Manager. Seventeen ongoing peer support groups were held on a weekly or bi-weekly basis including the following: Queer Women; Butch-Stud; Female to Male; Women Coming Out; Middle-Aged Men; Married/Formerly Married Gay/Bisexual Men; Young Men; Queer Femmes; Transgender/Transsexual Support Group; Lesbians/Women of Color; Partners of Trans and Gender-Variant; Middle Eastern Women's Group; Senior Men; Bi-sexual Women; Aging Lesbians; Gender Variant Group; and QPAD – for Queer Men in their 20's and 30's.

In FY17, a total of 244 individuals participated in support groups throughout the year. Fourteen support group participants were referred to individual Mental Health Services. Demographics on individuals served through this program included the following:

<b>PARTICIPANT DEMOGRAPHICS N=244</b>	
<b>Age Groups</b>	
16-25 (Transition Age Youth)	28%
26-59 (Adult)	57%
Ages 60+ (Older Adult)	13%
Declined to Answer (or Unknown)	2%
<b>Race</b>	
American Indian or Alaska Native	2%
Asian	10%
Black or African American	8%
White	59%
More than one race	10%
Declined to Answer (or Unknown)	11%
<b>Ethnicity: Hispanic or Latino</b>	
Hispanic	10%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Non-Hispanic	90%
<b>Primary Language Used</b>	
English	84%
Spanish	1%
Declined to state (or Unknown)	15%
<b>Sexual Orientation</b>	
Gay or Lesbian	36%
Heterosexual or Straight	4%
Bisexual	17%
Questioning or unsure of sexual orientation	4%
Queer	26%
Another sexual orientation	6%
Declined to Answer (or Unknown)	7%
<b>Disability</b>	
Disabled	18%
Not disabled	73%

Declined to Answer (or Unknown)	9%
<b>Veteran Status</b>	
Yes	19%
No	73%
Declined to Answer (or Unknown)	8%
<b>Gender: Assigned sex at birth</b>	
Male	38%
Female	35%
Declined to Answer (or Unknown)	27%
<b>Current Gender Identity</b>	
Male	31%
Female	31%
Transgender	11%
Gender Non-conforming	25%
Declined to Answer (or Unknown)	2%

In FY18, outreach to over 1,000 community members was conducted at various locations including Street Fairs, Community Agencies, and area events. During the reporting timeframe, a total of 15 new Peer Facilitators were trained. Fourteen Peer Facilitators attended Skill Building Consultation Trainings that were conducted on a monthly basis by the Program Manager. Seventeen ongoing peer support groups were held on a weekly or bi-weekly basis including the following: Queer Women; Butch-Stud; Female to Male; Women Coming Out; Middle-Aged Men; Married/Formerly Married Gay/Bisexual Men; Young Men; Queer Femmes; Transgender/Transsexual Support Group; Lesbians/Women of Color; Partners of Trans and Gender-Variant; Middle Eastern Women's Group; Senior Men; Bi-sexual Women; Aging Lesbians; Gender Variant Group; and QPAD – for Queer Men in their 20's and 30's.

In FY18, a total of 164 individuals participated in support groups throughout the year. Fourteen support group participants were referred to individual Mental Health Services. Demographics on individuals served through this program included the following:

<b>PARTICIPANT DEMOGRAPHICS N=164</b>	
<b>Age Groups</b>	
16-25 (Transition Age Youth)	34%
26-59 (Adult)	56%
Ages 60+ (Older Adult)	10%

<b>Race</b>	
American Indian or Alaska Native	3%
Asian	6%
Black or African American	5%
Native Hawaiian or Other Pacific Islander	3%
White	63%
More than one race	10%
Declined to Answer (or Unknown)	10%
<b>Ethnicity: Hispanic or Latino</b>	
Central American	5%
Mexican/Mexican-American/Chicano	47%
Puerto Rican	5%
South American	10%
Decline to Answer (or Unknown)	33%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
African	4%
Asian Indian/South Asian	2%
Chinese	3%
Eastern European	12%
European	58%
Filipino	1%
Japanese	1%
Korean	2%
Middle Eastern	5%
More than one Ethnicity	3%
Other	6%
Decline to Answer (or Unknown)	3%
<b>Primary Language Used</b>	
English	98%
Declined to Answer (or Unknown)	2%

<b>Sexual Orientation</b>	
Gay or Lesbian	33%
Heterosexual or Straight	2%
Bisexual	24%
Questioning or Unsure	4%
Queer	31%
Other	4%
Declined to Answer (or Unknown)	2%
<b>Disability</b>	
Other Disability	23%
No Disability	77%
<b>Veteran Status</b>	
Yes	9%
No	91%
<b>Gender: Assigned sex at birth</b>	
Male	31%
Female	67%
Declined to Answer (or Unknown)	2%
<b>Current Gender Identity</b>	
Male	22%
Female	38%
Transgender	9%
Genderqueer	21%
Questioning or Unsure	4%
Other	6%

### Transition Age Youth Trauma Support Project

Implemented through Covenant House this project provides supportive services for Transition Age Youth (TAY) who are suffering from the impact of trauma and/or other life stressors and are homeless, marginally housed, or housed but in need of supports. The project serves a wide range of youth from various cultural and ethnic backgrounds who share the common goal of living lives less impacted by trauma and more impacted by wellness. The project consists of the following four components: One-on-one sessions that assess individuals needs around trauma supports and support group readiness; psycho-educational support groups; youth social outings that provide TAY with exposure to healthy settings designed to enhance life skills and choices; and youth celebratory events that are held monthly to convene youth around a positive occasion to acknowledge the various small and large accomplishments of TAY participants, and build trust and community. Approximately 30-35 TAY receive services through this project a year.

**PEI Goals:** The goal of this program is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

In FY17, 67 TAY participated in one-on-one sessions, case management, support groups, and/or group outings and celebrations. Demographics on youth served were as follows:

<b>CLIENT DEMOGRAPHICS N=67</b>	
<b>Age Group</b>	
16-25 (Transition Age Youth)	100%
<b>Race</b>	
Asian	2%
Black or African American	70%
Native Hawaiian or Other Pacific Islander	0%
White	20%
Other	2%
More than one Race	6%
<b>Ethnicity: Hispanic or Latino</b>	
Mexican/Mexican-American	2%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Declined to Answer (or Unknown)	98%
<b>Primary Language Used</b>	
Declined to Answer (or Unknown)	100%
<b>Sexual Orientation</b>	
Declined to Answer (or Unknown)	100%



<b>Disability</b>	
Declined to Answer (or Unknown)	100%
<b>Veteran Status</b>	
No	100%
<b>Gender: Assigned sex at birth</b>	
Male	75%
Female	25%
<b>Current Gender Identity</b>	
Male	75%
Female	25%

In FY18, 22 TAY participated in one-on-one sessions, case management, support groups, and/or group outings and celebrations. Demographics on youth served were as follows:

<b>CLIENT DEMOGRAPHICS N=22</b>	
<b>Age Group</b>	
16-25 (Transition Age Youth)	100%
<b>Race</b>	
American Indian or Alaska Native	4%
Black or African American	32%
White	23%
Other	18%
More than one Race	23%
<b>Ethnicity: Hispanic or Latino</b>	
Mexican/Mexican-American	84%
Puerto Rican	8%
South American	8%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Decline to Answer (or Unknown)	100%
<b>Primary Language Used</b>	
English	64%
Spanish	36%

<b>Sexual Orientation</b>	
Gay or Lesbian	18%
Heterosexual or Straight	50%
Bisexual	27%
Questioning or Unsure	5%
<b>Disability</b>	
Difficulty Seeing	27%
Mental (not mental health)	37%
Physical/Mobility Disability	9%
Chronic Health Condition	27%
<b>Veteran Status</b>	
Yes	2%
No	98%
<b>Gender: Assigned sex at birth</b>	
Male	77%
Female	23%
<b>Current Gender Identity</b>	
Male	60%
Female	19%
Transgender	13%
Genderqueer	4%
Questioning or Unsure	4%



## *ACCESS AND LINKAGE TO TREATMENT PROGRAM*



### Homeless Outreach and Treatment Team (HOTT)

The Homeless Outreach and Treatment Team (HOTT) program was established out of an effort to address the current homeless crisis, and as a result of input received through various MHSA community program planning processes. Utilizing a portion of PEI and CSS funds, blended with realignment and general funds HOTT is a three year pilot program to move homeless mentally ill individuals in Berkeley/Albany into permanent housing and to connect them into the web of services and supports that currently exist within the system of care. Key program components include the following evidence and experience based practices: Persistent and Consistent Outreach; Supportive Case Management; Linkage to Care; and Treatment.

A local consultant, Resource Development Associates, was hired to conduct a dedicated independent evaluation to assess the program accomplishments over the three-year timeframe, and to ascertain whether HOTT should continue past the initial funding period.

**PEI Goals:** The goal of this program is to connect individuals who have severe mental illnesses as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to, care provided by county mental health programs.

The HOTT Program began providing services in May 2017. Demographics on the five individuals that received services during the FY17 reporting timeframe were as follows:

<b>PARTICIPANT DEMOGRAPHICS N= 5</b>	
<b>Age Groups</b>	
26-59 (Adult)	80%
Ages 60+ (Older Adult)	20%
<b>Race</b>	
Black or African American	20%
White	80%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Non-Hispanic or Non-Latino	100%
<b>Primary Language Used</b>	
English	100%
<b>Sexual Orientation</b>	
Heterosexual or Straight	60%
Declined to Answer (or Unknown)	40%

Disability	
Mental domain not including a mental illness (including but not limited to a learning disability, developmental disability, dementia)	40%
Physical/mobility domain	60%
Chronic health condition	80%
Veteran Status	
Yes	20%
No	80%
Gender: Assigned sex at birth	
Male	60%
Female	40%
Current Gender Identity	
Male	40%
Female	60%

Program and Evaluation Components	
# of Unduplicated Individuals Served	5
# of Unduplicated Referrals Made to a Treatment Program	5
# of Individuals who Followed Through	5
Average Time Between Referral and Engagement in Services	2.8 days

During this reporting period, the “Duration of Untreated Mental Illness” was not collected.

In FY18, a local consultant, Resource Development Associates, was hired to conduct a dedicated independent evaluation to assess the program accomplishments and to ascertain whether HOTT should continue past the initial funding period. The initial report showed many positive findings including the following:

- HOTT is serving as an important resource for the local community and homeless service continuum
- The program has been very effective in persistent and consistent outreach, especially for chronically homeless individuals with a history of refusing services
- HOTT meets people where they are, in parks, encampments, motels
- The program has successfully connected homeless individuals to critical resources and service linkages

The City of Berkeley Homeless Outreach and Treatment Team (HOTT) Evaluation can be reviewed on the MHSA website:

[https://www.cityofberkeley.info/uploadedFiles/Health\\_Human\\_Services/Level\\_3\\_-\\_Mental\\_Health/Berkeley-HOTT\\_Evaluation-Report\\_final.pdf](https://www.cityofberkeley.info/uploadedFiles/Health_Human_Services/Level_3_-_Mental_Health/Berkeley-HOTT_Evaluation-Report_final.pdf)

In FY18 through the first quarter of FY19, 289 individuals were served through this program. The HOTT Evaluation reported on numbers from January 2018 through October 2018 and staff provided data collected from July – December 2017. Demographics on individuals that received services through this program were as follows:

<b>PARTICIPANT DEMOGRAPHICS N= 289</b>	
<b>Age Groups</b>	
16-25 (Transition Age Youth)	<1%
26-59 (Adult)	6%
Ages 60+ (Older Adult)	1%
Declined to Answer (or Unknown)	92%
<b>Race</b>	
Asian	1%
Black or African American	33%
White	35%
Other	10%
Declined to Answer (or Unknown)	21%
<b>Ethnicity: Hispanic or Latino</b>	
Mexican/Mexican-American/Chicano	9%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Non-Hispanic or Non-Latino	65%
Declined to Answer (or Unknown)	26%
<b>Primary Language Used</b>	
English	65%
Other	3%
Declined to Answer (or Unknown)	32%
<b>Sexual Orientation</b>	
Declined to Answer (or Unknown)	100%
<b>Disability</b>	
Declined to Answer (or Unknown)	100%
<b>Veteran Status</b>	
Declined to Answer (or Unknown)	100%

<b>Gender: Assigned sex at birth</b>	
Declined to Answer (or Unknown)	100%
<b>Current Gender Identity</b>	
Male	7%
Female	8%
Declined to Answer (or Unknown)	85%

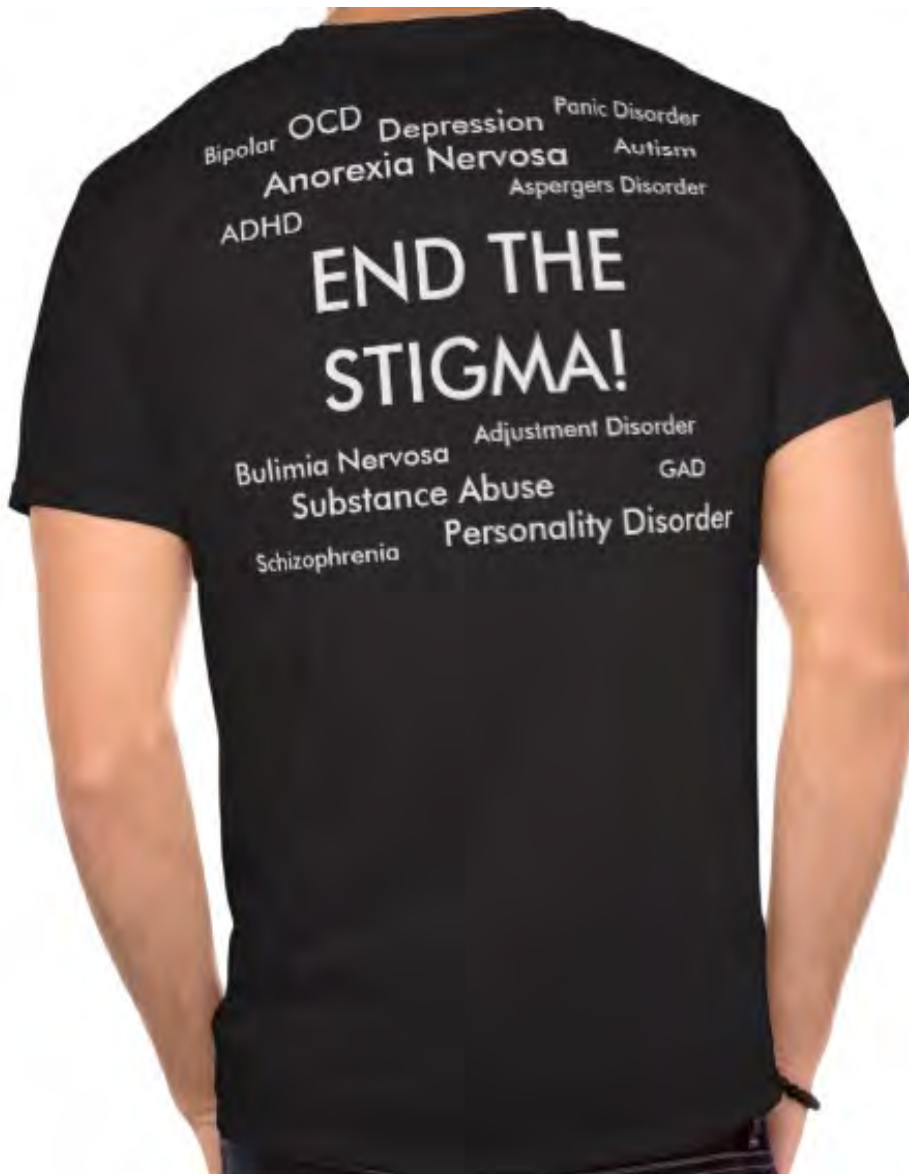
The HOTT program made 921 referrals in 2018 for homeless individuals to many critical services and resources, including 92 referrals to mental health services.

<b>Program and Evaluation Components</b>	
# of Unduplicated Individuals Served	289
# of Unduplicated Referrals Made to a Treatment Program	92
# of Individuals who Followed Through	15
Average Time Between Referral and Engagement in Services	Unknown

The “Duration of Untreated Mental Illness” was not collected during this reporting period.



# STIGMA AND DISCRIMINATION REDUCTION PROGRAM



### Social Inclusion Program

The Social Inclusion program was created to combat stigma, attitudes and discrimination around individuals with mental health issues. Through this program, a “Telling Your Story” group provides mental health consumers with opportunities to be trained, compensated and empowered to share their stories of healing in a supportive peer environment. When they feel ready, consumers can elect to be community presenters, sharing their inspirational stories at pre-arranged local public venues to dispel myths and educate others. This program serves approximately 5-10 individuals a year.

**PEI Goals:** To reduce negative feelings, attitudes, beliefs, perceptions, stereotypes and/or discrimination related to being diagnosed with a mental illness, having a mental illness, or to seeking mental health services and to increase acceptance, dignity, inclusion, and equity for individuals with mental illness, and members of their families. To create changes in attitude, knowledge and/or behaviors related to seeking mental health services or related to mental illness.

In FY17, the “Telling Your Story” group met 22 times with 19 unduplicated individuals attending for a total of 149 visits. Groups averaged 6-7 attendees. Two panel presentations to BMH interns were conducted during the reporting timeframe and one experienced presenter from the group, was referred to be part of a video on mental illness. In order to gauge outcomes from this program, structured interviews with participants were conducted over a three-month period. During interviews, many participants described finding relief, inspiration and connection with others through the sharing of their stories. Additionally 63% of participants indicated that they were either 100% open, or more open about their mental illness as a result of being in the program. Program participants also indicated that as a result of participating in the program they have used their story, or life experience, to encourage and help others and to support individuals in the community.

Demographics on group participants are outlined below:

CLIENT DEMOGRAPHICS N=19	
Age Group	
26-59 (Adult)	36%
Ages 60+ (Older Adult)	32%
Declined to Answer (or Unknown)	32%
Race	
American Indian or Alaska Native	5%
Asian	11%
Black or African American	37%
Native Hawaiian or Other Pacific Islander	5%
White	32%
Other	5%
More than one Race	5%

<b>Ethnicity: Hispanic or Latino</b>	
Mexican/Mexican-American	5%
Puerto Rican	5%
Other	11%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
African	26%
Asian Indian/South Asian	5%
European	11%
Filipino	11%
Japanese	11%
Middle Eastern	5%
Vietnamese	5%
Other	5%
More than one ethnicity	32%
<b>Primary Language Used</b>	
English	79%
Declined to Answer (or Unknown)	21%
<b>Sexual Orientation</b>	
Gay or Lesbian	5%
Heterosexual or Straight	58%
Bisexual	11%
Queer	5%
Declined to Answer (or Unknown)	21%
<b>Disability</b>	
Difficulty seeing	11%
Difficulty hearing, or having speech understood	26%
Mental domain not including mental illness(including but not limited to a mental disability, developmental disability, dementia)	11%
Physical/mobility domain	11%
Chronic health condition (including but not limited to chronic pain)	26%
Declined to Answer (or Unknown)	26%

Veteran Status	
Yes	5%
No	68%
Declined to Answer (or Unknown)	27%
Gender: Assigned sex at birth	
Male	26%
Female	42%
Declined to Answer (or Unknown)	32%
Current Gender Identity	
Male	26%
Female	42%
Declined to Answer (or Unknown)	32%

In FY18, the “Telling Your Story” group met 22 times with 16 unduplicated persons attending for a total of 169 visits. Groups averaged 7-8 attendees. In FY18 time was spent discussing and practicing what makes a good story. One panel presentation was provided to BMH interns and it was well received.

In this reporting timeframe the program began collecting outcomes data. Measures were based on the assumption that individuals participating in “Telling Your Story” were finding meaning, transforming their lived experience and enhancing their recovery. The Recovery Assessment Scale (RAS) was used. After three measurements, it appeared that results were more impacted by what happened that day in the person’s life than in the “Telling Your Story” group. Staff then assessed whether developing RBA measures would be a better way to assess the program.

The “Telling Your Story” group brainstormed and discussed criteria on what makes a good story. The list of criteria that was generated was re-visited at many meetings and each criteria was discussed by the group. The group then practiced giving feedback to each person based on the criteria. A survey that included the criteria, with emphasis on participants understanding and awareness of turning points in their stories was then developed. The survey was then administered towards the end of the fiscal year and the results were tallied. The results indicated that the highest rated question pertained to participants’ confidence in telling a story that would change negative perceptions of mental illness. The results also guided the group to work on effectively using pauses and timing in telling a story.

Demographics on group participants are outlined below:

<b>CLIENT DEMOGRAPHICS N=16</b>	
<b>Age Group</b>	
26-59 (Adult)	37%
Ages 60+ (Older Adult)	37%
Declined to Answer (or Unknown)	26%
<b>Race</b>	
Asian	8%
Black or African American	50%
White	34%
Other	8%
<b>Ethnicity: Hispanic or Latino</b>	
Puerto Rican	8%
Declined to Answer (or Unknown)	92%
<b>Ethnicity: Non-Hispanic or Non-Latino</b>	
Declined to Answer (or Unknown)	100%
<b>Primary Language Used</b>	
English	75%
Declined to Answer (or Unknown)	25%
<b>Sexual Orientation</b>	
Gay or Lesbian	7%
Heterosexual or Straight	58%
Bisexual	14%
Queer	7%
Declined to Answer (or Unknown)	14%

<b>Disability</b>	
Difficulty Seeing	12%
Difficulty Hearing, or Having Speech Understood	16%
Mental (not mental health)	20%
Physical/Mobility Disability	12%
Chronic health condition	24%
Other Disability	4%
No Disability	8%
Declined to Answer (or Unknown)	4%
<b>Veteran Status</b>	
No	100%
<b>Gender: Assigned sex at birth</b>	
Male	33%
Female	58%
Declined to Answer (or Unknown)	9%
<b>Current Gender Identity</b>	
Male	33%
Female	58%
Declined to Answer (or Unknown)	9%

## *OUTREACH FOR INCREASING RECOGNITION OF EARLY SIGNS OF MENTAL ILLNESS*



Per PEI State Regulations in addition to having the required “Outreach for Increasing Recognition of Early Signs of Mental Illness Program”, mental health jurisdictions may also offer required Outreach for Increasing Recognition of Early Signs of Mental Illness as: a strategy within a Prevention program, a strategy within an Early Intervention program, a strategy within another program funded by PEI funds, or a combination thereof. Additionally, an Outreach for Increasing Recognition of Early Signs of Mental Illness program, may be provided through other MHSA components as long as it meets all of the program requirements.

### **High School Youth Prevention Project**

The High School Youth Prevention Program is listed on pages 15-18, as it is also classified as a Prevention and Early Intervention program. The required data elements for the “Outreach for Increasing Recognition of Early Signs of Mental Illness” component of this program were not collected in the reporting timeframes.

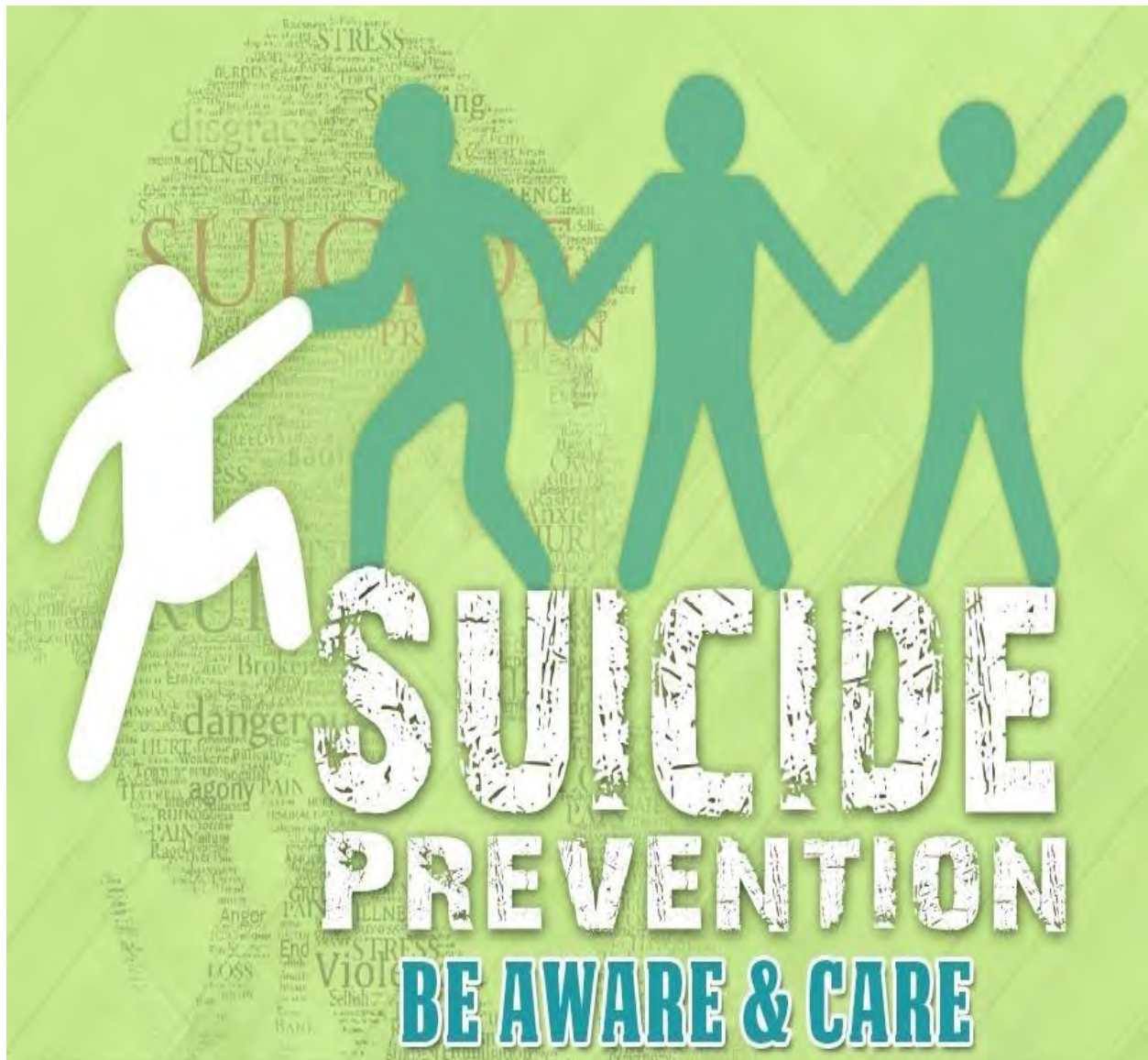
### **Mental Health First Aid**

City of Berkeley Mental Health staff provide Mental Health First Aid training throughout the year. Mental Health First Aid is a groundbreaking public education program that helps the public identify, understand, and respond to signs of mental health issues and substance use disorders. Mental Health First Aid presents an overview of mental health issues and substance use disorders and introduces participants to risk factors and warning signs of mental health problems, builds understanding of their impact, and provides an overview of common treatments. Through this training a five step action plan is taught that encompasses the skills, resources and knowledge to help an individual in crisis connect with appropriate professional, peer, social, and self-help care. The required data elements for the “Outreach for Increasing Recognition of Early Signs of Mental Illness” component of this program were not collected in the reporting timeframe,





**SUICIDE PREVENTION**  
**(OPTIONAL PEI PROGRAM)**

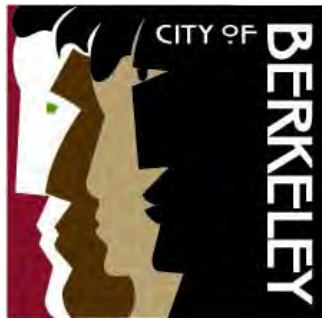


Per PEI State Regulations Mental Health Jurisdictions have an option on whether to utilize MHSAs PEI funds on Suicide Prevention programs. While the City of Berkeley has not previously chosen to utilize PEI funds to implement a local Suicide Prevention program, in FY18 Berkeley Mental Health began contributing funding to the California Mental Health Services Authority (CalMHSA) PEI Statewide Projects in order to obtain State resources locally on Suicide Prevention, Student Mental Health, and Stigma and Discrimination. Additionally, in FY18 the City of Berkeley began work on a local Suicide Prevention Plan. Data from CalMHSA as well as any local Suicide Prevention programs that are implemented as a result of a City of Berkeley Suicide Prevention Plan will be collected and reported on in future PEI Evaluation Reports.



**APPENDIX B**  
Fiscal Year 2018  
Annual Innovation  
Evaluation Report

# **City of Berkeley Mental Health Services Act (MHSA)**



## **Fiscal Year 2018 Annual Innovation Evaluation Report**



WELLNESS • RECOVERY • RESILIENCE

## INTRODUCTION

Mental Health Services Act (MHSA) Innovation (INN) funds are to be utilized for short-term projects that contribute to new learning in the mental health field. This MHSA component provides the opportunity to pilot test and evaluate new strategies that can inform future practices in communities/or mental health settings. INN projects can target any population and any aspect of the mental health system as long as the strategies or approaches that are being implemented address at least one of the following areas:

- Increase access to mental health services
- Increase access to mental health services for underserved groups
- Increase the quality of mental health services, including better outcomes
- Promote interagency collaboration

INN projects should also have one of the following primary practices: introduce new mental health practices or approaches that have never been done before; or make changes to existing mental health practices/approaches, including adapting them to a new setting or community; or introduce a new promising community-driven practice/approach that has been successful in non-mental health contexts or settings.

Per Mental Health Services Act (MHSA) State requirements, Mental Health jurisdictions are to submit an Innovation (INN) Evaluation Report to the Mental Health Services Oversight and Accountability Commission (MHSOAC) on an annual basis. The first INN Annual Report provided a report on Fiscal Year 2017 (FY17) Data. The City of Berkeley requested and was granted a one-month extension to complete this INN Evaluation Report. The [“City of Berkeley Mental Health Services Act \(MHSA\) Fiscal Year 2017 Innovations Evaluation Report”](#) is posted on the City of Berkeley Mental Health Division website.

New INN Regulations released in 2018 now require mental health jurisdictions to submit an Annual Evaluation Report to the State by June 30<sup>th</sup> of each fiscal year. The Evaluation Report should be included with the MHSA Annual Update or Three Year Program and Expenditure Plan and undergo a 30 Day Public Comment period and approval from the local governing board. Per state regulations in FY19, an FY2017/2018 Annual Innovations Evaluation Report (Annual INN Evaluation Report) that covers data from FY17/18 is due.

This Annual INN Evaluation Report provides descriptions of currently funded MHSA INN services, and reports on FY17/18 program and demographic data to the extent possible. The main obstacle in collecting data for this Annual Evaluation Report was due to vacancies in staffing that precluded the program from continuing during the reporting timeframe. While, it may be a multi-year process before the City of Berkeley will be able to present a complete data set for each INN Program on an Annual basis, ongoing efforts will continue towards accomplishing this goal.

## BACKGROUND

On October 6, 2015, updated INN regulations designed by the Mental Health Services Oversight and Accountability Commission (MHSOAC) became effective. The new INN Regulations, included program and demographic data requirements that are to be reported to the MHSOAC through Annual INN Evaluation Reports. Per the new requirements, Mental Health Jurisdictions should report on the following INN Program and Demographic elements.

- Name of the Innovative Project.
- Whether and what changes were made to the Innovative Project during the reporting period and the reasons for the changes.
- Available evaluation data, including outcomes of the Innovative Project and information about which elements of the Project are contributing to outcomes.
- Program information collected during the reporting period, including for applicable Innovative Projects that serve individuals, number of participants served.
- All Demographic Data as applicable per project. (as outlined below)

### **INN Demographic Reporting Requirements**

For the information reported under the various program categories, each program will need to report disaggregate numbers served, number of potential responders engaged, and number of referrals for treatment and other services by:

**(A) The following Age groups:**

- 0-15 (children/youth)
- 16-25 (transition age youth)
- 26-59 (adult)
- ages 60+ (older adults)
- Number of respondents who declined to answer the question

**(B) Race by the following categories:**

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or other Pacific Islander
- White
- Other
- More than one race
- Number of respondents who declined to answer the question

**(C) Ethnicity by the following categories:**

**(i) Hispanic or Latino as follows**

- Caribbean
- Central American
- Mexican/Mexican-American/Chicano
- Puerto Rican
- South American
- Other
- Number of respondents who declined to answer the question

**(ii) Non-Hispanic or Non-Latino as follows**

- African
- Asian Indian/South Asian
- Cambodian
- Chinese
- Eastern European
- European
- Filipino
- Japanese
- Korean
- Middle Eastern
- Vietnamese
- Other
- Number of respondents who declined to answer the question
- More than one ethnicity
- Number of respondents who declined to answer the question

**(D) Primary language used listed by threshold languages for the individual county**

- English
- Spanish
- Number of respondents who declined to answer the question

**(D) Primary language used listed by threshold languages for the individual county**

- English
- Spanish
- Number of respondents who declined to answer the question

**(E) Sexual orientation**

- Gay or Lesbian
- Heterosexual or Straight
- Bisexual
- Questioning or unsure of sexual orientation
- Queer
- Another sexual orientation
- Number of respondents who declined to answer the question

**(F) Disability**, defined as a physical or mental impairment or medical condition lasting at least six months that substantially limits a major life activity, which is not the result of a severe mental illness

- If Yes, report the number that apply in each domain of disability(ies)
  - Communication domain separately by each of the following:
    - difficulty seeing,
    - difficulty hearing, or having speech understood)
    - other, please specify
  - Mental domain not including a mental illness (including but not limited to a learning disability, developmental disability, dementia)
  - Physical/mobility domain
  - Chronic health condition (including but not limited to chronic pain)
  - Other (specify)
- No
- Number of respondents who declined to answer the question

**(G) Veteran Status,**

- Yes
- No
- Number of respondents who declined to answer the question

**(H) Gender**

- (i) Assigned sex at birth:
  - (a) Male
  - (b) Female
  - (c) Number of respondents who declined to answer the question
- (ii) Current gender identity:
  - (a) Male
  - (b) Female
  - (c) Transgender
  - (d) Genderqueer
  - (e) Questioning or unsure of gender identity
  - (f) Another gender identity
  - (g) Number of respondents who declined to answer the question.



Effective July 2018 amended INN regulations specified the following:

- For projects/programs serving children or youth younger than 18 years of age, the demographic information collected and reported should only be done so to the extent permissible by privacy laws
- For projects/programs serving minors younger than 12 years of age, demographic information shall be collected and reported, except for sexual orientation, current gender identity, and veteran status
- Information that cannot be obtained directly from the minor may be obtained from the minor's parent, legal guardian, or other authorized source.

## **CITY OF BERKELEY INN PROGRAMS**

### **Trauma Informed Care Training for Educators**

This INN project is the only project that was in operation during the reporting timeframe. The project implemented Trauma Informed Care (TIC) Training for educators (and interested parents) in three BUSD schools. The primary purposes of this project was to increase access to mental health services for students in need, increase access for underserved groups, and increase the quality of mental health services, including better outcomes. The project was designed to test whether a change in the mental health approach of TIC training for educators would assist students (particularly those who are underserved) in receiving the services and supports they need in direct response to trauma and stress induced behaviors. For students who were referred, the project would also examine the appropriateness of the mental health services they received. The project made a change to existing TIC for educator models through the following:

- Implementing a “Train the Trainer” model to build capacity and sustainability in the participating schools and to create an institutional culture of trauma informed educators;
- Implementing the project through an existing Learning Collaborative (2020 Vision) which would stay involved in, connected to, and provide support on the strategy on an ongoing basis through “Peer Support Learning Circles”;
- Focusing on the educator’s recognition of their own trauma/trauma triggers as a conduit to better understanding youth “acting out” behaviors;
- Inviting parents to participate in the training to assist them in recognizing their children’s and their own trauma/trauma triggers and in seeking supports.

The Intended Outcomes were:

- To create a change in the way teachers view and handle problematic student behaviors (which often mask trauma);
- To create an increase in access to mental health services and supports for students in need; and

- To promote better mental health outcomes by increasing student referrals to “appropriate” mental health services.

Hatchuel Tabernik and Associates, an Independent Evaluator, measured the TIC Training of educators pre and post trauma perception surveys, and the number and type of mental health referrals compared to a baseline of the previous year.

In FY17, 93 individuals participated in TIC Trainings. The only demographic data that was collected during this timeframe was as follows:

<b>PARTICIPANT DEMOGRAPHICS N=93</b>	
<b>Age Groups</b>	
26-59 (Adult)	100%
<b>Race</b>	
Asian/Pacific Islander	8.5%
Black or African American	10%
White	60%
Other	4.3%
More than one Race	5.7%
<b>Ethnicity</b>	
Hispanic or Latino	11.4%
<b>Gender</b>	
Male	22.9%
Female	77.1%

There were not any changes to the INN Project during the FY17 reporting timeframe. Pre and Post Survey results demonstrated that participants had an increased sense of efficacy with trauma-induced behavior and mental health concerns among their students. As a result of the program, educators felt less challenged by behavior issues in their classroom, increased their knowledge around students’ barriers to accessing services and how to handle and approach students’ behavior issues, and felt more comfortable working with parents, especially around recommending that their child seek counseling.

While the FY17 data indicated that it was too early to determine the student impact of the program, baseline FY15/16 data on the number of students identified for “Response to Intervention”- RTI (a multi-tier approach to the early identification and support of students with learning and behavior needs, as a proxy for early disciplinary issues) and Mental Health follow-up, was collected and compared with the reporting timeframe. Fifty students were referred to

RTI, which was an increase from the 14 students in FY16, who were referred to the services. The number of students identified for Mental Health follow-up, remained the same, at 5 students each year.

The full evaluation data, including additional outcomes of the Innovative Project and information about which elements of the project are contributing to outcomes can be found in the “[City of Berkeley Mental Health Services Act \(MHSA\) Fiscal Year 2017 Innovations Evaluation Report](#)”.

In FY18, due to staffing vacancies, this project was not able to be implemented. When staffing vacancies were filled in mid FY18, meetings were held with several BUSD principals who indicated that although their schools received a lot of positive benefits out of the TIC project, additional training requirements within the school system had been added for teachers and administrators that needed to be fulfilled over the next couple of years. As a result, the TIC Project would not be able to be prioritized within the school system at that time. In light of the changes in the school system, staff conducted outreach and found that four area Head Start Centers were interested in executing the same TIC Project for their early childhood educators and staff, to impact the children and families who are served at the centers.

As such, proposed changes to the population and funding amount of the original TIC Plan were vetted through community program planning, and an update to the TIC Plan underwent a 30-Day Public Review and Public Hearing process. The TIC Plan Update was approved through City Council in October 2018 and by the MHSOAC in December 2018. The proposed new funding amount for the remainder of the modified TIC project will be \$340,000. The modified project implements TIC Training for Educators and interested parents in four local Head Start sites.

### **Technology Suite Project**

In September 2018, following a four month community planning process and approval from City Council, the City of Berkeley Technology Suite Project was approved by the MHSOAC. This project allocates a total of \$462,916 to join a Statewide Collaborative with other California counties to pilot a Mental Health Technology Project that will make various technology-based mental health services and supports available locally in Berkeley and Albany. The proposed INN project will seek to learn whether the Technology Suite Project will increase access to mental health services and supports; and whether it will increase the quality of mental health services, including leading to better outcomes.

Since plan approval the City of Berkeley has been working both internally and with the State collaborative on various aspects of this project to prepare for city wide implementation. It is envisioned that the technology suite apps will be locally available by September 2019.

# **PUBLIC COMMENTS**

1E

To: Erlinda Castro, Commissioner representing Albany on Berkeley Mental Health Commission  
Ben Ludke, Commissioner representing Albany on Berkeley Mental Health Commission  
Karen Klatt, Berkeley Mental Health Commission  
Cc: Albany Social and Economic Justice Commission

From: Judy Kerr, Commissioner Albany Social and Economic Justice Commission

Date: May 31, 2019

Subject: **Mental Health Services Act Annual Update 2019-20 Public Comment**

Thank you for your dedication and work in service to the residents of the cities of Berkeley and Albany. Thank-you also for the opportunity to comment on the 2019-20 MHSA plans. My comments and recommendations are my own and are as summarized below.

**General Comments:**

- I fully support the Homeless Outreach and Treatment Team HOTT transition from pilot to full services partnership program. I applaud efforts to include .25 psychiatrist and 1.0 registered nurse on the team. *It may be helpful to consider an advanced practice nurse with a prescribing license to work in collaboration with the MD in providing medications assessment and recommendations.*
- I fully support the planning for an integrated primary care site to provide service to both Berkeley and Albany residents needing care and having qualifying Medi-Cal coverage. *It may be helpful to extend services to individuals with Medicare or other non-governmental coverage if that is feasible.*
- I fully support the continuation of the Berkeley Unified School District African-American Success Project. *It may be helpful to consider expansion to a broader population of students of color and non-native speakers and include Albany Unified School District in programming.*
- I fully support the addition of counseling services at senior centers. *It may be helpful to include in final draft the addition of programming at the Albany Senior Center. Recommend that projected budget increase by \$25K to include counseling services for Albany seniors.*

**Specific items for review in final draft (5/31/19 on-line) as listed by page number:**

Page 10: Please consider including Albany in the questionnaire going forward. Sites where the questionnaire could be distributed include the AlbanyCARES program and the Albany Senior Center.

Page 14: In future HOTT reports please consider breaking out referral source data from Albany Police Department, AlbanyCARES, and Albany Shower Program. Having data specific to these Albany based programs will be useful to future program planning.

Page 17: Recommend expanding school based success project to AUSD campuses. Consider expansion of programming to include all students of color as well as non-English speaking students.

Page 24: Recommend including MHSA funding to support community events in Albany. Specifically support of City of Albany Chinese New Year Celebration as target event for support and outreach.

Page 31: Housing Services and Supports. Recommend considering addition of lack of affordable housing in Albany to the workload of the Housing Specialist with the goal to provide for collaboration between Albany landlords, HOTT clients and Albany Neighborhood Services. Increase FTE and budget allocation by 0.1 FTE to accommodate this increased workload.

Page 36: AlbanyCARES (formerly Albany Community Resource Center): Recommend that this pilot be extending for another 24 months with transition to FSP program when feasible.

Page 42: Albany Trauma Project: Request more detailed breakout of data from school based trauma program and Golden Gate Fields program. Recommend using the school based program as an entry point to expand AUSD project for students of color and non-native speakers. Also consider expanding Autism Screening Questionnaire Program (ASQ) to service preschool students enrolled in Albany Preschool under auspices of AUSD.

Page 59: High School Youth Prevention Programs: Recommend expanding to AHS

Page 65: Mindfulness Program: Recommend expanding to AHS.

Page 67: Trauma Informed Training: Recommend expanding training to invite AUSD teachers and staff.

**General Budget Comments:**

Administrative overhead at 10% should be compared to other Mental Health Service Act Program budgets. Is 10% comparable to the 23 county based MHSA programs that are equal or smaller in population service to Albany-Berkeley? If not, is the difference something that can be controlled?

While exact proportional spending of MHSA funds within the cities of Albany and Berkeley is not necessary it is, nevertheless, important to keep in mind that in the proposed \$7M operating budget the per-capita spending on mental health programs in Albany and Berkeley calculates at roughly \$49 per resident. Programming within Albany would calculate to somewhere between \$90-100K for fiscal year 2019-20. Expanding programming to Albany and highlighting where programs overlap between Berkeley and Albany is helpful to transparency and equitable spending.

**Public Comments**  
**Mental Health Services Act (MHSA) Annual Update FY 19-20**

Submitted By: Margaret C. Fine, JD, PhD

Date: Thursday, June 27, 2019

These public comments are written in my individual capacity and they do not represent the Mental Health Commission or the Cities of Berkeley and Albany.

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Thank you for the opportunity to submit public comments on this Mental Health Services Act (MHSA) Annual Update FY 19-20, which provides direct state funding for estimated municipal expenditures in the amount of approximately \$7,015,404.

**Introduction**

Currently, the sheer number of people who are homeless, and moreover those experiencing severe mental illness and substance use problems (or disorders), is an overwhelming tragedy in the San Francisco Bay Area. The population living in this geographical area is largely one of extremes between those living poverty and others living in wealth.

At this time, there are multitudes of people who are living on the streets in deplorable conditions without stable housing and an adequate standard of living. This crisis has an unyielding impact on the public mental health system, including the need to address both mental health and substance use among service users who use this system.

As recognized by the City of Berkeley, it is critical that public government systems have effective evaluation systems to provide oversight for service delivery. The MHSA Annual Update FY 19-20 highlights the need for evaluating the Division of Mental Health through the Results-Based Accountability (RBA) framework. RBA has become relatively common over decades for public sector management and evaluation.

These public comments thus consider the RBA framework as an evaluation system focused on improving internal management and performance of the Division of Mental Health. Specifically, the public comments focus on service delivery to people who are experiencing severe mental illness and substance use problems (or disorders).

Further, these public comments discuss a systems integrated approach and framework that complements using an RBA framework. Results-Based Accountability does not necessarily consider how multiple systems integrate with the Division of Mental Health for service users, but rather how people engage with a public mental health program provide through the Division of Mental Health for the Cities of Berkeley and Albany.



## **Overall Population Accountability for Evaluating the Public Mental Health System in the Cities of Berkeley and Albany**

Under the Mental Health Services Act (MHSA), the Division receives state funding for its Full Service Partnership (FSP) program that serves people with severe mental illness and likely co-occurring substance use problems (or disorders). These service users may be uninsured or are receiving state health insurance—all have nominal resources.

The Division of Mental Health also receives Medi-Cal reimbursement for specialty mental health services to these services users, as well as other sources of funding. Many service users have complex needs and multiple systems involvement throughout Alameda County. Both Results-Based Accountability and systems integrated frameworks rely on population accountability in order to evaluate programs funded by the Division of Mental Health.

Population accountability for people who are served by the public mental health system relies on identifying diverse groups of service users who use its programs. To do so, there is an essential need for collecting accurate, complete demographic data.

Further, MHSA funding is specifically designated to provide for those who are unserved, underserved or inappropriately served by the public mental health system. Frequently, they are living with disabling severe mental illness, unrelenting addictions and deteriorated physical health from chronic illness.

Many service users are experiencing rough living and sleeping on the street. Some service users can be highly sceptical of using the public mental health system and resistant to engaging with in mental health and/or substance use treatment (possibly also due to their own volition).

Many of these service users are impacted by personal and systemic marginalization and exclusion based on race, ethnicity, religion, gender identity and expression, sexual orientation, disability, age, veterans status and other protected status. They are frequently minorities who are disproportionality represented in the public mental health system and some of these service users belong to more than one protected group of people.

As it stands, the Division of Mental Health at least collects some demographic data based on its MHSA Full Service Partnership (FSP) caseload statistics. While the collected data is separated by African American, White, Hispanic, Asian Pacific Islander, Male/Female, there is a category for “**other**” which consistently represents approximately 20 to 50 percent of reported demographic caseload statistics.

There is also no demographic data for sexual orientation or gender identity despite reportedly an intake form for self-reporting SOGI data. There is no data collection showing groups of people who belong to more than one group and would likely be served by the public mental health system in the Cities of Berkeley and Albany.

For instance, there is no information as to the Division serving African American men who are older adult homeless veterans with multiple physical and mental disabilities. There is no

information showing whether the Division of Mental Health serves Spanish-speaking refugees who frequently experience severe depression, anxiety and PTSD from: 1) leaving their country of origin to escape brutal violence and persecution; 2) migrating across the southern border of the USA in order to escape; and 3) live in continuous fear of deportation as undocumented immigrants. There is also no data on homelessness and substance use.

It is further notable that the Division of Mental Health is aware its CalMHSA membership offers sexual orientation and gender identity training to collect demographic data. The Center for American Progress and the Fenway Institute also provide extensive information on SOGI data, in addition to scholarly and professional publications. For example, the National LGBT Health Education Center—part of the Fenway Institute—published a 24-page report on guidelines for collecting patient data on sexual orientation and gender identity in January 2018.

In reviewing the MHSa Prevention and Early Intervention FY 18 Report on Results-Based Accountability published by the City of Berkeley, it states that RBA is designed to define what result/outcome is hoped to be achieved by using this framework and how RBA can measure progress on that result/outcome. Further, this Report states that RBA is a way to measure the success of the Division's programs and how they make a difference to and for the people we serve.

It is noteworthy that the RBA framework may not represent the scope of service delivery when service users, who may belong to more than one minority group, are not included as an integral part of population accountability. Moreover not collecting demographic data can perpetuate and reinforce stigma (and potentially discrimination) when a diverse group of people do not count as part of population accountability for evaluating programs.

In other words, Division of Mental Health is a public accommodation designed to serve protected groups of people under applicable law and policy. Consequently, it is recommended that the RBA framework provide population accountability that is tailored to account for these diverse groups of people regardless if the Division currently collects the data. This data needs to be systematically gathered now regardless if Medi-Cal claims data and/or other data sources do not represent people belonging to more than one protected group of people or not include groups at all.

Overall, it is essential to generally assess diverse groups of people who may need access to the public mental health system, as opposed to solely looking at the existing populations served by the Division of Mental Health. Specific groups of people may also be hard-to-reach, particularly if they regard the public mental health system as not tailoring a range of interventions and services to those protected groups living at society's edges.

### **World Health Organization (WHO) – A Systems-Integrated Approach and Framework**

Systems integration is a relevant, important approach and framework to meaningful service delivery across systems for diverse groups of service users living with severe mental illness and substance use. It incorporates an overarching, comprehensive whole person system of care for service users which can be used in tandem with Results-Based Accountability.

The World Health Organization (WHO) has issued its Mental Health Plan 2013-2020 which emphasizes a systems integrated approach and framework. The action plan includes following objectives to: 1) strengthen effective leadership and governance for mental health and 2) provide comprehensive, integrated and responsible mental health and social care services in community-based settings.

The WHO Action Plan further relies on cross-cutting principles and approaches, including a multisectoral approach. This approach focuses on comprehensive and coordinated responses for mental health, including for multiple public sectors such as health, education, employment, judicial, housing, social and other relevant sectors (plus private sectors and country conditions).

In the United States, this multisector approach would provide systems integration for service users who live with severe mental illness and likely substance use (and disorders). Through adopting this approach and framework, these entities can address messy system boundaries and/or system fragmentation and isolated silos of service delivery.

### **Alameda County Whole Person Care Connect (among 25 counties with this program)**

Alameda County Care Connect integrates individual service providers across physical and behavioural health, housing services and crisis systems for service users. Through standardization of practice, development of universal tools and sharing of service user health records, Alameda County Care Connect is designed to improve service users' engagement within an overall integrated care system of care.

The Alameda County Care Connect is designed to support navigating the health care system for individuals with complex medical, behavioural, social and housing needs. The Division of Mental Health for the Cities of Berkeley and Albany can make referrals for service users to Alameda County Care Connect when appropriate to meet highest level service user needs.

### **Assessing Systems-Integrated Program and Fiscal Accountability**

The Systems-Integrated approach and framework is designed for robust program and fiscal accountability for service users engaged with multiple systems. This approach allows for qualitative researchers to explore the life narratives of service users from their own interviews, as well as from electronic and hard copy records. In this way, this approach provides understanding about critical details as they route through multiple systems.<sup>1</sup>

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<sup>1</sup> The author of these public comments focused her doctorate dissertation on life narratives of African American young women (18-28) who had past involvement in both the child welfare and juvenile justice systems. She conducted more than 30 qualitative interviews without a gatekeeper and used nVivo software to analyse the rich, text-based interviews. Her doctorate dissertation further focused on applying international children's rights treaty standards under the United Nations Convention on the Rights of the Child. The treaty provides a valuable, comprehensive frame of reference for supporting "participation rights" under Article 12. In 2016, she earned her PhD in Sociology in the School of Law and Social Justice at the University of Liverpool in England. Since the USA does not focus on treaty standards she studied with scholars in Europe. The author also worked as a Deputy City Attorney in the Child Welfare Unit for the City of Philadelphia Law Department.

Initially, qualitative research is vastly needed to contextualise how service users describe their life journeys through multiple systems (if at all). By describing their routes in the systems, service users can explain their own understandings, thoughts, feelings, viewpoints and opinions about using the public mental health and related systems.

Service users can further characterize their human relationships with a broad range of individual service providers including with law enforcement, criminal court and incarceration systems' personnel. Overall it is essential for service users to participate in telling their narratives as they are at the heart of multiple systems and service delivery is, ostensibly, about them. In the same light, front-line staff can be interviewed to understand their interactions and interplay directly with service users.

Further, qualitative data analysis software such as NVivo—which is an industry standard—can provide deep analysis of rich text-based narratives from large volumes of data. Additional data from electronic records can be included. OCR (optical character recognition) technology can be used to recognize text contained in scanned documents. Consequently, these sources of information can shed light on: 1) the level and quality of systems integration and 2) the service providers' capability to provide whole person care based upon interviews with service users and front-line personnel.

Overall qualitative research is important to understand how multiple systems integrate, have messy boundaries, fragment and/or operate in silos as service users route (or do not route) through them. Moreover, this type of qualitative research can be used to contextualise statistical findings from aggregated quantitative data, methodology and analysis completed without participation from service users or front-line personnel (such as appears to be inherent in Results-Based Accountability).

### **Fiscal Impact and Accountability**

Sacramento County conducted a study of cost distribution across 250 high-utilizing homeless individuals. The study examined the average annual cost to Sacramento County public systems across high-cost PSH-fit 250 individuals (2015-2016). The cost for the highest level of costs for one individual was approximately \$150,000 during this annual year.

Overall this study found that the group of high-frequency users cost Sacramento County more than \$11 million in 2015-2016 after breaking down the costs of services such as jail stays, ambulance transports, emergency police response and substance use/addictions and mental health treatment (Yoon-Hendricks, 2019).<sup>2</sup> The costs are not exhaustive and notably exclude physical healthcare and corrections costs, as well as not reflecting the impact on economic development. The attached summary provides further details.

Overall there are massive fiscal impacts as a result of this dire human crisis—which will not disappear and likely will expand into more public spaces. Robust fiscal information derived from examining precise details about how service users' route through these systems (or not when there is a gap) can illuminate the total amount of costs during fixed time periods.

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<sup>2</sup> A. Yoon-Hendricks, "They were Sacramento County's 250 costliest, most vulnerable homeless. A new effort is helping." Sacramento Bee, January 25, 2019 [accessed June 27, 2019].

The qualitative information can further provide critical details to show the actual interplay (or not) with service users involved with multiple government systems. It is recommended that the City of Berkeley conduct this type of fiscal analysis on the 50 highest-level service users using its public mental health and related systems.

### **Results-Based Accountability (RBA)—Performance Measures**

On the other hand, Results-Based Accountability uses performance measures to evaluate programs funded by the Division of Mental Health. The RBA framework asks three basic questions: 1) how much did you do, 2) how well did you do it and 3) is anyone better off. These questions are designed to assess if the Division of Mental Health achieves results/outcomes, based on performance measures, showing its programs are successful.

One recent example is reducing truancy for high school students who struggle coping with the effects of trauma on their lives. The Division of Mental Health provided funding for trauma support groups at high schools in the Albany Unified School District. RBA was used to evaluate whether the program was successful in improving their school attendance. The students evaluated the program and RBA reported reducing truancy for them.

Given the Results Based Accountability framework, it is recommended to determine, based on performance measures, if the Division of Mental Health has the capabilities to provide service users with the level and quality of the systems integrated whole person care similar to Alameda County Care Connect.

### **Systems-Integration with Law Enforcement, Criminal Case Processing and Incarceration Systems**

Both the Division of Mental Health and Alameda County Care Connect need to integrate systems in order to address service users who have involvement with law enforcement, criminal court and incarceration systems. Service users with severe mental illness and substance use problems may have frequent contact with these systems and it is imperative these systems are taken into account in order to minimize involvement.

For instance during incarceration, the state and federal governments may terminate public benefits such as Medi-Cal and Social Security Income (SSI) after specific time periods. At the same time, some individuals may be released without activated public health insurance and benefits, medication and scheduled psychiatric, substance use and other needed appointments with multiple systems providers. They may not have reliable arrangements for temporary shelter and access to food, bathrooms and showers.

Consequently, this situation may result in service users living at subsistence level in deplorable conditions on the street. It is also possible, they may experience psychosis from symptoms manifested as a result of untreated mental illness. They may also relapse into substance use, often methamphetamine, which can result in stimulant-induced psychosis.

Potentially the individual may have a crisis and require emergency crisis interventions to address their plight which is occurring in public space (hopefully without involving

aggression or violence). The systemic responses may involve multiple systems: public mental health, police and fire, emergency transport, emergency medical and criminal court and incarceration. The nature of the systemic response may also result in deescalating the crisis in public space or possibly exacerbating it.

Regardless of systems integrated care and performance measures, there must be meaningful partnerships between the Alameda County Santa Rita Jail and the Division of Mental Health (and Alameda County Care Connect). It is also unlikely to measure success of a Full Service Partnership program if the whole person care is not connected to broader development of a standardized crisis response, emergency medical and re-entry systems.

### **Improving the Public Mental Health System**

Through a systems integrated approach and framework, it is possible to shape a cohesive public safety network with tailored, respectful service delivery to diverse people with unique, complex needs (as opposed to mainstream community members). It is also possible through Results-Based Accountability to provide results/outcomes that improve the quality of life for persons living with severe mental illness and substance use (and disorders).

### **Here are Additional Recommendations for the Division of Mental Health:**

- Require substance use treatment staff training and Implementation of best practices.

There is a need for an overall substance use program in order to train all staff about substance use, particularly methamphetamine use disorder and the effects of stimulant-induced psychosis. It is inane to expect a social services support specialist to support an entire public mental health system where a high number of service users also cope with substance use problems and disorders, particularly to methamphetamine. There is also a crucial need for staff training and implementation of best practices, including using harm reduction strategies to assist service users who need medication-assisted treatment.

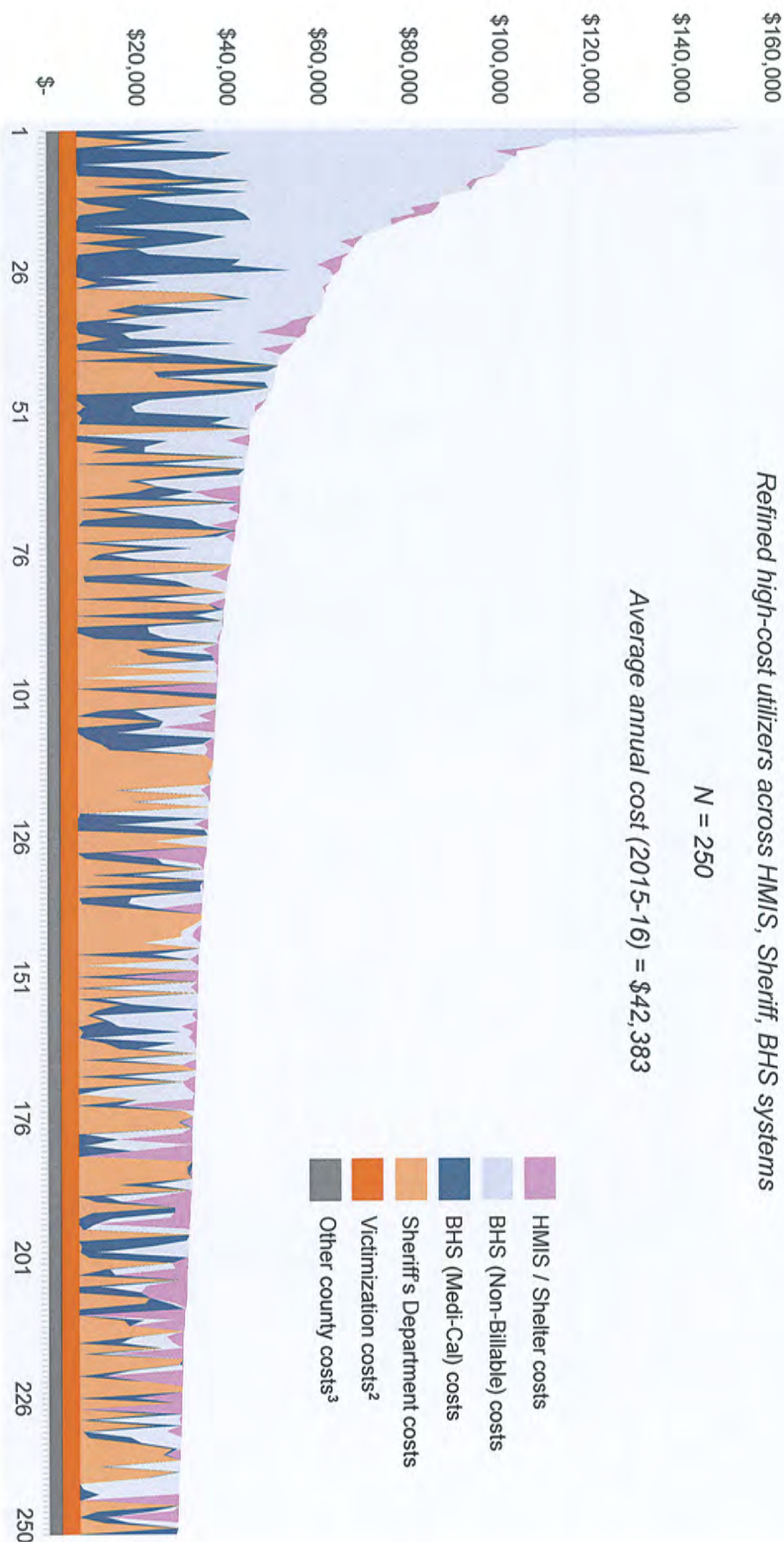
- Expand Street-Level Systems Integration to Include Psychiatrists/Nurses (including through telehealth) and Attorneys on the Street (see Trust Health Center).
- Fund a Peer Navigation and Support Program in order to employ persons with lived experience to support and guide service users through the maze of multiple systems. There is evidence-based practice with proven benefits to both peers and the clients they benefit (see Steinberg Institute website)

Currently, there is pending California legislation to establish a peer certification process defining responsibilities, practice guidelines, supervision standards, curriculum, core competencies and other requirements. This bill would require the Department of Health Care Services to amend the Medicaid state plan to include certified peer support specialist services as a distinct service type for purposes of receiving Medi-Cal reimbursement given federal financial participation.

- Develop a Request for Proposal (RFP) for a competitive procurement process to provide emergency mental health crisis services 24/7 with a 60 minute response time in the Cities of Berkeley and Albany.

# SUMMARY OF COST DISTRIBUTION ACROSS 250 HIGH-UTILIZING HOMELESS INDIVIDUALS IN SACRAMENTO COUNTY

Average annual cost to Sacramento County public systems across high-cost, PSH-fit 250 individuals (2015-16)<sup>1</sup>  
 Dollars (N=250)



1. Average annual cost calculated by averaging individual costs across analyzed systems in 2015 and 2016. Note that cost estimates are not exhaustive. Notable omissions include physical healthcare (deprioritized in part due to limited expected County budget impact), correctional health costs, and any reflection of impact on economic development. While costs are primarily County focused, some (such as billable BHS costs) may be reflective of other jurisdictional budgets; in other analyses, such as cost-benefit analysis, these costs are removed. "PSH-fit" estimated by reviewing 2015-2016 HMIS records, excluding individuals with any days spent in permanent supportive housing over the past 12 months, as well as those lacking (non-PSH) HMIS interactions in last 12 months, and focusing on those with longer and more-acute needs exhibited by a chronically homeless flag in HMIS and/or a recorded VI-SPDAT score >14 and/or a history of homelessness greater than one year. 2. Average victimization cost based on estimates from McCollister et al. (The Cost of Crime to Society, 2010), intended to calculate the cost to society of various criminal acts, including both "tangible" costs (e.g., direct economic losses, property damage) and "intangible" costs (e.g., productivity loss, quality of life). Total victimization costs based on list of primary charges for top 250 population in 2015-16; for the sake of clarity (to smooth otherwise highly variable data), they have been averaged among this population, rather than applied to the relatively limited set of specific individuals to whom these victimization costs can be attributed. (Note that many charges, including most drug- and alcohol-related charges, do not incur a direct victimization cost.) 3. Assumes that high-utilizing homeless populations generate at least average costs to other County agencies, includes non-specific core County costs (such as DHA - Admin, DHA - Aid Payments, Code Enforcement, Regional Parks, District Attorney) averaged across 2016 point-in-time population. Key sources: Sacramento Steps Forward, Sacramento Sheriff's Department, Sacramento Behavioral Health Services, Sacramento City and County Cost of Homelessness Estimates, McCollister et al.





Office of the City Manager

CONSENT CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Kelly Wallace, Acting Director, Health, Housing & Community Services

Subject: Contract No. 9888A Amendment: Merritt Hawkins for Recruitment Services:  
Psychiatrist

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 9888A adding \$100,000 to the expenditure contract with Merritt Hawkins for Recruitment for Psychiatrist III for a total contract limit of \$149,990 for the period beginning March 2, 2015 and ending on June 30, 2021.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract is available in Health (Short/Doyle) Fund Account 316-51-503-521-2007-000-451-612990 (50%) and Mental Health State Aide Realignment Fund Account 158-51-503-521-2006-000-451-612990 (50%). The contract amendment has been entered into the City's Contract Management System and assigned CMS No. UXLL2.

CURRENT SITUATION AND ITS EFFECTS

The contract amendment provides financial support to Merritt Hawkins, by reimbursing it for psychiatric recruitment services up to \$149,990 for the period beginning March 2, 2015 and ending on June 30, 2021. The Mental Health Division's Adult Mental Health Clinic has a staffing shortage of 1.5 FTE of a total of 3.0 FTE that are allowed to prescribe medication. Vacant positions include a 1.0 FTE Mid-Level Practitioner and a 0.5 FTE Psychiatrist III. This contract amendment will allow continued use of psychiatrist recruitment services through Merritt Hawkins until efforts allow for the hiring of permanent staffing for these positions.

BACKGROUND

The City of Berkeley's Mental Health Division (BMH) has experienced great difficulty in filling vacant positions for staff who can prescribe psychiatric medications. Due to a variety of factors, including the Medi-Cal expansion through the Affordable Care Act, an existing shortage of psychiatrists in the region has been greatly exacerbated. Many area providers are experiencing staff shortages in psychiatry, as the exploding need for psychiatry has led to existing staff leaving for new positions and an overall shortage of providers.

In response to these staff vacancies, a wide recruitment for psychiatrists was performed by the City's Human Resources Department, including contacting all licensed psychiatrist in California to inform them of the job opportunities. Unfortunately, this effort led to a small list of qualified candidates in the Psychiatrist III position. After interviewing all applicants who were interested in the position, only one applicant accepted a position covering 0.5 FTE, and that applicant has since left the position.

Given the continued staffing shortage, several measures have been put in place to locate permanent staffing for these positions. These include creating a continuous list for the Psychiatrist III classification, so that any time we have an interested applicant we can consider them for employment; the creation of a contract (No. 9880) with Jackson & Coker for Locum Tenens psychiatric services; and the conversion of one vacant 0.5 FTE Psychiatrist III position into a 1.0 FTE Mid-Level Practitioner position in hopes that this classification will be easier to fill. A list has been created for the Mid-Level Practitioner position and interviews are ongoing for this vacancy.

To provide necessary medication prescribing and monitoring services while attempting to fill these staff vacancies, the City entered into Contract No. 9888 with Merritt Hawkins on March 2, 2015 for psychiatrist recruitment services with a contract limit of \$24,990. When recruitment efforts did not lead to securing staffing, contract amendment 9888A increased the contract limit to \$49,990 on July 1, 2016. Due to continued vacancy and approaching the contract limit, this contract amendment will ensure the City provides quality mental health care while taking steps to secure permanent staffing.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the action requested in this report.

#### RATIONALE FOR RECOMMENDATION

Merritt Hawkins offers recruitment services for psychiatrists who provide services to Medi-Cal, uninsured, disenfranchised, and under-served populations. These services are necessary for the provision of mental health treatment provided by the City. These services will only be utilized until permanent staffing positions are filled.

#### ALTERNATIVE ACTIONS CONSIDERED

The City could not provide necessary medication prescription and monitoring services for individuals with mental illness. This was rejected because it would have led to harm to current and prospective mental health patients.

#### CONTACT PERSON

Steve Grolnic-McClurg, Manager, Mental Health Services, HHCS, (510) 981-5249

#### Attachments:

1: Resolution

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

CONTRACT NO. 9888A AMENDMENT: MERRITT HAWKINS FOR RECRUITMENT SERVICES: PSYCHIATRIST

WHEREAS, the City of Berkeley's Mental Health Division (BMH) has a successful partnership with Merritt Hawkins, providing recruitment services for psychiatrists; and

WHEREAS, Merritt Hawkins is an essential provider of recruitment services in Berkeley; and

WHEREAS, Merritt Hawkins offers recruitment services for psychiatrists who provide services to Medi-Cal, uninsured, disenfranchised, and under-served populations; and

WHEREAS, Merritt Hawkins' services support mental health goals of improving the health and well-being of the community during periods of staff shortages; and

WHEREAS, funds are available in the current year budget.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute an amendment to Contract No. 9888A with Merritt Hawkins adding \$100,000 for a total contract amount not to exceed \$149,990 for the period March 2, 2015 and ending on June 30, 2021 for the purpose of funding psychiatrist recruitment services; CMS No. UXLL2; Health (Short/Doyle) Fund Account 316-51-503-521-2007-000-451-612990 (50%) and Mental Health State Aide Realignment Fund Account 158-51-503-521-2006-000-451-612990 (50%). A record copy of said contract to be on file in the office of the City Clerk.





Office of the City Manager

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CONSENT CALENDAR

July 23, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Kelly Wallace, Director, Health, Housing & Community Services

Subject: Contract Amendments: Mental Health Services Act Community Services and Supports, and Prevention and Early Intervention

RECOMMENDATION

Adopt seven Resolutions authorizing the City Manager or her designee to execute amendments for the following contracts that are funded through Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI), and Community Services and Supports (CSS) increasing the contract amounts as outlined below, and extending the contracts through June 30, 2020:

1. Increasing PEI Contract No. 8573I with Albany Unified School District (AUSD) by \$64,192 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$566,508 for services to Asian Pacific Islander, Latino, and African American youth;
2. Increasing PEI Contract No. 8801H with Center for Independent Living (CIL) in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$256,584 for supports for senior citizens;
3. Increasing PEI Contract No. 8560I with G.O.A.L.S. For Women, Inc. in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total amount not to exceed \$283,104 to serve African American women and their families;
4. Increasing PEI Contract No. 8516J with Pacific Center for Human Growth in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$283,104 to serve Lesbian, Gay, Bi-sexual, Transgender, Queer/Questioning, and Intersex (LGBTQI) individuals;
5. Increasing PEI Contract No. 8606I with Covenant House California-YEAH! Program, in the amount of \$32,046 from Mental Health Services Act Fund

Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$283,104 for support groups for Transition Age Youth (TAY);

6. Increasing PEI Contract No. 8975G with Berkeley Unified School District (BUSD) in the amount of \$55,000 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110,for a total contract amount not to exceed \$435,000 for elementary school youth; and
7. Increasing CSS Contract No. 9553E with Covenant House California-YEAH! Program by \$122,856 from Mental Health Services Act Fund Account #: 315-51-503-526-2017-000-451-636110 for a total contract amount not to exceed \$755,286 for services for transition age youth.

**FISCAL IMPACTS OF RECOMMENDATION**

Funding from MHSA revenue received from the State of California is available in the FY 2020 budget in the following ERMA GL Accounts: Prevention and Early Intervention programs \$247,376 in 315-51-503-526-2016-000-451-636110 and Community Services and Supports program \$122,856 in 315-51-503-526-2017-000-451-636110. These contract amendments have been entered into the citywide contract management system database and assigned the following CMS numbers:

1. Albany Unified School District: CMS No. TWAGM
2. Center for Independent Living, Inc.: CMS No. S5LLS
3. G.O.A.L.S. For Women, Inc.: CMS No. F38PX
4. Pacific Center for Human Growth: CMS No. W2FAU
5. Covenant House California -YEAH! Program PEI: CMS No. X1DFU
6. Berkeley Unified School District: CMS No. JK4EX
7. Covenant House California -YEAH! Program CSS: CMS No. YZHZ1

**CURRENT SITUATION AND ITS EFFECTS**

Prevention and Early Intervention (PEI): Funding from the MHSA PEI component has been utilized to provide community-based education, homeless outreach services and trauma support services to underserved and inappropriately served populations through the following community partners:

<b>AGENCY</b>	<b>POPULATIONS SERVED</b>
Albany Unified School District (AUSD)	Asian Pacific Islanders, Latino, and African American youth and adults
Center for Independent Living, Inc. (The CIL)	Senior Citizens
G.O.A.L.S. For Women, Inc.	African Americans
Pacific Center for Human Growth	Lesbian, Gay, Bi-sexual, Transgender, Queer/Questioning, Intersex (LGBTQI)
Covenant House California-YEAH! Program	Transition Age Youth (TAY)
Berkeley Unified School District (BUSD)	Elementary School Aged Children

Community Services & Supports (CSS): Since FY 2007-08, a portion of MHPHS CSS funds have been utilized to provide mental health services and supports through Covenant House California-YEAH! Program for Transition Age Youth who are homeless or at risk of homelessness.

The MHPHS Fiscal Year 2018 -2019 (FY19) Annual Update is the local plan that, informed by area stakeholders, details the uses of MHPHS funds. Development of the FY20 Annual Update included conducting community program planning, writing a draft plan, providing a 30-day public review period from May 29 through June 27, 2019, and conducting a public hearing on September 27 at the Mental Health Commission.

After the close of the Public Hearing the Mental Health Commission made the following motion:

M/S/C (Castro, Fine) Motion to approve the plan (MHPHS FY20 Annual Update) and move it to City Council.

Ayes: Castro, cheema, Fine, Kealoha-Blake; Noes: Heda; Abstentions: None; Absent: Davila.

#### BACKGROUND

Since the passage of Proposition 63 in 2004, the Health, Housing & Community Services Department, Mental Health Division, has received annual MHPHS funding which is utilized to expand and transform the mental health service delivery system to better meet the needs of underserved and inappropriately served communities, among others. This initiative has provided new opportunities for the Mental Health Division to further develop and expand its system of care, adding new programs to the divisions own program and utilizing non-profit providers in the planning and delivery of comprehensive mental health services. The contracts this report seeks to extend advance this goal and provide improved coordination between the City and its partner system of care agencies. The City Council has previously amended these contracts.

#### ENVIRONMENTAL SUSTAINABILITY

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

#### RATIONALE FOR RECOMMENDATION

With the exception of BUSD, all contracts were awarded on a competitive basis following the issuance of a Request for Proposals. Each contractor possesses unique capabilities to meet the needs of the specified target populations and the ability to effectively coordinate with the Mental Health Division and other community resources.

#### ALTERNATIVE ACTIONS CONSIDERED

In order for MHPHS funded mental health services and supports in the community and schools to continue, no other alternative actions were considered.

CONTACT PERSON

Karen Klatt, Community Services Specialist III, HH&CS, 981-7644

Attachments:

1. Resolution – Contract No. 8573I Amendment: Albany Unified School District
2. Resolution – Contract No. 8801H Amendment: Center for Independent Living, Inc.
3. Resolution – Contract No. 8560I Amendment: G.O.A.L.S. for Women
4. Resolution – Contract No. 8516J Amendment: Pacific Center For Human Growth
5. Resolution – Contract No. 8606I Amendment: Covenant House California-YEAH! Program
6. Resolution – Contract No. 8975G Amendment: Berkeley Unified School District
7. Resolution – Contract No. 9553E Amendment: Covenant House California- YEAH! Program



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

CONTRACT NO. 8573I AMENDMENT: ALBANY UNIFIED SCHOOL DISTRICT FOR SERVICES TO ASIAN PACIFIC ISLANDER, LATINO, AND AFRICAN AMERICAN YOUTH, ADULTS AND OLDER ADULTS

WHEREAS, the City's Department of Health, Housing & Community Services, Mental Health Division, currently receives Mental Health Services Act Prevention and Early Intervention funds on an annual basis to provide services and supports to children, youth, transition age youth, adults, and older adults; and

WHEREAS, the Mental Health Division works in partnership with community-based agencies and school districts in the provision of such services and supports; and

WHEREAS, pursuant to the City of Berkeley's Mental Health Services Act State approved Prevention and Early Intervention Plan, funds are to be allocated to support the successful implementation of trauma supports for underserved populations; and

WHEREAS, in April 2010, bid Specification No. 10-10508-C was issued for proposals for support services targeting trauma exposed individuals and/or those in need of coping strategies for stress related issues in the Asian/Pacific Islander and Latino communities; and Albany Unified School District was determined to be the best responsible bidder; and

WHEREAS, on February 15, 2011 by Resolution No. 65,173-N.S., City Council authorized Contract No. 8573 with Albany Unified School District to provide targeted psycho-educational services to Asian Pacific Islander and Latino high school aged youth, adults and older adults in an amount not to exceed \$53,040 for the period February 16, 2011 through June 30, 2011; and

WHEREAS, on June 28, 2011 by Resolution No. 65,349-N.S., City Council authorized amendment to Contract No. 8573A with Albany Unified School District to increase the amount by \$53,040 for a total contract amount not to exceed \$106,080, and to extend the term to June 30, 2012; and

WHEREAS, on June 12, 2012 by Resolution No. 65,763-N.S., City Council authorized an amendment to Contract No. 8573B with Albany Unified School District to provide services and supports to African American high school aged youth in addition to the services and supports currently provided through this contract to Asian Pacific Islander and Latino high school aged youth, adults and older adults, and to increase the amount by \$53,040 for a total contract amount not to exceed \$159,120 and to extend the term to June 30, 2013; and

WHEREAS, on May 7, 2013 by Resolution No. 66,109-N.S., City Council authorized an amendment to Contract No. 8573C with Albany Unified School District to increase the amount by \$53,040 for a total contract amount not to exceed \$212,160, and to extend the term to June 30, 2014; and

WHEREAS, on June 24, 2014 by Resolution No. 66,672 -N.S., City Council authorized an amendment to Contract No. 8573D with Albany Unified School District to increase the amount by \$53,040 for a total contract amount not to exceed \$265,200, and to extend the term to June 30, 2015; and

WHEREAS, on June 30, 2015 by Resolution No. 67,117 -N.S., City Council authorized an amendment to Contract No. 8573E with Albany Unified School District to increase the amount by \$53,040 for a total contract amount not to exceed \$318,240, and to extend the term to June 30, 2016; and

WHEREAS, on June 28, 2016 by Resolution No. 67,556 -N.S., City Council authorized an amendment to Contract No. 8573F with Albany Unified School District to increase the amount by \$55,692 for a total contract amount not to exceed \$373,932, and to extend the term to June 30, 2017; and

WHEREAS, on July 25, 2017 by Resolution No. 68,101 -N.S., City Council authorized an amendment to Contract No. 8573G with Albany Unified School District to increase the amount by \$64,192 for a total contract amount not to exceed \$438,124, and to extend the term to June 30, 2018; and

WHEREAS, on October 30, 2018 by Resolution 68,641-N.S., City Council authorized an amendment to Contract No. 8573H with Albany Unified School District to increase the amount by \$64,192 for a total contract amount not to exceed \$502,316, and to extend the term to June 30, 2019; and

WHEREAS, City Council action is required to authorize advances for select community agencies receiving funds in FY2020. The advances are to be equivalent to 25% of the agency's allocation.

WHEREAS, funds are available in the FY20 budget in the Mental Health Services Act Fund, Mental Health Services Act Fund Account #: 315-51-503-526-2016-000-451-636110, and the contract has been entered into the citywide contracts database and assigned CMS No. TWAGM; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute an amendment to Contract No. 8573I with Albany Unified School District to provide Psycho-educational trauma support groups for high school youth, adults, and older adults from the Asian Pacific Islander, Latino, and African-American communities, to increase the amount by \$64,192 for a total contract amount not to exceed \$566,508, to provide an advance for FY20 funds and to extend the term to June 30, 2020. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

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

CONTRACT NO. 8801H AMENDMENT: CENTER FOR INDEPENDENT LIVING FOR SERVICES FOR SENIOR CITIZENS

WHEREAS, the City's Department of Health, Housing & Community Services, Mental Health Division, currently receives Mental Health Services Act Prevention and Early Intervention funds on an annual basis to provide services and supports to children, youth, transition age youth, adults, and older adults; and

WHEREAS, the Mental Health Division works in partnership with community-based agencies and school districts in the provision of such services and supports; and

WHEREAS, pursuant to the City of Berkeley's Mental Health Services Act State approved Prevention and Early Intervention Plan, funds are to be allocated to support the successful implementation of trauma supports for underserved populations; and

WHEREAS, in April 2010, bid Specification No. 10-10508-C was issued for proposals targeting trauma exposed senior citizens and/or those in need of coping strategies for stress related issues and Center for Independent Living was determined to be the best responsible bidder; and

WHEREAS, on April 26, 2011 by Resolution No. 65,237-N.S., City Council authorized Contract No. 8648 with Center for Independent Living to provide mental health services and supports to senior citizens in an amount not to exceed \$26,520 for the period February 1, 2011 through June 30, 2011; and

WHEREAS, on July 19, 2011 by Resolution No. 65,395-N.S., City Council authorized an amendment to Contract No. 8648 with Center for Independent Living to increase the amount by \$26,520 for a total contract amount not to exceed \$53,040, and to extend the term to June 30, 2012; and

WHEREAS, Contract No. 8648 expired before the approved amendment was executed, and a new Contract No. 8801 was executed by the City Manager with Center for Independent Living for the amount of \$26, 520 for the term July 1, 2011 through June 30, 2012; and

WHEREAS, on June 12, 2012 by Resolution No. 65,760-N.S., the City Council authorized an amendment to Contract No. 8801A with Center for Independent Living to increase the amount by \$26,520 for a total contract amount not to exceed \$53,040 and to extend the term to June 30, 2013; and

WHEREAS, on May 7, 2013 by Resolution No. 66,110-N.S., the City Council authorized an amendment to Contract No. 8801B with Center for Independent Living to increase the amount by \$26,520 for a total contract amount not to exceed \$79,560 and to extend the term to June 30, 2014; and

WHEREAS, on June 24, 2014 by Resolution No. 66,673-N.S., the City Council authorized an amendment to Contract No. 8801C with Center for Independent Living to increase the amount by \$26,520 for a total contract amount not to exceed \$106,080 and to extend the term to June 30, 2015; and

WHEREAS, on June 30, 2015 by Resolution No. 67,118-N.S., the City Council authorized an amendment to Contract No. 8801D with Center for Independent Living to increase the amount by \$26,520 for a total contract amount not to exceed \$132,600 and to extend the term to June 30, 2016; and

WHEREAS, on June 28, 2016 by Resolution No. 67,557-N.S., the City Council authorized an amendment to Contract No. 8801E with Center for Independent Living to increase the amount by \$27,846 for a total contract amount not to exceed \$160,446 and to extend the term to June 30, 2017; and

WHEREAS, on July 25, 2017 by Resolution No. 68,102-N.S., the City Council authorized an amendment to Contract No. 8801F with Center for Independent Living to increase the amount by \$32,046 for a total contract amount not to exceed \$192,492 and to extend the term to June 30, 2018; and

WHEREAS, on October 30, 2018 by Resolution No. 68,642-N.S., City Council authorized an amendment to Contract No. 8801G with Center for Independent Living to increase the amount by \$32,046 for a total contract amount not to exceed \$224,538 and to extend the term to June 30, 2019; and

WHEREAS City Council action is required to authorize advances for select community agencies receiving funds in FY2020. The advances are to be equivalent to 25% of the agency's allocation.

WHEREAS, funds are available in the FY20 budget in the Mental Health Services Act Fund, Mental Health Services Act Fund Account #: 315-51-503-526-2016-000-451-636110, and the contract has been entered into the citywide contracts database and assigned CMS No. S5LLS; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute an amendment to Contract No. 8801H with Center for Independent Living to provide mental health services and supports to senior citizens, to increase the amount by \$32,046 for a total contract amount not to exceed \$256,584, to provide an advance for FY20 funds and to extend the term to June 30, 2020. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

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

CONTRACT NO. 8560I AMENDMENT: G.O.A.L.S. FOR WOMEN TO PROVIDE SERVICES FOR AFRICAN AMERICANS

WHEREAS, the City's Department of Health, Housing & Community Services, Mental Health Division, currently receives Mental Health Services Act Prevention and Early Intervention funds on an annual basis to provide services and supports to children, youth, transition age youth, adults, and older adults; and

WHEREAS, the Mental Health Division works in partnership with community-based agencies and school districts in the provision of such services and supports; and

WHEREAS, pursuant to the City of Berkeley's Mental Health Services Act State approved Prevention and Early Intervention Plan, funds are to be allocated to support the successful implementation of trauma supports for underserved populations; and

WHEREAS, in April 2010, bid Specification No. 10-10508-C was issued for proposals targeting trauma exposed African Americans and/or those in need of coping strategies for stress related issues and G.O.A.L.S. for Women was determined to be the best responsible bidder; and

WHEREAS, on January 31, 2011 by Ordinance No. 7,035-N.S., City Manager authorized Contract No. 8560 with G.O.A.L.S. for Women to provide outreach and support services and supports to African Americans in an amount not to exceed \$26,520 for the period January 1, 2011 through June 30, 2011; and

WHEREAS, on June 28, 2011 by Resolution No. 65,348-N.S., City Council authorized an amendment to Contract No. 8560A with G.O.A.L.S. for Women to increase the amount by \$26,520 for a total contract amount not to exceed \$53,040, and to extend the term to June 30, 2012; and

WHEREAS, on June 12, 2012 by Resolution No. 65,761-N.S., City Council authorized an amendment to Contract No. 8560B with G.O.A.L.S. for Women to increase the amount by \$26,520 for a total contract amount not to exceed \$79,560 and to extend the term to June 30, 2013; and

WHEREAS, on May 7, 2013 by Resolution No. 66,111-N.S., City Council authorized an amendment to Contract No. 8560C with G.O.A.L.S. for Women to increase the amount by \$26,520 for a total contract amount not to exceed \$106,080 and to extend the term to June 30, 2014; and

WHEREAS, on June 24, 2014 by Resolution No. 66,674-N.S., City Council authorized an amendment to Contract No. 8560D with G.O.A.L.S. for Women to increase the amount by \$26,520 for a total contract amount not to exceed \$132,600 and to extend the term to June 30, 2015; and

WHEREAS, on June 30, 2015 by Resolution No. 67,119-N.S., City Council authorized an amendment to Contract No. 8560E with G.O.A.L.S. for Women to increase the amount by \$26,520 for a total contract amount not to exceed \$159,120 and to extend the term to June 30, 2016; and

WHEREAS, on June 28, 2016 by Resolution No. 67,558 -N.S., City Council authorized an amendment to Contract No. 8560F with G.O.A.L.S. for Women to increase the amount by \$27,846 for a total contract amount not to exceed \$186,966 and to extend the term to June 30, 2017; and

WHEREAS, on July 25, 2017 by Resolution No. 68,103 -N.S., City Council authorized an amendment to Contract No. 8560G with G.O.A.L.S. for Women to increase the amount by \$32,046 for a total contract amount not to exceed \$219,012 and to extend the term to June 30, 2018; and

WHEREAS, on October 30, 2018 by Resolution No. 68,643-N.S., City Council authorized an amendment to Contract No. 8650H with G.O.A.L.S. for Women to increase the amount by \$32,046 for a total contract amount not to exceed \$251,058 and to extend the term to June 30, 2019; and

WHEREAS, City Council action is required to authorize advances for select community agencies receiving funds in 2020. The advances are to be equivalent to 25% of the agency's allocation.

WHEREAS, funds are available in the FY20 budget in the Mental Health Services Act Fund Mental Health Services Act Fund Account #: 315-51-503-526-2016-000-451-636110, and the contract has been entered into the citywide contracts database and assigned CMS No. F38PX; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute an amendment to Contract No. 8560I with G.O.A.L.S. for Women to provide outreach and support services and supports to African Americans in need of coping strategies for stress related issues, to increase the amount by \$32,046 for a total contract amount not to exceed \$283,104, to provide an advance for FY20 funds and to extend the term to June 30, 2020. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

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

CONTRACT NO. 8516J AMENDMENT: PACIFIC CENTER FOR HUMAN GROWTH  
TO SERVE LOW INCOME LESBIAN, GAY, BI-SEXUAL, TRANSGENDER, QUEER,  
AND INTERSEX (LGBTQI) INDIVIDUALS

WHEREAS, the City's Department of Health, Housing & Community Services, Mental Health Division, currently receives Mental Health Services Act Prevention and Early Intervention funds on an annual basis to provide services and supports to children, youth, transition age youth, adults, and older adults; and

WHEREAS, the Mental Health Division works in partnership with community-based agencies and school districts in the provision of such services and supports; and

WHEREAS, pursuant to the City of Berkeley's Mental Health Services Act State approved Prevention and Early Intervention Plan, funds are to be allocated to support the successful implementation of trauma supports for underserved populations; and

WHEREAS, in April 2010, bid Specification No. 10-10508-C was issued for proposals targeting trauma exposed individuals and/or those in need of coping strategies for stress related issues and Pacific Center for Human Growth was determined to be the best responsible bidder; and

WHEREAS, on December 6, 2010, City Manager authorized Contract No. 8516 with Pacific Center for Human Growth to provide mental health services and supports to low-income LGBTQI individuals who are suffering from the impact of oppression, trauma, and other life stressors in an amount not to exceed \$26,520 for the period November 1, 2010 through June 30, 2011; and

WHEREAS, on June 28, 2011 by Resolution No. 65,347-N.S., City Council authorized an amendment to Contract No. 8516A with Pacific Center for Human Growth to increase the amount by \$26,520 for a total contract amount not to exceed \$53,040, and to extend the term to June 30, 2012; and

WHEREAS, on June 12, 2012 by Resolution No. 65,762-N.S., City Council authorized an amendment to Contract No. 8516B with Pacific Center for Human Growth to increase the amount by \$26,520 for a total contract amount not to exceed \$79,560 and to extend the term to June 30, 2013; and

WHEREAS, on May 7, 2103 by Resolution No. 66,112-N.S., City Council authorized an amendment to Contract No. 8516C with Pacific Center for Human Growth to increase the amount by \$26,520 for a total contract amount not to exceed \$106,080 and to extend the term to June 30, 2014; and

WHEREAS, on June 24, 2014 by Resolution No. 66,675 -N.S., City Council authorized an amendment to Contract No. 8516D with Pacific Center for Human Growth to increase

the amount by \$26,520 for a total contract amount not to exceed \$132,600 and to extend the term to June 30, 2015; and

WHEREAS, on June 30, 2015 by Resolution No. 66,120 -N.S., City Council authorized an amendment to Contract No. 8516E with Pacific Center for Human Growth to increase the amount by \$26,520 for a total contract amount not to exceed \$159,120 and to extend the term to June 30, 2016; and

WHEREAS, on June 28, 2016 by Resolution No. 67,559 -N.S., City Council authorized an amendment to Contract No. 8516F with Pacific Center for Human Growth to increase the amount by \$27,846 for a total contract amount not to exceed \$186,966 and to extend the term to June 30, 2017; and

WHEREAS, on July 25, 2017 by Resolution No. 68,104 -N.S., City Council authorized an amendment to Contract No. 8516G with Pacific Center for Human Growth to increase the amount by \$32,046 for a total contract amount not to exceed \$219,012 and to extend the term to June 30, 2018; and

WHEREAS, on October 30, 2018 by Resolution No. 68,644-N.S., City Council authorized an amendment to Contract No. 8516H with Pacific Center for Human Growth to increase the amount by \$32,046 for a total contract amount not to exceed \$251,058 and to extend the term to June 30, 2019; and

WHEREAS, City Council action is required to authorize advances for select community agencies receiving funds in FY2020. The advances are to be equivalent to 25% of the agency's allocation.

WHEREAS, funds are available in the FY20 budget in the Mental Health Services Act Fund, Mental Health Services Act Fund Account #: 315-51-503-526-2016-000-451-636110 and the contract has been entered into the citywide contracts database and assigned CMS No. W2FAU; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute an amendment to Contract No. 8516J with Pacific Center for Human Growth to provide mental services and supports to low-income LGBTQI individuals who are suffering from the impact of oppression, trauma, and other life stressors, to increase the amount by \$32,046 for a total contract amount not to exceed \$283,104, to provide an advance for FY20 funds and to extend the term to June 30, 2020. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.



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

CONTRACT NO. 8606I AMENDMENT: COVENANT HOUSE CALIFORNIA-YEAH!  
PROGRAM FOR SERVICES FOR TRANSITION AGE YOUTH

WHEREAS, the City's Department of Health, Housing & Community Services, Mental Health Division, currently receives Mental Health Services Act Prevention and Early Intervention funds on an annual basis to provide services and supports to children, youth, transition age youth, adults, and older adults; and

WHEREAS, the Mental Health Division works in partnership with community-based agencies and school districts in the provision of such services and supports; and

WHEREAS, pursuant to the City of Berkeley's Mental Health Services Act State approved Prevention and Early Intervention Plan, funds are to be allocated to support the successful implementation of trauma supports for underserved populations; and

WHEREAS, in April 2010, bid Specification No. 10-10508-C was issued for proposals targeting trauma exposed transition age youth and/or those in need of coping strategies for stress related issues and Youth Engagement Advocacy Housing was determined to be the best responsible bidder; and

WHEREAS, on March 29, 2011 by Resolution No. 65,211-N.S., City Council authorized Contract No. 8606 with Youth Engagement Advocacy Housing for the provision of services and supports to transition age youth who are suffering from the impact of oppression, trauma, and other life stressors in an amount not to exceed \$26,520 for the period November 1, 2010 through June 30, 2011; and

WHEREAS, on June 28, 2011 by Resolution No. 65,345-N.S., City Council authorized an amendment to Contract No. 8606A with Youth Engagement Advocacy Housing to increase the amount by \$26,520 for a total contract amount not to exceed \$53,040, and to extend the term to June 30, 2012; and

WHEREAS, on June 12, 2012 by Resolution No. 65,764-N.S., City Council authorized an amendment to Contract No. 8606B with Youth Engagement Advocacy Housing to increase the amount by \$26,520 for a total contract amount not to exceed \$79,560 and to extend the term to June 30, 2013; and

WHEREAS, on May 7, 2013 by Resolution No. 66,113-N.S., City Council authorized an amendment to Contract No. 8606C with Youth Engagement Advocacy Housing to increase the amount by \$26,520 for a total contract amount not to exceed \$106,080 and to extend the term to June 30, 2014; and

WHEREAS, on June 24, 2014 by Resolution No. 66,676 -N.S., City Council authorized an amendment to Contract No. 8606D with Youth Engagement Advocacy Housing to

increase the amount by \$26,520 for a total contract amount not to exceed \$132,600 and to extend the term to June 30, 2015; and

WHEREAS, on June 30, 2015 by Resolution No. 67,121 -N.S., City Council authorized an amendment to Contract No. 8606E with Youth Engagement Advocacy Housing to increase the amount by \$26,520 for a total contract amount not to exceed \$159,120 and to extend the term to June 30, 2016; and

WHEREAS, on June 28, 2016 by Resolution No. 67,560 -N.S., City Council authorized an amendment to Contract No. 8606F with Youth Engagement Advocacy Housing to increase the amount by \$27,846 for a total contract amount not to exceed \$186,966 and to extend the term to June 30, 2017; and

WHEREAS, on July 25, 2017 by Resolution No. 68,105-N.S., City Council authorized an amendment to Contract No. 8606G with Covenant House California -YEAH! Program to increase the amount by \$32,046 for a total contract amount not to exceed \$219,012 and to extend the term to June 30, 2018; and

WHEREAS, on October 30, 2018 by Resolution No. 68,645-N.S., City Council authorized an amendment to Contract No. 8606H with Covenant House California-YEAH! Program to increase the amount by \$32,046 for a total contract amount not to exceed \$251,058 and to extend the term to June 30, 2019; and

WHEREAS, City Council action is required to authorize advances for select community agencies receiving funds in FY2020. The advances are to be equivalent to 25% of the agency's allocation.

WHEREAS, funds are available in the FY20 budget in the Mental Health Services Act Fund, Mental Health Services Act Fund Account #: 315-51-503-526-2016-000-451-636110, and the contract has been entered into the citywide contracts database and assigned CMS No. X1DFU; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute an amendment to Contract No. 8606I with Covenant House California - YEAH! Program to provide mental services and supports to transition age youth who are suffering from the impact of oppression, trauma, and other life stressors, to increase the amount by \$32,046 for a total contract amount not to exceed \$283,104, to provide an advance for FY20 funds and to extend the term to June 30, 2020. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

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

CONTRACT NO. 8975G AMENDMENT: BERKELEY UNIFIED SCHOOL DISTRICT  
TO SERVE ELEMENTARY SCHOOL AGED YOUTH

WHEREAS, the City's Department of Health, Housing & Community Services, Mental Health Division, currently receives Mental Health Services Act Prevention and Early Intervention funds on an annual basis to provide services and supports to children, youth, transition age youth, adults, and older adults; and

WHEREAS, the Mental Health Division works in partnership with community-based agencies and school districts in the provision of such services and supports; and

WHEREAS, pursuant to the City of Berkeley's Mental Health Services Act State approved Prevention and Early Intervention Plan, funds are to be allocated to support the successful implementation of trauma supports for underserved populations; and

WHEREAS, on December 7, 2010, by Resolution No. 65,525-N.S., City Council authorized a contract with Berkeley Unified School District in the amount of \$55,000 for the "Building Effective Schools Together" program for the term December 8, 2010 through June 30, 2011; and

WHEREAS, on February 14, 2012 by Resolution No. 65,598-N.S., City Council authorized a contract with Berkeley Unified School District in the amount of \$55,000 for the term February 15, 2012 through June 30, 2012; and

WHEREAS, on June 12, 2012 by Resolution No. 65,766-N.S., City Council authorized a contract amendment to contract 8975 with Berkeley Unified School District to increase the amount by \$35,000 for a total contract amount not to exceed \$90,000 and to extend the term to June 30, 2013; and

WHEREAS, on May 7, 2013 by Resolution No. 66,114-N.S., City Council authorized a contract amendment to contract 8975A with Berkeley Unified School District to increase the amount by \$35,000 for a total contract amount not to exceed \$125,000 and to extend the term to June 30, 2014; and

WHEREAS, on June 24, 2014 by Resolution No. 66,677-N.S., City Council authorized a contract amendment to contract 8975B with Berkeley Unified School District to increase the amount by \$35,000 for a total contract amount not to exceed \$160,000 and to extend the term to June 30, 2015; and

WHEREAS, on June 30, 2015 by Resolution No. 67,123-N.S., City Council authorized a contract amendment to contract 8975C with Berkeley Unified School District to increase

the amount by \$55,000 for a total contract amount not to exceed \$215,000 and to extend the term to June 30, 2016; and

WHEREAS, on June 28, 2016 by Resolution No. 67,561 -N.S., City Council authorized a contract amendment to contract 8975D with Berkeley Unified School District to increase the amount by \$55,000 for a total contract amount not to exceed \$270,000 and to extend the term to June 30, 2017; and

WHEREAS, on July 25, 2017 by Resolution No. 68,106 -N.S., City Council authorized a contract amendment to contract 8975E with Berkeley Unified School District to increase the amount by \$55,000 for a total contract amount not to exceed \$325,000 and to extend the term to June 30, 2018; and

WHEREAS, on October 30, 2018 by Resolution No. 68,646 -N.S., City Council authorized a contract amendment to contract 8975F with Berkeley Unified School District to increase the amount by \$55,000 for a total contract amount not to exceed \$380,000 and to extend the term to June 30, 2019; and

WHEREAS, City Council action is required to authorize advances for select community agencies receiving funds in FY2020. The advances are to be equivalent to 25% of the agency's allocation.

WHEREAS, funds are available in the FY20 budget in the Mental Health Services Act Fund, Mental Health Services Act Fund Account #: 315-51-503-526-2016-000-451-636110, and the contract has been entered into the citywide contracts database and assigned CMS No. JK4EX; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute an amendment to Contract No. 8975G with Berkeley Unified School District to provide mental health services and supports to elementary school aged children who are suffering from the impact of trauma, and/or other life stressors, to increase the amount by \$55,000 for a total contract amount not to exceed \$435,000, to provide an advance for FY20 funds and to extend the term to June 30, 2020. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

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

CONTRACT NO. 9553E AMENDMENT: COVENANT HOUSE CALIFORNIA-YEAH!  
PROGRAM FOR SERVICES AND SUPPORTS FOR TRANSITION AGE YOUTH

WHEREAS, the City's Department of Health, Housing & Community Services, Mental Health Division, currently receives Mental Health Services Act Community Services and Supports funds on an annual basis to provide mental health services and supports to seriously emotionally disturbed children, and severely mentally ill transition age youth, adults, and older adults; and

WHEREAS, the Mental Health Division works in partnership with community-based agencies and school districts in the provision of such services and supports; and

WHEREAS, pursuant to issued requests for proposals (Specification No. 07-10176-C) for the provision of mental health services and supports to severely mentally ill transition aged youth who are homeless and not currently receiving services, Youth Engagement Advocacy Housing, submitted a proposal and was determined to be the best responsible bidder; and

WHEREAS, on June 12, 2007 by Resolution No. 63,717-N.S., the City Council authorized Contract No. 7338 with Youth Engagement Advocacy Housing, with the Lutheran Church of the Cross acting as fiscal agent, for the provision of mental health services and supports for transition age youth in an amount not to exceed \$102,917 for the period June 1, 2007 through June 30, 2008 with the option to renew annually with eligible Consumer Price Index adjustments for up to two additional years through June 30, 2010 contingent upon satisfactory contract performance and the availability of external funding; and

WHEREAS, on June 16, 2008 by Resolution No. 63,717-N.S., Contract No. 7339 with Youth Engagement Assistance Housing was amended to increase the amount by \$101,768 for a total contract amount not to exceed \$204,685, and to extend the term to June 30, 2009; and

WHEREAS, on June 18, 2009 by Resolution No. 63, 717-N.S., Contract No. 7338 with Youth Engagement Advocacy Housing was amended to increase the amount by \$101,768 for a total contract amount not to exceed \$306,453, and to extend the term to June 30,2010; and

WHEREAS, Contract No. 7338 expired June 30, 2010; and

WHEREAS, on July 13, 2010, by Resolution No. 64,978-N.S., the City Council authorized the City Manager to execute Contract 8439 with Youth Engagement Advocacy Housing, to continue the provision of support services for transition age youth with serious mental

health issues who are homeless and not currently receiving services in an amount not to exceed \$101,768 for the period July 1, 2010 through June 30, 2011; and

WHEREAS, on June 28, 2011 by Resolution No. 65,344-N.S., the City Council authorized the City manager to execute an amendment to Contract No. 8439 with Youth Engagement Advocacy Housing, to increase the amount by \$101,768 for a total contract amount not to exceed \$203,536, and to extend the term to June 30, 2012; and

WHEREAS, on June 12, 2012 by Resolution No. 65-765-N.S., the City Council authorized the City Manager to execute an amendment to Contract No. 8439 with Youth Engagement Advocacy Housing, to increase the amount by \$101,768 for a total contract amount not to exceed \$305,304, and to extend the term to June 30, 2013; and

WHEREAS, on May 7, 2013 by Resolution No. 66,108-N.S., the City Council authorized the City Manager to execute an amendment to Contract No. 8439 with Youth Engagement Advocacy Housing, to increase the amount by \$25,442 for a total contract amount not to exceed \$330,746 and to extend the term to September 30, 2013; and

WHEREAS, in May 2013, the City re-issued a request for proposals for the provision of mental health services and supports for severely mentally ill transition age youth, in order to allow other providers an opportunity to compete for these funds and to ensure that the dollars are allocated to the services most likely to benefit the target population; and

WHEREAS, pursuant to the Request for Proposals (Specification No. 13-10759-C) for the provision of mental health services and supports to severely mentally ill transition age youth, Youth Engagement Advocacy Housing was the only bidder that submitted a proposal and was determined to have the capabilities and expertise to provide the services; and

WHEREAS, on July 16, 2013 by Resolution No. 66,258-N.S., the City Council authorized the City Manager to execute an amendment to Contract No. 8439 with Youth Engagement Advocacy Housing, to increase the amount by \$76,326 and to extend the term to June 30, 2014; and

WHEREAS, before the contract amendment was executed Contract No. 8439 expired and a new contract with Youth Engagement Advocacy Housing was created and given Contract No. 9553 for a not to exceed amount of \$76,326 to provide mental health services and supports for transition age youth through June 30,2014; and

WHEREAS, on June 24, 2014 by Resolution No. 66,671-N.S., the City Council authorized the City Manager to execute an amendment to Contract No. 9553 with Youth Engagement Advocacy Housing, to increase the amount by \$101,768 and to extend the term to June 30, 2015; and

WHEREAS, on June 30, 2015 by Resolution No. 67,116-N.S., the City Council authorized the City Manager to execute an amendment to Contract No. 9553A with Youth Engagement Advocacy Housing, to increase the amount by \$101,768 and to extend the term to June 30, 2016; and

WHEREAS, on June 28, 2016 by Resolution No. 67,562-N.S., the City Council authorized the City Manager to execute an amendment to Contract No. 9553B with Youth Engagement Advocacy Housing, to increase the amount by \$106,856 and to extend the term to June 30, 2017; and

WHEREAS, on July 25, 2017 by Resolution No. 68,107-N.S., the City Council authorized the City Manager to execute an amendment to Contract No. 9553C with Covenant House California-YEAH! Program, to increase the amount by \$122,856 for a contract amount not to exceed \$509,574 and to extend the term to June 30, 2018; and

WHEREAS, on October 30, 2018 by Resolution No. 68,647-N.S., the City Council authorized the City Manager to execute an amendment to Contract No. 9553D with Covenant House California-YEAH! Program, to increase the amount by \$122,856 for a contract amount not to exceed \$632,430 and to extend the term to June 30, 2019; and

WHEREAS, City Council action is required to authorize advances for select community agencies receiving funds in FY2020. The advances are to be equivalent to 25% of the agency's allocation.

WHEREAS, funds are available in the FY20 budget in the Mental Health Services Act Fund, from Mental Health Services Act Fund Account #: 315-51-503-526-2017-000-451-636110, and the contract has been entered into the citywide contracts database and assigned CMS No. YZHZ1; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute an amendment to Contract No. 9553E with Covenant House California-YEAH! Program to provide mental health services and supports to severely mentally ill transition age youth who are homeless and not currently receiving services, to increase the amount by \$122,856, for a total contract amount not to exceed \$755,286, to provide an advance for FY20 funds and to extend the term to June 30, 2020. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.







Office of the City Manager

CONSENT CALENDAR  
July 23, 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: AMCS for Zero Waste Management Software System

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with AMCS for software hosting, implementation, maintenance and related services for a Zero Waste Management Software System for an amount not to exceed \$1,363,735 for the period commencing on July 24, 2019 through June 30, 2024.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this recommendation for FY 2020 and FY 2021 in the amount of \$450,000 will be provided by FUNDS replacement fund and the remaining \$303,790 will be funded by Public Works Department as itemized below. Spending for this contract and related amendments for ongoing software licensing, maintenance and support in future fiscal years is subject to Council’s approval of the proposed citywide budget and annual appropriation ordinances.

- \$347,160 FY 2020: Professional Services  
Budget Code: 503-35-362-376-0000-000-412-612990 (\$347,160)  
(FUNDS Replacement, IT, Enterprise Services, Professional Services)
- \$203,315 FY 2020: Hosting / Managed Services Fees  
Budget Code: 503-35-362-376-0000-000-412-612990 (\$102,840)  
(FUNDS Replacement, IT, Enterprise Services, Professional Services)  
Budget Code: 601-54-627-731-0000-000-472-612990- (\$100,475)  
(Public Works Zero Waste Administration)
- \$203,315 FY 2021: Hosting / Managed Services Fees  
Budget Code: 601-54-627-731-0000-000-472-612990-  
(Public Works Zero Waste Administration)
- \$609,945 FY 2022 Thru FY 2024: Hosting / Managed Services Fees  
Budget Code: 601-54-627-731-0000-000-472-612990-  
(Public Works Zero Waste Administration)

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**\$1,363,735 Total FY 2020 through 2024: Software Hosting, Implementation Professional Services and Hosting / Managed Service****CURRENT SITUATION AND ITS EFFECTS**

The City's current Zero Waste Management System is the FUND\$ Zero Waste Billing and Work Order system. Due to inadequacies of the FUND\$ work order system, Zero Waste is also using the Lagan CRM system as a makeshift work order system. This hodgepodge of systems is antiquated and inadequate to perform the necessary functions required by modern day Zero Waste operations. These systems are not integrated, lack digital field communications, and cannot provide effective fiscal management and data analytics typically offered by a modern Zero Waste Management software system. The current situation has led to inefficiencies in business workflow, delayed community response times, and limited reporting and analysis required to manage City refuse, recycling, and organics collection effectively.

On October 18, 2018, the City issued Request for Proposals (RFP) #19-11261-C for an improved Zero Waste Management Systems based upon business analysis completed by the Departments Public Works, Finance, and Information Technology in partnership with ThirdWave Corporation.

The City received one (1) response to the Zero Waste Management Systems RFP by the December 06, 2018 deadline. A committee of staff from the Public Works, Finance, and Information Technology departments conducted a comprehensive evaluation process that included proposal review, multiple vendor demonstrations, and reference checks. After a thorough review, staff selected AMCS as having a comprehensive, user-responsive, and effective solution for the City's current and future Zero Waste billing and work order system needs.

The Zero Waste Management System software is a Strategic Plan Priority Project, advancing our goal to provide an efficient and financially-healthy City government.

**BACKGROUND**

The City Zero Waste division operates a Transfer Station that services the entire City for both residential and commercial waste, recycling (excluding residential which is done by Ecology Center), and organics. Additionally, the Transfer station accepts waste, recycling, and organics from 400+ daily customers at the Transfer Station. The Zero Waste division has a fleet of 32 trucks that service the Berkeley community.

Since 1991, the City has used the SunGard Public Sector (formerly HTE) solution for Zero Waste billing and work orders. The SunGard system (a.k.a. FUND\$) runs on an IBM iSeries server and utilizes a legacy 5250 green screen user interface. The system is

keyed entry menus compared to modern point and click software. Beyond its interface impediments, FUND\$ lacks many of the advanced processing, reporting, data analysis, and granular security features that are readily available in newer software packages. The City has made 2,000 customizations to the product, including using water billing functions for refuse billing. As such, it requires heavy support from information technology staff to maintain the system.

In February 2018, the City contracted with the ThirdWave Corporation for a review of its current Public Works processes and service delivery, and for identification of areas for improvement and recommended business process changes. Discussions with ThirdWave included organizational and functional scope, as well as the development of functional requirements the City should seek in a Zero Waste Management software. From these analysis sessions, an RFP was produced and released on October 18, 2018 for a new Zero Waste Management System.

#### ENVIRONMENTAL SUSTAINABILITY

An improved system, with greater efficiency, will lessen the number of trips field employees have to visit a site to address an issue which reduces greenhouse gas emissions associated with travel time. This supports the reduction of carbon footprint and the goals of the City's Climate Action Plan. Further, the mobile application capability of the new Zero Waste Management System will eliminate the use of paper currently being used by virtually all field staff thus working towards the City's goal of achieving zero waste to landfills by 2020.

#### RATIONALE FOR RECOMMENDATION

Staff recommends AMCS for the new Zero Waste Management Software solution for the City's Zero Waste division as it best fits the requirements of the City and it scored high in the evaluation criteria outlined in the RFP and demonstrations. The AMCS Solution consists of the functionality that best meets the City's requirement. Furthermore, the reference checks reinforced AMCS's ability to deliver a quality Zero Waste Management Software solution on time and within budget.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff considered staying with the existing systems, however, this is not recommended due to the inherent technical limitations and inadequacies of the existing FUND\$ Zero Waste billing and work order modules.

#### CONTACT PERSON

Savita Chaudhary, Director, Information Technology, 510.981.6541

Attachments:

1: Resolution

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

CONTRACT: AMCS FOR ZERO WASTE MANAGEMENT SOFTWARE SYSTEM

WHEREAS, the current Zero Waste Billing and Work Order modules are within the antiquated FUND\$ system that cannot meet the current business requirements of the organization; and

WHEREAS, the City of Berkeley has identified the need to improve the efficiency of its Zero Waste Billing and Work Order processes; and

WHEREAS, the City of Berkeley desires to procure a Commercial Off-the-Shelf "Turnkey" system to handle Zero Waste Billing and Work Order processes; and

WHEREAS, on October 18, 2018, the City of Berkeley issued Request for Proposal No. 19-11261-C for Zero Waste Management Systems and received one (1) response; and

WHEREAS, in response to the City's Request for Proposal, vendor AMCS responded with a proposal that meets and in some areas exceeds the City's requirements; and

WHEREAS, funding for this recommendation for FY 2020 and FY2021 in the amount of \$450,000 will be provided by FUND\$ replacement fund and the remaining \$303,790 will be funded by Public Works Department and spending for this contract and related amendments in future fiscal years is subject to Council's approval of the proposed city-wide budget and annual appropriation ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract and subsequent amendments with AMCS for software hosting, implementation, maintenance and related services for a Zero Waste Management System, for an amount not to exceed \$1,363,735 for the projected period commencing on July 24, 2019 through June 30, 2024.



Office of the City Manager

CONSENT CALENDAR  
July 23, 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: Assetworks for Fleet Management Software & Implementation Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with Assetworks for software hosting, implementation, maintenance and related services for a Fleet Management Software, for an amount not to exceed \$487,249 for the projected period commencing on July 24, 2019 through June 30, 2024.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this recommendation for FY2020 and FY 2021 in the amount of \$250,000 will be provided by FUND\$ replacement fund and the remaining \$237,249 will be funded by the Public Works Department as itemized below. Spending for this contract and related amendments for ongoing software licensing, maintenance and support in future fiscal years is subject to Council’s approval of the proposed citywide budget and annual appropriation ordinances.

\$254,110	FY 2020: Professional Services
	Budget Code: 503-35-362-376-0000-000-412-612990- (\$250,000) (FUND\$ Replacement, IT, Enterprise Services, Professional Services)
	Budget Code: 672-54-626-722-0000-000-472-613130- (\$4,110) (Tech SVCS – Software Maint)
\$54,980	FY 2020: Software Licensing Fees
	Budget Code: 672-54-626-722-0000-000-472-613130- (Tech SVCS – Software Maint)
\$12,152	FY 2021: Software Maintenance and Fees
	Budget Code: 672-54-626-722-0000-000-472-613130- (Tech SVCS – Software Maint)

\$23,479.80	FY 2021: Hosting / Managed Services Fees
	Budget Code: 672-54-626-722-0000-000-472-613130- (Tech SVCS – Software Maint)
\$48,608	FY 2022 Thru FY 2024: Software Maintenance and Fees
	Budget Code: 672-54-626-722-0000-000-472-613130- (Tech SVCS – Software Maint)
\$93,919.20	FY 2022 Thru FY 2024: Hosting / Managed Services Fees
	Budget Code: 672-54-626-722-0000-000-472-613130- (Tech SVCS – Software Maint)
<b>\$487,249</b>	<b>Total FY 2020 through 2024: Software Hosting, Implementation Professional Services and Software Maintenance</b>

CURRENT SITUATION AND ITS EFFECTS

The City’s current Fleet Management System is a module out of the antiquated FUNDS\$ system and approaching 30 years in age. Due to the inadequacy of the system, all work orders are paper-based; there is no work order history; if a work order paper is lost, so will the revenue; staff cannot proactively schedule a vehicle in for preventative maintenance nor can staff properly plan for replacement of vehicles as there is no way to accurately track replacement funds. Furthermore, the system cannot properly integrate with other systems such as parts inventory, fuel management, and more innovative systems like GPS-Telematics. These system limitations have led to increased costs, inefficient use of staff time, awkward business workflows, and an inability for the City to effectively manage its Fleet. A new, modern software system will address these issues.

On October 19, 2018, the City issued Request for Proposals (RFP) #19-11260-C for an improved Fleet Management Software based upon business analysis completed by the Departments of Information Technology and Public Works in partnership with ThirdWave Corporation.

The City received three (3) responses to the Fleet Management Software & Implementation Services RFP by the December 18, 2018 deadline. A committee of seven staff members from the Public Works and Information Technology departments conducted a comprehensive evaluation process that included proposal reviews, vendor demonstrations, and reference calls. Staff selected Assetworks as the most comprehensive, user responsive, and effective solution for the City’s current and future fleet management needs.

The Fleet Management Software is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

### BACKGROUND

The City has approximately 700 vehicles and equipment which receive routine maintenance and repair. The Equipment Maintenance division intakes and processes approximately 800 work orders every month. To manage this work, City staff use the Sungard Public Sector solution (FUND\$) as the fleet management solution, originally put in place in 1991. The SunGard system (FUND\$) runs on an IBM iSeries server and utilizes a legacy 5250 green screen user interface. Beyond its interface impediments, FUND\$ lacks many of the advanced processing, reporting, data analysis, and granular security features that are readily available in newer software packages. The City has made 2,000 customizations to the Sungard product. As such, it requires heavy support from Information Technology staff to maintain the system.

The City has identified the replacement of the antiquated FUND\$ system as a City strategic goal; replacing this system with modern, Commercial Off the Shelf (COTS) applications more in line with the business requirements of the organization. The City conducted a more detailed assessment of its systems and processes and determined that a new Fleet Management Software will improve organizational operations, allow for greater integration with current systems, improve reporting and analytics, and allow for the implementation of industry best practices and business process improvements. The City implemented a Digital Strategic Plan in 2016 and the Fleet Management system was identified as a key project for implementation.

In February 2018, the City contracted with the ThirdWave Corporation for a review of its current fleet management processes and service delivery, and for identification of areas for improvement and recommended business process changes. Discussions with ThirdWave included organizational and functional scope, as well as the development of functional requirements the City should seek in a Fleet Management Software.

### ENVIRONMENTAL SUSTAINABILITY

A modern and computerized fleet management system with a mobile application will greatly reduce the City's use of paper. This supports the reduction of carbon footprint and the goals of the City's Climate Action Plan.

### RATIONALE FOR RECOMMENDATION

Staff recommend Assetworks as it best fits the requirements of the City and it scored the highest in the evaluation criteria outlined in the RFP and demonstrations. Furthermore, the reference checks reinforced Assetworks ability to deliver a quality Fleet Management solution on time and within budget.

### ALTERNATIVE ACTIONS CONSIDERED

Staff considered staying with the existing system, however, this is not recommended due to the inherent technical limitations and inadequacies of the existing FUND\$ and paper based system.

CONTACT PERSON

Savita Chaudhary, Director, Information Technology, 510.981.6541

Attachment:

1. Resolution



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

CONTRACT: ASSEWORKS FOR A FLEET MANAGEMENT SOFTWARE &  
IMPLEMENTATION SERVICES

WHEREAS, the current Fleet Management system is a module within the antiquated FUND\$ system that cannot meet the current business requirements of the organization; and

WHEREAS, the City of Berkeley desires to procure a Commercial Off-the-Shelf “Turnkey” system to handle fleet management; and

WHEREAS, on October 19, 2018, the City of Berkeley issued Request for Proposal No. 19-11260-C for an improved fleet management software & implementation services and received 3 responding bidders; and

WHEREAS, in response to the City’s Request for Proposal, Assetworks responded with a proposal that was rated higher than responses submitted by competing vendors; and

WHEREAS, funding for this recommendation for FY2020 and FY 2021 in the amount of \$250,000 will be provided by FUND\$ replacement fund and the remaining \$237,249 will be funded by Public Works Department and spending for this contract and related amendments in future fiscal years is subject to Council’s approval of the proposed city-wide budget and annual appropriation ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract with Assetworks for a Fleet Management software and related implementation services, for an amount not to exceed \$487,249 for the projected period commencing on July 24, 2019 through June 30, 2024.





Office of the City Manager

CONSENT CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Savita Chaudhary, Director, Department of Information Technology  
Subject: Contract Amendment 11005: Communication Strategies for Consulting Services for Voice over IP (VoIP) Support and Maintenance

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend a contract with Communication Strategies for Consulting Services for developing requirements and conducting needs assessment for Voice over IP (VoIP) Support and Maintenance, increasing the contract amount by \$42,216 for a total not-to-exceed amount of \$76,811 from July 1, 2017 to June 30, 2020.

FISCAL IMPACTS OF RECOMMENDATION

Funds for consulting services will be available in the Department of Information Technology's Fiscal Year (FY) 2020 budget:

*FY 2020: Consulting Services*  
\$42,216 Budget Code: 680-35-363-380-0000-000-472-612990-  
(IT Cost Allocation, Information Technology, Professional Services)

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**\$42,216 Total FY 2020: Professional Services**

CURRENT SITUATION AND ITS EFFECTS

The City implemented its Voice over IP (VoIP) phone system in 2013, and the original implementation vendor has been responsible for annual support and maintenance since then. Since 2013, support and maintenance costs have gone up and we are in need of upgrading portions of the VoIP phone system infrastructure. Communication Strategies will assist us with developing the requirements for the Request for Proposals and review the proposals to select a VoIP support and maintenance vendor who can also assist with phone system infrastructure upgrades to keep us up to date with the latest versions and include training for our staff for ongoing support.

Bringing in an outside consultant with expertise in the voice and IT communications field will help ensure that we include all of the requirements to select a competent vendor

capable of continuing the support and maintenance of our phone system, and assisting with the necessary infrastructure upgrades to maintain the phone system until we plan for its replacement.

The ongoing maintenance and support of the VoIP phone system is critical to advancing our City's strategic goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

#### BACKGROUND

In August 2013, the City implemented the VoIP system across the downtown campus, including City Hall, 1947 Center Street, the Public Safety Building, the Rent Board, and the Corpyard. Throughout the rest of 2013 and 2014, the City completed infrastructure and bandwidth upgrades at all remote locations, to support VoIP phones at all remote locations.

In October 2018, the City contracted with Communication Strategies for consulting services to do analysis of landline billing and develop a Telecommunication Fund. This resulted in annual savings of \$12,000 for the landline billing and resulted in an improved inventory of all telecommunication circuits for the City. In June 2019, the original contract with Communication Strategies amended to include analysis of cellular billing in addition to the landline billing. This effort is currently in progress.

In June 2019, the City renewed phone system support and maintenance with its current support vendor intending to publish an RFP in Fiscal Year 2020 to have a new support vendor in place by Fiscal Year 2021.

#### ENVIRONMENTAL SUSTAINABILITY

Communication Strategies will be able to conduct the majority of their work remotely, limiting greenhouse gas emissions associated with travel time to and from City offices for on-site meetings.

#### RATIONALE FOR RECOMMENDATION

Communication Strategies was established in 1987 and is one of the most experienced and well-respected voice and IT communications consulting companies in California, specializing in enterprise and government consulting services.

The Department of Information Technology (DoIT) also has direct experience with Communication Strategies, working with them on developing a telecommunications fund between 2018 and 2019. Communication Strategies has proven to be knowledgeable and competent in the field of communications, and presented themselves as a good fit for this project as well.

#### ALTERNATIVE ACTIONS CONSIDERED

Given the critical nature of the citywide phone system as a core communication tool between City staff and the Berkeley community and given the need for a perspective broader than the specific system, staff decided to work with an expert in the voice and IT communications field to assist with this process.

CONTACT PERSON

Savita Chaudhary, Director, Department of Information Technology, 981-6525

Attachments:

1: Resolution

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

CONTRACT AMENDMENT: COMMUNICATION STRATEGIES FOR CONSULTING SERVICES FOR VOICE OVER IP (VOIP) SUPPORT AND MAINTENANCE

WHEREAS, The City's Voice over IP (VoIP) phone system is a critical communications tool between City staff and the Berkeley community; and

WHEREAS, the current VoIP phone system has been in place since 2013 and is in need up infrastructure upgrades; and

WHEREAS, the City plans to publish an RFP for ongoing phone system support and maintenance, as well as infrastructure upgrades and training; and

WHEREAS, Communication Strategies is an expert in the voice and IT communications field; and

WHEREAS, funds for consulting services will be available in the Department of Information Technology's Fiscal Year (FY) 2020 Cost Allocation Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend a contract with Communication Strategies for Consulting Services for Voice over IP (VoIP) Support and Maintenance, increasing the contract amount by \$42,216 for a total not-to-exceed amount of \$76,811 from July 1, 2017 to June 30, 2020.



Office of the City Manager

CONSENT CALENDAR  
July 23, 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: Special Use Permit for Berkeley Tuolumne Camp

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a Special Use Permit, and any amendments thereto, with the United States Forest Service to construct, operate, maintain, and improve Berkeley Tuolumne Camp located in the Stanislaus National Forest for a period of thirty years.

FISCAL IMPACTS OF RECOMMENDATION

The United States Forest Service (USFS) Special Use Permit requires that the City pay an annual fee to the USFS based on a formula that takes into consideration the current market value of the land and buildings, reduced by the portion of the camp that is used by at-risk youth, disabled persons, or organized youth programs. These fees will be paid for from the Camps Fund.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley has operated Berkeley Tuolumne Camp, which is located on USFS property in Tuolumne County, since 1922. In August 2013, the California Rim Fire destroyed the Berkeley Tuolumne Camp (BTC). Reconstruction of BTC requires a new Special Use Permit reflecting the reconstruction of BTC to modern code and safety standards. Council authorized the City to apply for a new 30-year term Special Use Permit on October 6, 2015 (Resolution No. 67,226-N.S.).

The USFS has accepted the City's application, and completed its environmental review and approvals for the reconstruction of BTC. The USFS has offered the City a new Special Use Permit that authorizes the City to reconstruct, operate, maintain and improve Berkeley Tuolumne Camp for a thirty-year term. Council authorization is required in order for the City to execute the new permit.

ENVIRONMENTAL SUSTAINABILITY

The City approved the Berkeley Tuolumne Camp CEQA documents on January 22, 2019. The United States Forest Service issued its final NEPA documents on June 11, 2019.

The construction of the Berkeley Tuolumne Camp facilities will demonstrate appropriate restoration of forest landscapes in order to achieve sustainable riverine and upland ecosystems that provide a broad range of benefits to humans and the ecosystem. All construction activities will implement Best Management Practices (BMPs) to encourage biodiversity, preserve resources, and maintain riparian and other natural habitats. Revegetation and reforestation activities will emphasize enhancing native vegetative cover, minimizing exposed bare soil and erosion. This project will comply with the City's Climate Action Plan in the following ways: increased energy efficiency in public buildings, and providing a public resource for community outreach and empowerment.

RATIONALE FOR RECOMMENDATION

Execution of a new USFS Special Use Permit is required to reconstruct and operate Berkeley Tuolumne Camp.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, PRW, 981-6700

Liza McNulty, Project Manager, PRW, 981-6437

Attachments:

1: Resolution



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

AUTHORIZING THE CITY MANAGER TO EXECUTE A SPECIAL USE PERMIT WITH THE UNITED STATES FOREST SERVICE TO CONSTRUCT, OPERATE, MAINTAIN, AND IMPROVE BERKELEY TUOLUMNE CAMP LOCATED IN THE STANISLAUS NATIONAL FOREST FOR A PERIOD OF THIRTY YEARS

WHEREAS, the City has operated the Berkeley Tuolumne Camp, a residential family camp, since 1922 on United States Forest Service land pursuant to a special use permit; and

WHEREAS, in August 2013, the Berkeley Tuolumne Camp was destroyed by the California Rim Fire; and

WHEREAS, a new Special Use Permit is required to allow the City to reconstruct Berkeley Tuolumne Camp to meet current code and safety requirements; and

WHEREAS, Council authorization is required in order for the City to execute the new permit agreement; and

WHEREAS, the new Special Use Permit requires the City to pay an annual fee to the United States Forest Service based on a formula that takes into consideration the current market value of the land and buildings, reduced by the portion of the camp that is used by at-risk youth, disabled persons, or organized youth programs.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a Special Use Permit, and any amendments thereto, with the United States Forest Service to construct, operate, maintain and improve the Berkeley Tuolumne Camp located in the Stanislaus Nation Forest for a period of thirty years.





Office of the City Manager

CONSENT CALENDAR  
July 23, 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: Left Coast Land Clearing for Berkeley Tuolumne Camp Sun City Hazard Mitigation

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Left Coast Land Clearing in an amount not to exceed \$365,000 to provide hazard mitigation services for the Berkeley Tuolumne Camp Sun City Project for the period July 24, 2019 through July 24, 2020.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the contract are available in the Camps Fund. The \$365,000 project budget will be included in the first amendment to FY20 Annual Appropriations Ordinance and budgeted in the Camps Fund budget code 125-52-543-583-0000-000-461-612990.

The cost of this this contract is covered by a combination of expected insurance payments (partially received), expected FEMA/CalOES grant payments, and City Reserve Funds (authorized on April 4, 2017, Resolution No. 67,889-N.S.).

CURRENT SITUATION AND ITS EFFECTS

In August 2013, the California Rim Fire destroyed the Berkeley Tuolumne Camp (BTC), a residential family camp located within the Stanislaus National Forest.

Since the Rim Fire, the City has worked in partnership with the U.S. Forest Service and Tuolumne County to stabilize and remove debris and hazardous trees from the site, to develop design documents for reconstruction, to complete National Environmental Protection Act (NEPA) and California Environmental Quality Act (CEQA) compliance, and to apply for a Special Use Permit which authorizes the re-building of Berkeley Tuolumne Camp. It is anticipated the BTC reconstruction will begin in Spring, 2020. Hazardous trees, downed logs, and remnant structures remain on the site. These hazards must be mitigated before BTC reconstruction can begin.

This contract will mitigate hazard conditions at the 'Sun City' area of Berkeley Tuolumne Camp, including removal of hazardous and burned trees and remnant structures. Because the work at Sun City area involves additional cultural mitigation and monitoring

requirements, the U.S. Forest Service requested that this work be done under separate contract.

### BACKGROUND

Berkeley Tuolumne Camp, established in 1922, is a 15-acre property operated under a Special Use Permit with the US Forest Service (USFS). The camp has served primarily as a family camp, but also offered teen leadership programs, adult hiking camps, and private group rental opportunities. Prior to the fire, BTC had the capacity to host approximately 280 campers, 60 staff members, and 10 counselors-in-training at one time, and served over 4,000 campers each year. The major facilities at the Camp included a Dining Hall; a Recreation Hall, 77 small single-story wood-frame camper tent cabins; staff cabins; maintenance and storage structures; a bridge across the river; parking and loading areas, and electric, water supply, and wastewater utilities.

In August of 2013, the Rim Fire destroyed Berkeley Tuolumne Camp (BTC) and in December was declared a federal disaster. The majority of structures at BTC were destroyed by the fire. The property was covered by the City's insurance policy, and insurance proceeds will be the primary source of reconstruction funds. The City has also been awarded a Public Assistance Grant from the Federal Emergency Management Agency (FEMA) and California Office of Emergency Services (CalOES) to partially fund reconstruction.

Since the fire, the City has been working closely with the USFS to complete an updated master plan in order to rebuild Camp. On June 11, 2019, USFS completed its environmental review and finding of no significant impact for the Berkeley Tuolumne Camp Project.

The total cost estimate for the Berkeley Tuolumne Camp Rebuild Project is \$60M. This cost will be covered by insurance, FEMA and state grant funding, and City funds. On April 4, 2017, City Council allocated \$3.3M of City funds from the Catastrophic Reserve to fund the City cost share of the reconstruction project (Resolution No. 67,889-N.S.). The City currently anticipates beginning construction in 2020, with a goal to re-open camp in 2022. Prior to construction, hazardous conditions at the Project site must be mitigated. The 'Sun City' area of Berkeley Tuolumne Camp contains sensitive resources that must be protected during hazard mitigation activities. Due to these special circumstances, the City isolated the hazard mitigation work required at Sun City from the Camp-wide hazard mitigation work.

On May 10, 2019 the City issued a request for proposals for Sun City Hazard Mitigation at Berkeley Tuolumne Camp (Spec No. 19-11334). The City received one proposal. The selection panel has determined that Left Coast Land Clearing is well-suited to meet the City's needs for this Project.

### ENVIRONMENTAL SUSTAINABILITY

The City approved the Project CEQA documents on January 22, 2019. The United States Forest Service issued its final NEPA documents on June 11, 2019.

This Project will implement Best Management Practices (BMPs) to encourage biodiversity, preserve resources, and maintain riparian and other natural habitats while mitigating hazardous conditions.

RATIONALE FOR RECOMMENDATION

After reviewing the Left Coast Land Clearing proposal and conducting reference checks and cost reasonableness analysis, the selection panel determined that Left Coast Land Clearing is well-suited for the City's needs. Staff therefore recommends Council approval of a contract with Left Coast Last Clearing for the Sun City Hazard Mitigation at Berkeley Tuolumne Camp Project.

ALTERNATIVE ACTIONS CONSIDERED

The City does not have the expertise required to complete the tasks covered by this contract. Therefore no alternative actions were considered.

CONTACT PERSON

Scott Ferris, Director, PRW, 981-6700  
Liza McNulty, Project Manager, PRW, 981-6437

Attachments:  
1: Resolution

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

CONTRACT: LEFT COAST LAND CLEARING FOR BERKELEY TUOLUMNE CAMP  
SUN CITY HAZARD MITIGATION

WHEREAS, the City operated the Berkeley Tuolumne Camp, a residential family camp, since 1922 on United States Forest Service land pursuant to a special use permit; and

WHEREAS, in August 2013, the Berkeley Tuolumne Camp was destroyed by the California Rim Fire; and

WHEREAS, on March 2, 2015, the U.S. Forest Service formally accepted the City's conceptual proposal to rebuild Berkeley Tuolumne Camp; and

WHEREAS, on June 11, 2019, the U.S. Forest Service formally completed environmental review and finding of no significant impacts for the Berkeley Tuolumne Camp Project; and

WHEREAS, on May 15, 2019 the City issued a Request for Proposals for hazard mitigation services for the Sun City Berkeley Tuolumne Camp Project (Spec No. 19-11334) and after conducting reference checks the selection panel determined Left Coast Land Clearing is well-suited for the City's needs; and

WHEREAS, funds are available in the Camps Fund, and \$365,000 will be included in the first amendment to FY20 Annual Appropriations Ordinance and budgeted in the Camps Fund (budget code 125-52-543-583-0000-000-461-612990 PRWEM14001);

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract and any amendments with Left Coast Land Clearing in an amount not to exceed \$365,000 for hazard mitigation services for the Sun City Berkeley Tuolumne Camp Project for the period July 24, 2019 through July 24, 2020. 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  
July 23, 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: Leslie Heavy Haul, LLC for Berkeley Tuolumne Camp Tree Hazard Mitigation

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Leslie Heavy Haul, LLC in an amount not to exceed \$584,354 to provide tree hazard mitigation services for the Berkeley Tuolumne Camp Project for the period July 24, 2019 through July 24, 2020.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the contract are available in the Camps Fund. The \$584,354 for the project budget will be included in the first amendment to FY20 Annual Appropriations Ordinance and budgeted in the Camps Fund budget code 125-52-543-583-0000-000-461-612990.

The cost of this this contract is covered by a combination of expected insurance payments (partially received), expected FEMA/CalOES grant payments, and City Reserve Funds (authorized on April 4, 2017, Resolution No. 67,889-N.S.).

CURRENT SITUATION AND ITS EFFECTS

In August 2013, the California Rim Fire destroyed the Berkeley Tuolumne Camp (BTC), a residential family camp located within the Stanislaus National Forest.

Since the Rim Fire, the City has worked in partnership with the U.S. Forest Service and Tuolumne County to stabilize and remove debris and hazardous trees from the site, to develop design documents for reconstruction, to complete National Environmental Protection Act (NEPA) and California Environmental Quality Act (CEQA) compliance, and to apply for a Special Use Permit which authorizes the re-building of Berkeley Tuolumne Camp. It is anticipated the BTC reconstruction will begin in Spring, 2020. Hazardous trees and downed logs remain on the site. These hazards must be mitigated before BTC reconstruction can begin.

This contract will remove dead, dying and hazardous trees, conduct hazard mitigation tree pruning work, and removed downed logs and wood debris on site; all work that must be completed prior to reconstruction work occurring.

### BACKGROUND

Berkeley Tuolumne Camp, established in 1922, is a 15-acre property operated under a Special Use Permit with the US Forest Service (USFS). The camp has served primarily as a family camp, but also offered teen leadership programs, adult hiking camps, and private group rental opportunities. Prior to the fire, BTC had the capacity to host approximately 280 campers, 60 staff members, and 10 counselors-in-training at one time, and served over 4,000 campers each year. The major facilities at the Camp included a Dining Hall; a Recreation Hall, 77 small single-story wood-frame camper tent cabins; staff cabins; maintenance and storage structures; a bridge across the river; parking and loading areas, and electric, water supply, and wastewater utilities.

In August of 2013, the Rim Fire destroyed Berkeley Tuolumne Camp (BTC) and in December was declared a federal disaster. The majority of structures at BTC were destroyed by the fire. The property was covered by the City's insurance policy, and insurance proceeds will be the primary source of reconstruction funds. The City has also been awarded a Public Assistance Grant from the Federal Emergency Management Agency (FEMA) and California Office of Emergency Services (CalOES) to partially fund reconstruction.

Since the fire, the City has been working closely with the USFS to complete an updated master plan in order to rebuild Camp. On June 11, 2019, USFS completed its environmental review and finding of no significant impact for the Berkeley Tuolumne Camp Project.

The total cost estimate for the Berkeley Tuolumne Camp Rebuild Project is \$60M. This cost will be covered by insurance, FEMA and state grant funding, and City funds. On April 4, 2017, City Council allocated \$3.3M of City funds from the Catastrophic Reserve to fund the City cost share of the reconstruction project (Resolution No. 67,889-N.S.). The City currently anticipates beginning construction in 2020, with a goal to re-open camp in 2022. Prior to construction, hazardous conditions at the Project site must be mitigated.

On May 15, 2019 the City issued a request for proposals for Tree Hazard Mitigation at Berkeley Tuolumne Camp (Spec No. 18-11238-C). The City received seven proposals, and evaluated written proposals and conducted reference checks. The selection panel identified Leslie Heavy Haul, LLC as the consultant best-suited to meet the City's needs for this Project.

### ENVIRONMENTAL SUSTAINABILITY

The City approved the Project CEQA documents on January 22, 2019. The United States Forest Service issued its final NEPA documents on June 11, 2019.



This Project will implement Best Management Practices (BMPs) to encourage biodiversity, preserve resources, and maintain riparian and other natural habitats while mitigating hazardous conditions.

RATIONALE FOR RECOMMENDATION

After reviewing seven proposals and conducting reference checks, the selection panel identified Leslie Heavy Haul, LLC as the best-suited for the City's needs. Staff therefore recommends Council approval of a contract with Leslie Heavy Haul, LLC for the Tree Hazard Mitigation Project at Berkeley Tuolumne Camp.

ALTERNATIVE ACTIONS CONSIDERED

The City does not have the expertise required to complete the tasks covered by this contract. Therefore no alternative actions were considered.

CONTACT PERSON

Scott Ferris, Director, PRW, 981-6700  
Liza McNulty, Project Manager, PRW, 981-6437

Attachments:

1: Resolution

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

CONTRACT: LESLIE HEAVY HAUL, LLC FOR BERKELEY TUOLUMNE CAMP TREE HAZARD MITIGATION

WHEREAS, the City operated the Berkeley Tuolumne Camp, a residential family camp, since 1922 on United States Forest Service land pursuant to a special use permit; and

WHEREAS, in August 2013, the Berkeley Tuolumne Camp was destroyed by the California Rim Fire; and

WHEREAS, on March 2, 2015, the U.S. Forest Service formally accepted the City's conceptual proposal to rebuild Berkeley Tuolumne Camp; and

WHEREAS, on June 11, 2019, the U.S. Forest Service formally completed environmental review and finding of no significant impacts for the Berkeley Tuolumne Camp Project; and

WHEREAS, on May 15, 2019 the City issued a Request for Proposals for hazard mitigation services for the Tree Berkeley Tuolumne Camp Project (Spec No. 18-11238-C) and after reviewing seven proposals and conducting reference checks the selection panel identified Leslie Heavy Haul, LLC as best-suited for the City's needs; and

WHEREAS, funds are available in the Camps Fund, and \$584,354 will be included in the first amendment to FY20 Annual Appropriations Ordinance and budgeted in the Camps Fund (budget code 125-52-543-583-0000-000-461-612990 PRWEM14001);

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract and any amendments with Leslie Heavy Haul, LLC in an amount not to exceed \$584,354 to provide tree hazard mitigation services for the Berkeley Tuolumne Camp Project for the period July 24, 2019 through July 24, 2020. 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  
July 23, 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: McNabb Construction, Inc. for George Florence Park  
Playground Renovation

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the George Florence Park Playground Renovation project, Specification No. 19-11301-C; and
2. Accepting the bid of the lowest responsive and responsible bidder, McNabb Construction, Inc.; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with McNabb Construction, Inc., for the George Florence Park Playground Renovation project at 2121 Tenth Street, Berkeley, CA 94710, in an amount not to exceed \$538,706, which includes a contract amount of \$468,706 and a 15% contingency in the amount of \$70,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY 2020 budget in the Measure T1 Fund (Fund 511). No other funding is required, and no other projects will be delayed due to this expenditure.

McNabb Construction, Inc. (lowest bid) .....	\$468,706
15% Contingency .....	\$70,000
<hr/>	
Total construction cost .....	\$538,706

<u>Measure T1 Fund FY2020 (Fund 511-52-545-000-0000-000-461-663110-PRWT119008)</u> .....	<u>\$538,706</u>
Total construction cost .....	\$538,706

The Contract Management System number for this contract is CMS No. MRJ3S.

CURRENT SITUATION AND ITS EFFECTS

The existing playgrounds at George Florence Park at 2121 Tenth Street, Berkeley, CA 94710 are in need of renovations. The existing play structures were installed during the mid-1990s and no longer fulfill the play potential of the park due to their deterioration and ADA inaccessibility.

BACKGROUND

The project was advertised for bids on Tuesday, May 21, 2019, and bids were opened on June 18, 2019. The City received three bids, from a low base bid of \$468,706 to a high base bid of \$562,162.80. McNabb Construction, Inc. was the lowest responsive and responsible bidder. Staff conducted references checks and received satisfactory feedback. Staff recommends that a contract for this project be awarded to McNabb Construction, Inc.

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.

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.

RATIONALE FOR RECOMMENDATION

The playgrounds at George Florence Park are overdue for renovation. The current resilient tile has deteriorated and play structures are no longer accessible. The project includes removal and disposal of the 2-5 and 5-12 playgrounds and the installation of two new play areas in the existing locations. In addition to new play structures, resilient accessible surfacing will be installed throughout both play areas to enhance the safety and access for park users.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700

Taylor Lancelot, Associate Civil Engineer, Parks Recreation & Waterfront, 981-6421

Attachments:

- 1: Resolution
- 2: Bid Results

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

CONTRACT: MCNABB CONSTRUCTION INC., FOR GEORGE FLORENCE PARK  
PLAYGROUND RENOVATION

WHEREAS, the playgrounds at George Florence 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 May 21, 2019, bids were opened on June 18, 2019, and the City received three bids; and

WHEREAS, McNabb Construction, Inc. was determined to be the lowest responsive and responsible bidder, and references for McNabb, Inc. were provided and checked out satisfactorily; and

WHEREAS, funding is available in the FY 2020 budget the Measure T1 Fund (Fund 511). The Contract Management System number for this contract is CMS No. MRJ3S.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specification No. 19-11301-C for the George Florence Park Playground Renovation project are approved.

BE IT FURTHER RESOLVED that the construction contract is awarded to McNabb Construction, Inc. as the lowest responsive and responsible bidder for a total contract amount of \$468,706; and

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 McNabb Construction Inc. for the George Florence Park Playground Renovation project in an amount not to exceed \$538,706, which includes a contract amount of \$468,706 and a 15% contingency in the amount of \$70,000 for unforeseen circumstances. A record signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.



City of Berkeley  
Abstract of Bids Worksheet

Finance Department  
General Service Division

For: GEORGE FLORENCE PARK PLAYGROUND RENOVATION

Specification #: 15-11301-C

Bidders		Engineer's Estimate:					Bid Date: 6/18/2019			
		Base Bid	Nuc Free	Work Force Comp	Opp. States	Living Wage	EBO	Bid Bond	Addenda	
1	BAY CONSTRUCTION COMPANY	562,162.80						✓	✓	
2	MENARR CONSTRUCTION	468,406.00						✓	✓	
3	COMMUNITY PLAYGROUND INC.	510,012.80						✓	✓	
4										
5										
6										
7										
8										
9										
10										

Bid Recorder: FILIPPO DE LUCA *Filippo De Luca*  
 Bid Opener: SHERRI DEGHAN *Sherri Deghan*  
 Manager: Taylor Lancelot *Taylor Lancelot*





Office of the City Manager

CONSENT CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks Recreation and Waterfront  
 Subject: Grant Application: Prop 84 Urban Greening Grant Program – Trees Build Communities Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to submit a Prop 84 Urban Greening grant application for the “Trees Build Communities: A Berkeley Urban Forest Expansion Project” in the amount of \$725,878; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

FISCAL IMPACTS OF RECOMMENDATION

The total project cost for the Trees Build Communities: A Berkeley Urban Forest Expansion Project is \$915,709 and the grant funds requested are \$725,878, which will cover all costs to plant 500 trees (the costs cover site preparation to create planting locations, materials, part-time labor, and equipment rental). The remaining portion of the project is \$189,831, which will be covered by currently budgeted three years of the City’s Senior Forestry Climber for project coordination and administration costs paid from the Parks Tax Fund. This City staff cost is provided in the grant application as “in-kind match”. While local match is not required, the use of local City-funded Forestry staff as in-kind match will make the grant application more competitive. The grant funding cycle is for three fiscal years through March 2022.

Item	CNRA Grant Request	City of Berkeley In-Kind Match	Total
Project Management (City full-time staff)		\$188,831	\$188,831
Site Preparation (Concrete cutting contract)	\$250,000		\$250,000
Materials (trees, stakes, water reservoirs, water, soil)	\$97,400		\$97,400
Labor (City part-time staff)	\$302,798		\$302,798
Equipment Rental (pickup trucks and water trailers)	\$49,680		\$49,680
Promotional Materials (outreach costs, required signs)	\$26,000	\$1,000	\$27,000
<b>Totals</b>	<b>\$725,878</b>	<b>\$189,831</b>	<b>\$915,709</b>

Revenue from this grant would be deposited into the One-Time Grants Fund (Fund 421).

### CURRENT SITUATION AND ITS EFFECTS

On January 8, 2019, the California Natural Resources Agency announced the opening of Round Three of the Urban Greening Program. On February 28, 2019, the City submitted a Concept Proposal. On April 30, 2019, the City was notified that its Concept Proposal was to be further evaluated during an on-site field visit scheduled for June 17, 2019. After this field visit, the State will invite the most competitive projects to submit supporting documentation to carry out the project. The program requires that the City first accept the terms of the grant program and authorize the City Manager or designee to enter into related grant agreements with the State of California Natural Resources Agency for administration of the grant.

### BACKGROUND

This project will focus on expanding the City's urban forest into the Disadvantaged Communities (DAC) and Low-Income Communities (LIC) of West and South Berkeley. The City will partner with the Berkeley Climate Action Coalition (BCAC) and work with local community groups on further implementing Berkeley's Climate Action Plan through the planting of trees. The project goal is to identify 500 suitable locations and plant trees to maximize greenhouse gas reduction and other benefits. The new trees would be watered during the first two year tree establishment period.

Signed into law in 2006, Assembly Bill (AB) 32, also known as the California Global Warming Solutions Act of 2006 required a sharp reduction of greenhouse gas (GHG) emissions. Signed into law on September 14, 2016, SB 859 created the California Natural Resources Agency's Urban Greening Program to support the development of green infrastructure projects that reduce GHG emissions and provide multiple benefits. The Greenhouse Gas Reduction Funds (GGRF) have governing statutes that include requirements for allocating funds for projects located in disadvantaged communities. The Urban Greening Program, funded by the GGRF, will fund projects that reduce greenhouse gases by sequestering carbon, decreasing energy consumption and reducing vehicle miles traveled, while also transforming the built environment into places that are more sustainable, enjoyable, and effective in creating healthy and vibrant communities.

### ENVIRONMENTAL SUSTAINABILITY

One of the City Climate Action Plan goals is to maintain the urban forest's present canopy coverage and to provide significant environmental benefits in the form of carbon dioxide absorption and oxygen production as well as storm water retention and climate control. This project will use the natural systems of trees to achieve these goals. Trees also cool temperatures, beautify neighborhoods and provide health benefits to residents and visitors.



RATIONALE FOR RECOMMENDATION

A focused project dedicated to expanding the urban forest into the historically underserved neighborhoods of South and West Berkeley is needed. Proper site planning and species selection will establish trees that are suitably sized and less costly to maintain. Action is required in order for the City of Berkeley to proceed with the grant program application process.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSONS

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700

Dan Gallagher, Senior Forestry Supervisor, 981-6687

Attachments:

1: Resolution

RESOLUTION NO. ##-###

APPROVING THE APPLICATION FOR GRANT FUNDS FOR CALIFORNIA CLIMATE INVESTMENTS PROP 84 URBAN GREENING PROGRAM FOR THE TREES BUILD COMMUNITIES PROJECT IN THE AMOUNT OF \$725,878

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the California Natural Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the California Natural Resources Agency require a resolution certifying the approval of an application by the Applicants governing board before submission of said application to the State; and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the Project

WHEREAS, funds will be deposited into the One-Time Grants Fund (Fund 421).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley:

1. Approves the filing of an application for the Trees Build Communities: A Berkeley Urban Forestry Expansion Project;
2. Certifies that applicant understands the assurances and certification in the application, and
3. Certifies that applicant or title holder will have sufficient funds to operate and maintain the project consistent with the land tenure requirements; or will secure the resources to do so, and
4. Certifies that it will comply with the provisions of Section 1771.5 of the State Labor Code, and
5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, environmental laws and, that prior to commencement of construction, all applicable permits will have been obtained, and
6. Certifies that applicant will work towards the Governor's State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1, and
7. Appoints the City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

BE IT FURTHER RESOLVED, that the City of Berkeley authorizes the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

BE IT FURTHER RESOLVED, that a record signature copy of said agreements and any amendments to be on file in the City of Berkeley's Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
July 23, 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 No. 31900125 Amendment: First Serve Productions for  
 Additional Asphalt Repairs and Resurfacing at City Parks

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 31900125 with First Serve Productions for additional asphalt repairs and resurfacing at City parks by increasing the construction contract amount by \$55,000 for a not-to-exceed amount of \$250,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the construction contract amendment in the amount of \$55,000 is available in Parks Tax budget code 138-52-545-000-0000-000-461-624110, and will be included in the first annual appropriations ordinance of FY2020.

CURRENT SITUATION AND ITS EFFECTS

The City has a current construction contract with First Serve Productions for sport court asphalt repairs and resurfacing at City parks in the amount of \$195,000. Staff has identified additional asphalt resurfacing work at City parks. First Serve Productions agreed to keep the same unit prices for this work. These prices were the lowest obtained through a competitive bid process. Amending the construction contract provides the City with a cost-effective way to perform this additional work at City parks.

BACKGROUND

In October 2018, the City solicited construction cost proposals for the construction work for sport court asphalt repair and resurfacing at City parks (Spec No. 19-11258-C) to eight firms. Among the bids received, the City identified First Serve Productions as the lowest responsive and responsible bidder and executed a construction contract on April 1, 2019.

ENVIRONMENTAL SUSTAINABILITY

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy. The project involves the repair and

resurfacing of existing sports courts and pathways and will not negatively affect natural habitat.

RATIONALE FOR RECOMMENDATION

The FY20 budget includes an allocation of Parks Tax funds for asphalt repairs and resurfacing at City parks. First Serve Productions is currently under contract to perform this work, and the City does not have the in-house labor or equipment resources to perform this work.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks, Recreation & Waterfront Department, 981-6700  
Bruce Pratt, Parks Superintendent, 981-6700

Attachments:

1: Resolution

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

CONTRACT NO. 31900125 AMENDMENT: FIRST SERVE PRODUCTIONS FOR  
ADDITIONAL ASPHALT REPAIRS AND RESURFACING AT CITY PARKS

WHEREAS, in October 2018, the City solicited construction cost proposals for the construction work for sport court asphalt repair and resurfacing at City parks (Spec No. 19-11258-C) to eight firms. Among the bids received, the City identified First Serve Productions as the lowest responsive and responsible bidder and executed a construction contract on April 1, 2019; and

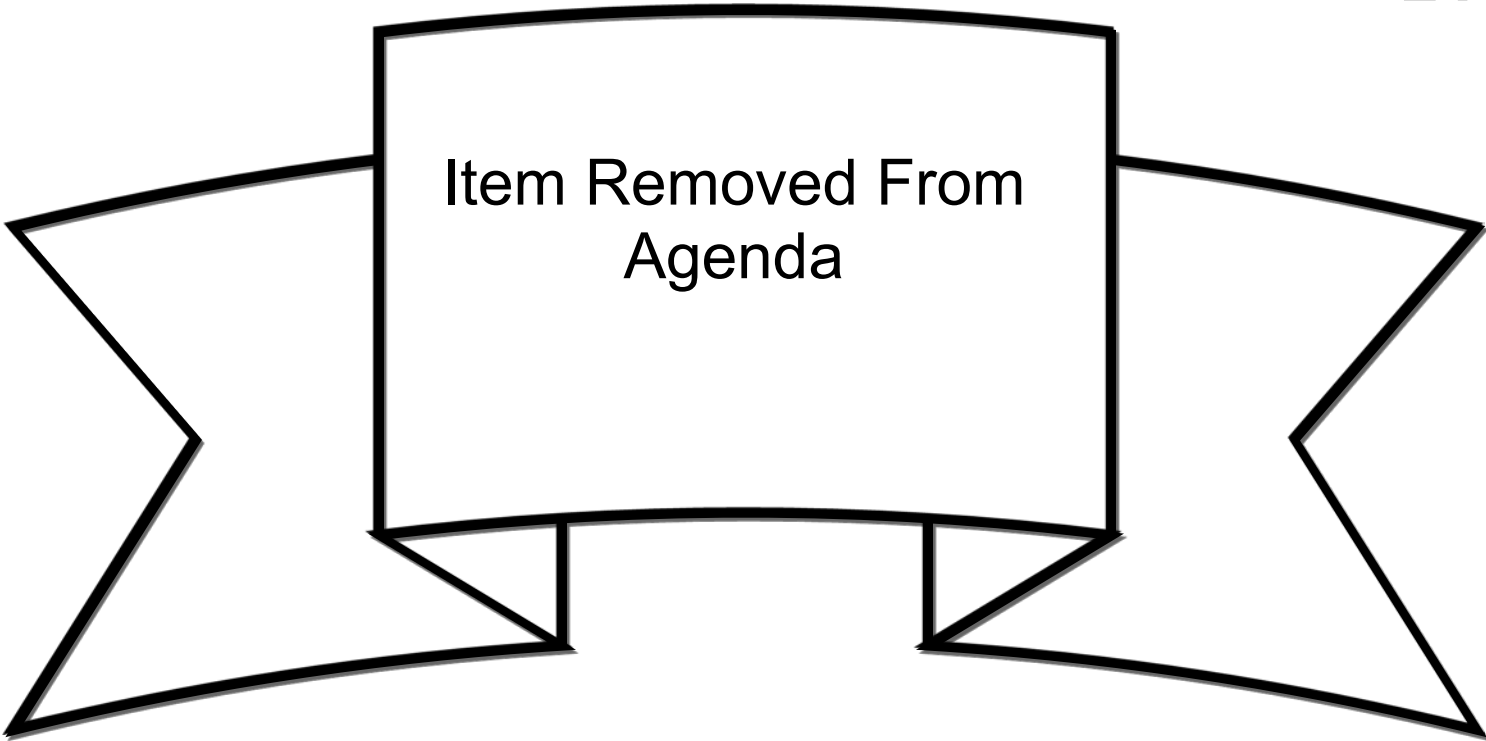
WHEREAS, City staff identified additional repair work at City parks. First Serve Productions agreed to keep the same unit prices for this work. These prices were the lowest obtained through a competitive bid process. Amending the construction contract provides the City with a cost-effective way to perform this additional work at City parks; and

WHEREAS, Funding for the construction contract amendment in the amount of \$55,000 is available in Parks Tax budget code 138-52-545-000-0000-000-461-624110, and will be included in the first annual appropriations ordinance of FY2020.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 31900125 with First Serve Productions for additional asphalt repairs and resurfacing at City parks by increasing the construction contract amount by \$55,000 for a not-to-exceed amount of \$250,000.







Item Removed From  
Agenda

This item has been removed from the agenda by the City Manager.

If you have questions regarding this report, please contact the person noted on the agenda.

**City Clerk Department**  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**The City of Berkeley, City Council's Web site**  
<http://www.cityofberkeley.info/citycouncil/>





Office of the City Manager

CONSENT CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Scott Ferris, Director, Parks, Recreation and Waterfront  
Phil Harrington, Director, Public Works  
Subject: Authorizing the modification of the Measure T1 Phase 1 project list: removal of the King School Park Bioswale project and addition of alternate Green Infrastructure projects

RECOMMENDATION

Adopt a Resolution authorizing:

1. Removal of the King School Park Bioswale project from the list of approved Measure T1 projects<sup>1</sup>; and
2. Addition of the following priority sites as T1 Phase 1 projects, identified by the Green Infrastructure (GI) plan at the Council worksession on June 18, 2019<sup>2</sup> and the Public Works Commission:
  - Page Street between Fourth Street and the RR Tracks;
  - Jones Street between Fourth Street and RR Tracks;
  - Channing Way at the RR Tracks;
  - Heinz Avenue near RR Tracks;
  - Dwight Way between Fourth Street and the RR Tracks;
  - Grayson Street near the RR Tracks;
  - Tenth Street at Codornices Creek;
  - Ninth Street at Codornices Creek;
  - Piedmont Avenue Median between Durant Avenue and Channing Way;
  - Piedmont Avenue Traffic Circle;
  - San Pablo Park at Ward Street; and
  - the evaluation of the Sacramento Street center median

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<sup>1</sup> See [https://www.cityofberkeley.info/uploadedFiles/Parks\\_Rec\\_Waterfront/Level\\_3\\_-\\_General/6-27-17%20Adopted%20list%20of%20projects.pdf](https://www.cityofberkeley.info/uploadedFiles/Parks_Rec_Waterfront/Level_3_-_General/6-27-17%20Adopted%20list%20of%20projects.pdf)

<sup>2</sup> See [https://www.cityofberkeley.info/Clerk/City\\_Council/2019/06\\_June/Documents/2019-06-18\\_WS\\_Item\\_01\\_City\\_of\\_Berkeley\\_Green\\_Infrastructure\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/06_June/Documents/2019-06-18_WS_Item_01_City_of_Berkeley_Green_Infrastructure_pdf.aspx)

### FISCAL IMPACTS OF RECOMMENDATION

The King School Park Bioswale project was allocated approximately \$1.32 million for design, planning and construction. These funds will be reallocated to the design and construction of the Ward Street GI project, design and planning of the above 11 green infrastructure projects, and the evaluation of the Sacramento Street center median.

### CURRENT SITUATION AND ITS EFFECTS

It was determined that the King School Park Bioswale project was not feasible because of the proximity of the large, established London Plane trees along Hopkins Street. The excavation required for the bioswales would require root removal which could have an adverse impact on the health of the trees.

Since this finding, staff had been discussing this issue with the Public Works Commission to identify alternate green infrastructure projects. In June 2019, staff finalized the [Green Infrastructure Plan](#) and identified 11 priority sites. The scope for these sites will include design & planning and construction for selected sites. The selected sites that will go to construction will be based on timing and feasibility. Staff and Commission are recommending that these 11 sites, the evaluation of the Sacramento Street center median, and a green infrastructure project on Ward Street (already an existing T1 project) be included as T1 Phase 1 projects. Staff met with the Public Works Watershed Subcommittee in June and the Measure T1 Joint Subcommittee on July 8, 2019 and received positive feedback and approval for these recommended sites.

### BACKGROUND

In November 2016, Berkeley voters approved [Measure T1](#)<sup>3</sup> – a \$100 million dollar general obligation bond to repair, renovate, replace or reconstruct the City's aging existing infrastructure, including facilities, streets, sidewalks, storm drains, and parks. Measure T1 passed with 86.5% of the vote.

From December 2016 through June 2017, the City undertook a robust public process to gather input on the proposed projects. In addition to three Measure T1 Workshops for the general public, the Parks & Waterfront and Public Works Commissions invited and received input from the public and other City Commissions. They submitted a [joint report to Council in June 2017](#)<sup>4</sup> detailing their recommendations. The City Manager incorporated this input and submitted a [final recommended list of projects](#)<sup>5</sup>. Council adopted this list and proposed plan for implementing Phase 1 of the T1 bond program on June 27, 2017.

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<sup>3</sup> See <https://www.cityofberkeley.info/MeasureT1/>

<sup>4</sup> See [https://www.cityofberkeley.info/uploadedFiles/Parks\\_Rec\\_Waterfront/Level\\_3\\_-\\_General/Measure%20T1%20-%20Joint%20Commission%20Report%20-%20June%202017%20w%20attachments.pdf](https://www.cityofberkeley.info/uploadedFiles/Parks_Rec_Waterfront/Level_3_-_General/Measure%20T1%20-%20Joint%20Commission%20Report%20-%20June%202017%20w%20attachments.pdf)

<sup>5</sup> See [https://www.cityofberkeley.info/Clerk/City\\_Council/2017/06\\_June/Documents/2017-06-27\\_Item\\_49\\_Implementing\\_Phase\\_1.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2017/06_June/Documents/2017-06-27_Item_49_Implementing_Phase_1.aspx)

The design and construction of the King School Park Bioswale was a green infrastructure project approved for Measure T1 Phase 1 by Council.

ENVIRONMENTAL SUSTAINABILITY

These green infrastructure projects will improve urban runoff quality for a more environmentally sustainable city.

RATIONALE FOR RECOMMENDATION

The King School Park Bioswale project is not feasible and needs to be removed from the Phase 1 project list.

The projects listed in Exhibit A were identified in the [City's Green Infrastructure Plan](#) or recommended by the Public Works Commission. A potential funding option presented in the plan is revenue from the City's Clean Stormwater Fee or local fund contributions to obtain grant funding, but funding has not yet been solidified. The addition of these projects to the Measure T1 Phase 1 list will provide funding to help the City complete the design and planning of all listed projects and the construction for selected projects; however additional funding will be needed to complete all projects through construction. The completion of design and planning for these projects will result in a cost estimate, which staff can use to identify future funding sources for the projects.

ALTERNATIVE ACTIONS CONSIDERED

Use funding allocated to the King School Park Bioswale for projects on the existing approved Measure T1 Phase 1 list.

CONTACT PERSON

Scott Ferris, Director, Parks, Recreation and Waterfront, 510-981-6700

Phil Harrington, Director, Public Works, 510-981-6300

Attachments:

1: Resolution

Exhibit A: Addition to Measure T1 Phase 1 Project List

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

AUTHORIZING THE REMOVAL OF THE KING SCHOOL PARK BIOSWALE PROJECT  
AND ADDITION OF ALTERNATE GREEN INFRASTRUCTURE PROJECTS TO THE  
MEASURE T1 PHASE 1 PROJECT LIST

WHEREAS, on June 27, 2017, Council adopted resolution 68,076-N.S., approving the design and construction of the King School Park bioswale as a Measure T1 Phase 1 project; and

WHEREAS, it was determined that the project would not be feasible because the project would require root removal of trees and have an adverse impact on the health of the trees; and

WHEREAS, after discussion with the Public Works Commission, Public Works Watershed Subcommittee, and Measure T1 Joint Subcommittee, priority sites were identified (See Exhibit A); and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the design and construction of the King School Park Bioswale be removed from the list of Measure T1 Phase 1 projects.

BE IT FURTHER RESOLVED that the City Council of the City of Berkeley approves the addition of projects listed in Exhibit A for Measure T1 Phase 1.

Exhibits

A: Addition to Measure T1 Phase 1 Project List

July 23, 2019

EXHIBIT A  
Addition to Measure T1 Phase 1 Project List

Design & Planning or Design, Planning, & Construction

- Page Street between Fourth Street and the RR Tracks
- Jones Street between Fourth Street and RR Tracks
- Channing Way at the RR Tracks
- Heinz Avenue near RR Tracks
- Dwight Way between Fourth Street and the RR Tracks
- Grayson Street near the RR Tracks
- Tenth Street at Codornices Creek
- Ninth Street at Codornices Creek
- Piedmont Avenue Median between Durant Avenue and Channing Way
- Piedmont Avenue Traffic Circle
- San Pablo Park at Ward Street
- the evaluation of the Sacramento Street center median







Office of the City Manager

23

CONSENT CALENDAR  
JULY 23, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Andrew R. Greenwood, Chief of Police

Subject: Revenue Grant: California Office of Traffic Safety (OTS) for the 2020  
"Selective Traffic Enforcement Program (STEP)" Grant

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to accept the "Selective Traffic Enforcement Program (STEP)" grant and enter into the resultant grant agreement and any amendments, with the California Office of Traffic Safety (OTS) to fund increased levels of impaired or distracted driving enforcement, nighttime seatbelt enforcement, motorcycle safety enforcement, and educational programs regarding bicycle and pedestrian safety. The approved OTS grant is for \$200,000 for the period of October 1, 2019 through September 30, 2020 which is Federal Fiscal Year 2020.

FISCAL IMPACTS OF RECOMMENDATION

Total cost of the program will not exceed \$200,000. Grant revenues will be deposited into budget code 309-71-703-812-0000-000-000-431110. Appropriation of the expenditures is being included in the First Amendment to the Appropriations Ordinance. The grant will fund overtime, benefits, equipment, and travel.

CURRENT SITUATION AND ITS EFFECTS

The Police Department has managed numerous grants over the past five years, including several OTS traffic safety grants.

Currently, our Traffic Bureau is not staffed to the levels seen in previous years. It is our intention that some of the traffic enforcement goals outlined herein will be accomplished, in part, with overtime funds provided by the OTS grant. Further, with more officers trained and/or certified in Standardized Field Sobriety Tests (SFST), Advanced Roadside Impaired Driving Enforcement (ARIDE), and as Drug Recognition Experts (DRE), there will be more personnel on patrol who actively engage in and seek out assignments in both our driving under the influence (DUI) detection and apprehension efforts during the course of their current work assignments.

## BACKGROUND

Office of Traffic Safety (OTS) rankings place the City of Berkeley number one for the past five years in pedestrian and bicycle related injury collisions when compared to fifty-seven other cities with comparable populations. Each year hundreds of people are injured in traffic collisions that occur in the City of Berkeley. In 2017, there were six-hundred and seventy-five (675) people injured in vehicle collisions. Of those injured, one hundred and eighteen (118) were pedestrians, and one hundred and thirty-seven (137) were bicyclists. Berkeley maintains a high ranking in total fatal and injury collisions, alcohol related collisions, speed related collisions, and motorcycle involved collisions. With assistance from the 2020 Office of Traffic Safety Grant, the department will continue our efforts to reduce the number of community members injured in collisions whether they choose to walk, drive, bike or ride a motorcycle in our city.

In 2016, the City of Berkeley was number one (1/57) for injury collisions involving pedestrians; number one (1/57) for collisions involving bicyclists; and number one (1/57) for collisions involving pedestrians sixty-five years of age and older. Based on these statistics and OTS rankings, the City of Berkeley is one of the most dangerous cities in the State of California to be a pedestrian or bicyclist—particularly for the sixty-five and over age group which is a growing demographic in the City of Berkeley. The fault for the bicycle injury collisions rested equally between the bicyclist and the motor vehicle operator. Pedestrians were found at fault in less than twenty percent of the reported collisions.

In 2017, forty-four percent of all injury collisions occurring in the City of Berkeley involved either a pedestrian or a bicyclist. In collisions involving a bicyclist, the bicyclist was found at fault approximately fifty percent of the time. In pedestrian related collisions, the pedestrian was found at fault approximately sixteen percent of the time.

Over the past three years, one hundred-ten (110) injuries occurred in collisions where alcohol was a factor. In 2017 there was a thirty-five percent increase in alcohol related injury collisions from 2016. Continued, proactive enforcement through DUI Saturation patrols and DUI Checkpoints funded through the OTS grant assist our efforts for taking dangerously impaired drivers off the road and also serve to educate the community as to the dangers of drug and alcohol impaired driving.

Unsafe speed (22350 VC) was the most prevalent primary collision factor in 2018. One hundred and sixty-four (164) people were injured as a result of unsafe speed. According to OTS rankings spanning the years (2009-2014) the City of Berkeley was routinely ranked in the top three (3/57) for speed related injury collisions. Drivers travelling in the City of Berkeley at unsafe speeds continue to be an enforcement priority for the Berkeley Police Department. OTS funds will greatly assist the department and allow us to expand our enforcement efforts.

Funds from and resources provided by the 2020 Office of Traffic Safety grant will serve the entire diverse Berkeley community and assist members of the Berkeley Police Department in its mission to reduce the overall number of injury collisions, bicycle and pedestrian related collisions, alcohol related collisions, speed related collisions, motorcycle related collisions, and collisions involving distracted driving.

Currently the Traffic Bureau at the Berkeley Police Department is staffed by three motor officers, one traffic data analyst, and one lieutenant. Motor officers responsibilities include injury-collision investigations and traffic enforcement, however resources often deplete rapidly due to ancillary duties and personnel shortages in the operations/patrol division. OTS funding builds upon our current traffic safety efforts by allowing patrol and motor officers opportunities to address traffic safety—most significantly pedestrian and bicycle safety, distracted and impaired driving— in addition to and outside of their regularly scheduled duties. Additionally, the funds provide opportunities for leadership development and learning in traffic safety and DUI/impaired driving enforcement, and enhance the department's overall mission of public safety.

#### ENVIRONMENTAL SUSTAINABILITY

The City of Berkeley continues to have one of the highest bicycle and pedestrian usage rates in the County of Alameda and, as a result, there are a large number of bicyclists and pedestrians sharing the roadway with motorists. This grant will support the City of Berkeley's efforts to promote more sustainable forms of transportation, reducing greenhouse gas emissions—with the goal of reducing traffic injuries and fatalities related to all modes of transportation.

#### RATIONALE FOR RECOMMENDATION

The Police Department requests this funding be approved to enhance our current mission of providing a safer environment for pedestrians, bicyclists, motorcyclists, and motorists on all City of Berkeley roadways and highways.

#### ALTERNATIVE ACTIONS CONSIDERED

No other alternatives have been considered.

#### CONTACT PERSON

Lieutenant Randy Files, L8, Traffic Bureau Lieutenant, 981-5983

#### Attachments:

1: Resolution

RESOLUTION NO. -N.S.

REVENUE GRANT: "SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP)" GRANT FROM OFFICE OF TRAFFIC SAFETY (OTS) TO FUND STRATEGIES TO REDUCE THE NUMBER OF INJURIES AND DEATHS RELATED TO TRAFFIC COLLISIONS IN THE CITY OF BERKELEY

WHEREAS, the Police Department is committed to providing a safe and secure environment through vigorous law enforcement within the City of Berkeley; and

WHEREAS, the Office of Traffic Safety (OTS) has made grant funding available to the Police Department to assist them in their mission of providing a safer environment for pedestrians, bicyclists, motorcyclists, and motorists on all City of Berkeley roadways and highways; and

WHEREAS, grant revenues will be deposited into budget code 309-71-703-812-0000-000-000-431110, in the DUI Enforcement Education Program Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to accept the "Selective Traffic Enforcement Program (STEP)" grant and enter into the resultant grant agreement and any amendments, with the Office of Traffic Safety (OTS) to fund increased levels of impaired or distracted driving enforcement, nighttime seatbelt enforcement, motorcycle safety enforcement, and educational programs regarding bicycle and pedestrian collisions in the amount of \$200,000 for the period of October 1, 2019 to September 30, 2020.



Office of the City Manager

CONSENT CALENDAR

July 23, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Andrew R. Greenwood, Chief of Police  
 Subject: Revenue Grant: Fiscal Year 2019-20 Alcoholic Beverage Control Grant

RECOMMENDATION

Adopt a Resolution authorizing the City Manager, and/or the Chief of Police, to execute a grant contract and any subsequent amendments with the State of California Department of Alcoholic Beverage Control (ABC) in the amount of \$64,000 for one fiscal year, July 1, 2019 through June 30, 2020.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley Police Department (BPD) will be the direct recipient of the grant in the amount of \$64,000 for fiscal year 2019-20. The grant provides \$64,000 dollars to support Berkeley Police Department operations and efforts to reduce underage drinking. Grant revenues will be deposited into budget code 318-71-702-806-0000-000-000-432110. There is no required local match of funds to obtain the grant. Appropriation of the expenditures is being included in the First Amendment to the Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

Over the years, BPD staff have worked diligently to reduce the number of alcohol related problems within the residential areas surrounding the University of California at Berkeley (UCB), especially the Greek community. Despite the education and preventative work conducted each year, we continue to experience alcohol related tragedies, many of which could have been prevented. The BPD and Berkeley Fire Department (BFD) have continued to experience an increase in calls for service. This increase hampers and strains emergency services across the entire city. A report prepared by the BFD and provided to City Council, highlighted that over 1,500 people were transported in 2014 and 2015. Of those calls, more than 600 involved alcohol and approximately half of the intoxicated students were under the legal drinking age of 21. One-hundred and twenty of the intoxicated patients were under 18 years of age.

During the 2015-16 grant, a total of 482 alcohol-related citations and arrests were made. The BPD has provided responsible beverage training for over 100 Berkeley managers and employees representing over 40 Berkeley businesses.

BACKGROUND

The BPD has been receiving the Alcoholic Beverage Control grant for over ten years. Each school year brings an influx of new students, as well as, new employees to various businesses which sell alcohol. The BPD will continue to inform, educate, and enforce under-age drinking laws in an effort to reduce and/or prevent alcohol related tragedies within the City of Berkeley.

ENVIRONMENTAL SUSTAINABILITY

Fewer calls to first-responders will result in lower local air pollutants and greenhouse gas emissions due to reduced fuel consumption.

RATIONALE FOR RECOMMENDATION

The BPD has been awarded a Department of Alcoholic Beverage Control grant in the amount of \$64,000 to address the critical need to address underage drinking and alcohol availability to those individuals under the age of 21. Without this funding, the BPD would not have the resources to adequately reduce the alcohol-related incidents which can have life-altering results for many young adults.

ALTERNATIVE ACTIONS CONSIDERED

If the award is not accepted, the City would not be able to provide these vital services to our community.

CONTACT PERSON

Andrew R. Greenwood, Chief of Police, 981-5700

Attachment:

1. Resolution

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

REVENUE GRANT: STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL GRANT FOR FISCAL YEAR 2019-20

WHEREAS, the Police Department is committed to providing a safe and secure environment through vigorous law enforcement within the City of Berkeley; and

WHEREAS, underage drinking and excessive drinking is currently a problem within the City of Berkeley; and

WHEREAS, there has been a longstanding problem with underage drinking and the availability of alcohol to persons under the age of 21 throughout the City; and

WHEREAS, despite years of education and preventive work, alcohol related problems persist; and

WHEREAS, the young adult community continues to acquire alcohol through fake identification, merchants who fail to check identification or asking someone to purchase alcohol for them; and

WHEREAS, several liquor stores can be magnets for criminal activity; and

WHEREAS, the police do not have sufficient resources within the existing budget to expand their work on these problems; and

WHEREAS, the Berkeley Police Department desires to undertake a certain project to limit access to alcohol by minors funded in part from state funds from the Department of Alcoholic Beverage Control (hereafter referred to as ABC); and

WHEREAS, the funds have been appropriated into the Alcoholic Beverage Control Program Fund budget code 318-71-702-806-0000-000-000-432110 with the agreement that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, and/or the Chief of Police, is hereby authorized to execute a contract and any amendments or extensions with the State of California in order to accept funds in the amount of \$64,000 from the Department of Alcoholic Beverage Control for the enforcement of alcohol related laws for one fiscal year, July 1, 2019 through June 30, 2020.

BE IT FURTHER RESOLVED that any liability arising out of the performance of this contract, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and ABC disclaim responsibility for any such liability.

BE IT FURTHER RESOLVED that this award is not subject to local hiring freezes.







Office of the City Manager

CONSENT CALENDAR  
July 23, 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: Contract No. 9635 Amendment: Restoration Management Company for On-Call Remediation and Restoration Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9635 with Restoration Management Company to increase the current contract by \$50,000 for a total not to exceed amount of \$100,000 and to extend the contract term to June 30, 2021.

FISCAL IMPACTS OF RECOMMENDATION

Funding of \$25,000 for FY 2020 is available in Sanitary Sewer Fund 611. Funding of \$25,000.00 for FY 2021 will be subject to appropriation in the Fiscal Year 2021

Funding for the proposed contract amendment is available as detailed below:

Original Authorized Contract Amount	\$50,000
Current Contract Amendment	\$50,000
<b>Total contract amount.....</b>	<b>\$100,000</b>

This Contract Amendment is entered in the City’s contract management system as CMS No. FN4QB.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley provides wastewater collection and conveyance services to City customers and maintains over 254 miles of City-owned sanitary sewers. During periods of intense storms, flows in the sewer system can swell 5-10 times greater than dry weather sewer flows, due to storm water infiltration. This can result in overflows of diluted sewage (SSO) and potential public health hazards. In adherence to the State of California’s General Waste Discharge Requirements for Sanitary Service Systems (WDR,) the City’s Sewer System Management Plan (SSMP) requires that in the event of a Sanitary Sewer Overflow (SSO), the City shall take all feasible steps and necessary remedial actions to contain and mitigate the impacts of the SSO. Restoration Management Company (RMC) supports Public Works response to Sanitary Sewer Overflows by providing on-call abatement, mitigation, decontamination, and cleanup

services 24 hours a day. Amending the contract to increase the not to exceed (NTE) amount of \$50,000 amount will ensure continued contract authority to utilize RMC's services without interruption.

This contract amendment supports the City's Strategic Plan goal of be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

BACKGROUND

The City's Public Works Department entered into contract with Restoration Management Company (RMC) on April 1, 2014, with the intent to obtain services for immediate remediation services in the event of a storm water and/or sewage flooding incident. Since 2014, Public Works has been utilizing RMC'S 24 hour on-call remediation services to maintain compliance with the City's Sewer System Management Plan as well as to support the Department Operations Center in response to emergency spills. RMC has provided reliable, timely, and consistently satisfactory services for the City.

ENVIRONMENTAL SUSTAINABILITY

RMC's remediation services help to contain sewage spills, preventing the sewage from contaminating the storm drain system and to remove the spilled sewage from the storm drain system after contamination has occurred, thereby preventing the spilled sewage from further contaminating the City's creeks and the Bay.

RATIONALE FOR RECOMMENDATION

Restoration Management Company is valued contractor who has provided timely, quality service for the City since 2014. Their comprehensive range of services and around the clock availability has been crucial to the City in its efforts to adhere to its Sewer Service Management Plan and to the State of California's General Waste Discharge Requirements for Sanitary Service Systems.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Jesus Sandoval, Senior Supervisor, Public Works (510) 981-6676

1: Resolution

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

CONTRACT NO. 9635 AMENDMENT: RESTORATION MANAGEMENT COMPANY  
FOR ON-CALL REMEDIATION AND RESTORATION SERVICES

WHEREAS, the City of Berkeley provides wastewater collection and conveyance services to City customers and maintains over 254 miles of City-owned sanitary sewers; and

WHEREAS, during periods of intense storms, flows in the sewer system can swell 5-10 times greater than dry weather sewer flows, due to storm water infiltration. This can result in overflows of diluted sewage (SSO) and potential public health hazards requiring immediate containment and/or remediation; and

WHEREAS, the City and Restoration Management Company entered into Contract No. 9635 for 24 hour on-call remediation services, effective April 1, 2014 through April 30, 2020; and

WHEREAS, immediate funding of \$25,000 for FY 2020 is available in the Sanitary Sewer Fund (611) and further funding of \$25,000 for FY 2021 is subject to appropriation in the Sanitary Sewer Fund (611), for an amended contract not to exceed total of \$100,000; and

WHEREAS, this contract amendment has been entered into the citywide contract database with CMS No. FN4QB.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 9635 with Restoration Management Company to provide 24 hour on-call remediation services for Public Works, increasing the contract by \$50,000 for a total not to exceed amount of \$100,000, and extending the term to June 30, 2021.





Office of the City Manager

CONSENT CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Phillip L. Harrington, Director, Public Works Department

Subject: Purchase Order: Stockton Tri Industries, Inc. for Front Loading and Rear Loading Container Purchase

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to accept a bid from Stockton Tri Industries, Inc. for front-loading and rear-loading containers and execute a purchase order in an amount not to exceed \$450,000 for fiscal years FY 2020 – FY 2023.

FISCAL IMPACTS OF RECOMMENDATION

Funding is subject to appropriation in the FY 2020 – FY 2023 Zero Waste Budget (601).

CURRENT SITUATION AND ITS EFFECTS

The City maintains a limited inventory of solid waste metal and plastic containers to provide clean, repaired containers for existing commercial customers. When the City's inventory gets low, staff is unable to provide new containers as required by commercial customers in a timely manner. The City's current container supply is low and needs to be restocked. Existing containers periodically reach the end of their useful lives and need to be replaced.

BACKGROUND

The City purchases and provides front-loading and rear-loading containers for Berkeley commercial customers. Containers require maintenance due to normal wear and tear, vandalism, theft and routine service changes. Bids for the containers pursuant to Request for Proposal Specification No. 17-11155-C were received on June 17, 2019. Stockton Tri Industries Inc. was the only vendor to respond and submitted a responsible and responsive bid.

This purchase supports the City's Strategic Plan Goal of provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

ENVIRONMENTAL SUSTAINABILITY

Clean debris bins reduce the potential for spillage, and potential increased staff exposure to infectious agents, disease, and the increased presence of vectors.

RATIONALE FOR RECOMMENDATION

This recommendation is based upon the lowest responsible bidder on an item-by-item basis. Awarding the bid to Stockton Tri Industries, Inc. will satisfy the program need for all sizes of containers required and the City's desire to pay the best possible price per container.

ALTERNATIVE ACTIONS CONSIDERED

None. Zero Waste Division has worked with Stockton Tri Industries, Inc. and has consistently provided the City with excellent service. Furthermore, the City does not have in-house staff expertise or resources required to perform these specialized services for the manufacturing and delivery of this volume of solid waste metal Containers.

CONTACT PERSON

Greg Apa, Solid Waste & Recycling Manager, Public Works Department, 981-6359

Attachments:

1: Resolution

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

PURCHASE ORDERS: STOCKTON TRI INDUSTRIES, INC. FOR FRONT-LOADING  
AND REAR-LOADING CONTAINERS IN AN AMOUNT NOT TO EXCEED \$450,000  
FOR FISCAL YEARS FY 2020 THROUGH FY 2023

WHEREAS, the City of Berkeley provides front-loading and rear-loading containers for commercial customers collection services; and

WHEREAS, Stockton Tri Industries, Inc. was the only responder to Request for Proposal 17-11155-C; and

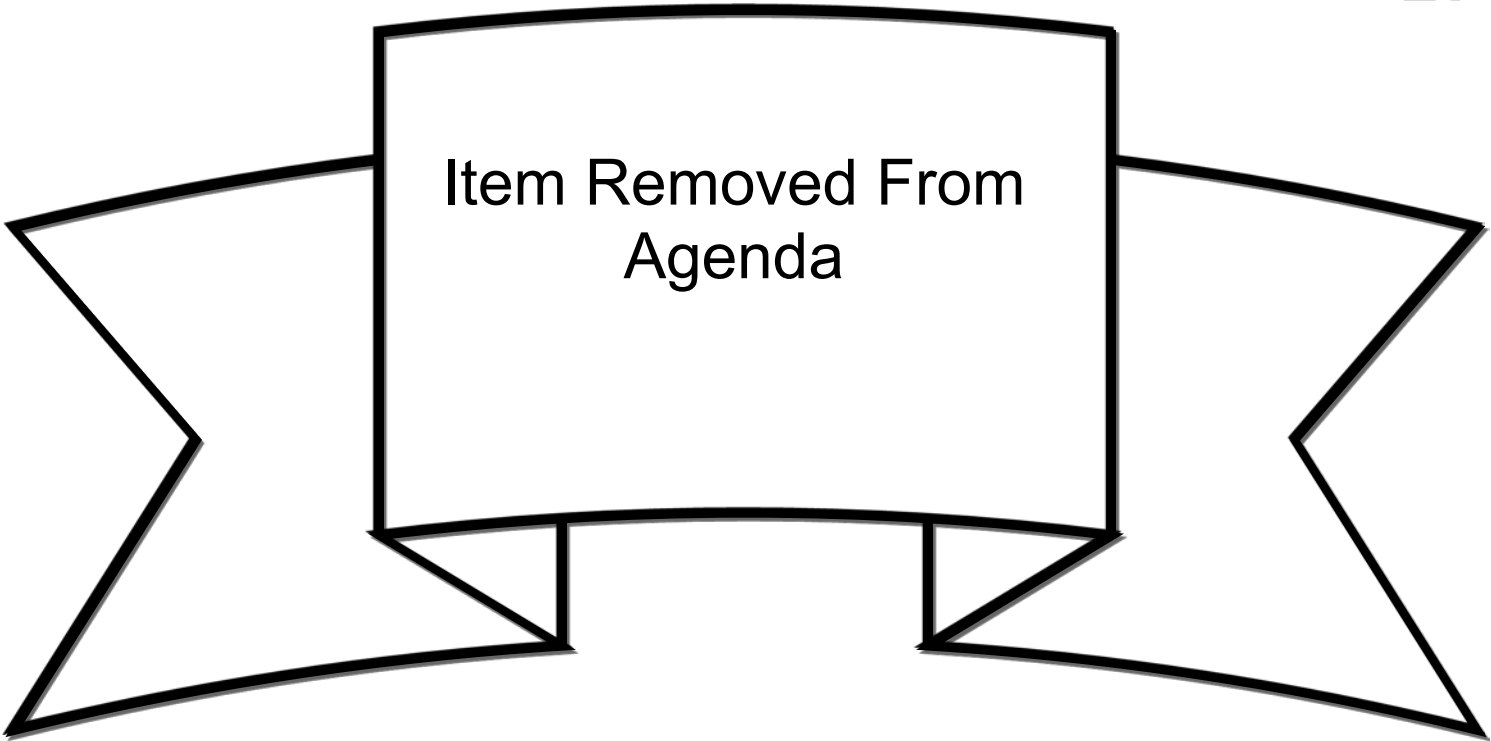
WHEREAS, Stockton Tri industries, Inc. was determined to be a responsible and responsive bidder; and

WHEREAS, funding is subject to appropriation in the Zero Waste budget (601);

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute annual purchase orders in the amount of \$150,000 for a total purchasing authorization not to exceed \$450,000 with Stockton Tri Industries, Inc. for front-loading and rear-loading containers for fiscal years FY 2020 – FY 2023.







Item Removed From  
Agenda

This item has been removed from the agenda by the City Manager.

If you have questions regarding this report, please contact the person noted on the agenda.

**City Clerk Department**

2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**The City of Berkeley, City Council's Web site**

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





[Commission Name]

CONSENT CALENDAR

July 23, 2019

To: Honorable Mayor and Members of the City Council

From: Elliot Warren, Acting Director of Library Services

Submitted by: Phillip L. Harrington, Director, Public Works

Subject: Contract No. 121345-1 Amendment: W.A. Rose Construction, Inc. for Exterior Stucco Demolition Work at the Central Library

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 121345-1 with W.A. Rose Construction, Inc. to complete exterior stucco demolition work at the Central Library, increasing the amended contract amount of \$320,156 to a not to exceed amount of \$351,317 plus an allowable contingency amount of \$6,000 and to extend the term of the contract to December 31, 2019.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment is available in the FY 2019 budget in the Berkeley Public Library's Library Tax Fund 101-22-241-263-0000-000-463-662110. All costs will be paid from the Library Tax Fund including project demolition, design, and reconstruction at the Central Library. The FY 2019 budget appropriated \$3,000,000 for facility maintenance and repairs.

The funds for the contract amendment will be carried over from FY 2019 to FY 2020 and will be officially appropriated as part of the First Amendment to the FY 2020 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

The Public Works Department, jointly with the Library, is requesting execution of an amendment by the City Manager to the existing contract to complete full removal of all exterior stucco to the Central Library's Bancroft building annex constructed in 2002.

The existing contract with W.A. Rose Construction, Inc. for exterior stucco demolition work at the Central Library was executed on July 24, 2018 for an amount not to exceed \$194,897.95 and for a term from March 19, 2018 through a projected final completion on September 30, 2018. On September 13, 2018 City council approved an amendment to increase the contract to an amount not to exceed \$320,156.44.

The initial contract sought to immediately address areas determined to be at highest risk of hazard and injury to public and staff related to stucco detachment from the exterior of

the Central Library. W.A. Rose has completed removal of stucco on all portions of the Kittredge wing and most of the Bancroft wing. Demolition work on the Bancroft wing has proven more difficult and involved due to unforeseen varying conditions of degrees of stucco adherence and uneven surface conditions of the underlying base concrete wall; this includes, in some portions of the Bancroft wing, stronger adherence conditions due to the presence of lath that had not been observed on the Kittredge wing and which were encountered only once stucco demolition was undertaken on the Bancroft wing. Consequently, with remaining funds on the contract of \$88,977.00 proving insufficient in consideration of these unforeseen conditions, the Library suspended demolition work with two walls remaining to be addressed. The amendment to increase the contract by \$31,161.00 for a total contract amount not to exceed \$351,317.44 is to enable the full completion of removal of stucco on the Bancroft wing. In addition, an allowable contingency amount of up to \$6,000 is requested in the event of the occurrence of unforeseen conditions.

#### BACKGROUND

In March of (2018), a section of exterior stucco on the Bancroft building wing detached in an area not visible from either Kittredge Street or Bancroft Way. With the assistance of the General Services Department and in consultation with other City departments, the Library engaged the services of W.A. Rose Construction, Inc., a general contractor, on an emergency basis to secure the area and to remove any other proximate potential stucco-related hazards to ensure the safety of Library patrons and staff. Consequently, the agreement with W.A. Rose initiated the removal of exterior stucco from selected areas of the Central Library exhibiting signs of decay, poor bonding, and other deficient characteristics.

Concurrently, the Library entered into a separate agreement with the architectural and engineering consultancy firm Marx/Okubo Associates, Inc., to determine the extent of failing and or compromised stucco and the causes of the stucco failure. Marx/Okubo tested the entirety of accessible Bancroft building stucco walls to assess the bonding strength of the stucco layer to the concrete wall and the stucco's overall condition. The final accepted report from Marx/Okubo Associates confirmed extensive conditions of potential risks due to stucco failure.

On March 23, 2018, the Library was issued Purchase Order 118878 for \$50,000 for necessary removal of stucco to be performed by W.A. Rose, the maximum amount granted to the Director of Library Services' for vendor services. On May 21, 2018, W.A. Rose completed demolition of stucco on the Kittredge Street side of the Bancroft building. Subsequently, Contract No. 10941 – since converted to ERMA contract no. 121345-1 – was executed for \$194,897.95 that included all work performed (inclusive of Purchase Order 118878) as well as providing for additional demolition work to the wall abutting the tenants' courtyard area of the K Street Flats apartment complex and the Bancroft Way south facing wall (staff entry area). That work has been completed. Two additional walls remain to be completed due to unforeseen stucco adherence and wall

conditions. Consequently, the current contract requires additional funds of \$31,161.00 and a time extension in order to ensure completion so that the City and Library can initiate redesign and replacement of the failed stucco system

ENVIRONMENTAL SUSTAINABILITY

The removal of the stucco at the Central Library will assist in maintaining the lifespan of the building and will allow for new construction that will improve the long term durability of the exterior. Additionally, all waste generated will be managed appropriately to minimize landfill impacts.

RATIONALE FOR RECOMMENDATION

In fiscal year 2018 there were 409,547 unique visits to the Central Library through the public entrance. Removal of compromised stucco eliminates exposure to falling stucco which is a safety hazard for both patrons and staff. Completion of demolition will allow the City and Library to undertake design and reconstruction efforts, including a public construction project bid solicitation for reinstallation of stucco.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Phillip L. Harrington, Director, Public Works, 510-981-6303  
Elliot Warren, Acting Director, Library, 510-981-6195

Attachments:  
1: Resolution

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

CONTRACT NO. 121345-1 AMENDMENT: W.A. ROSE CONSTRUCTION, INC. FOR EXTERIOR STUCCO DEMOLITION WORK AT THE CENTRAL LIBRARY

WHEREAS, as a result of a 1996 voter-approved bond measure (Measure S) the Central Library was renovated and enlarged with construction of a new annex wing commonly referred to as the Bancroft building and reopened for public services in 2002; and

WHEREAS, Berkeley Public Library facilities are the property of the City of Berkeley; and

WHEREAS, on March 15, 2018, a section of plaster from the upper portion of a single Bancroft building wall detached from the building structure; and

WHEREAS, upon expert analysis performed by Marx/Okubo Associates, Inc., an architectural and engineering consultancy firm, building stucco conditions were confirmed for potential risks due to failure; and

WHEREAS, neither the Library nor the City have equipment or staffing to perform the emergency work needed; and

WHEREAS, to ensure the safety of Library patrons and staff the Library engaged the services of W.A. Rose Construction, Inc. to initiate stucco demolition from the Bancroft building annex of the Central Library above the accessibility ramp and main entry areas; and

WHEREAS, Contract No. 10941 (converted to ERMA 121345-1) with W.A. Rose Construction, Inc. for exterior stucco demolition work was executed on July 24, 2018 and amended for an amount not to exceed \$320,156.44; and

WHEREAS, due to unforeseen varying conditions of degrees of stucco adherence and uneven surface conditions of the underlying base concrete wall an increase of \$30,161.00 to the not to exceed amount is required for the complete demolition removal of all exterior stucco at potential risk of failure; the contract is funded by the Public Library's Library Tax Fund (101-22-241-263-0000-000-463-662110).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 121345-1 with W.A. Rose Construction, Inc. for exterior stucco demolition work at the Central Library increasing the current contract amount of \$320,156.44 by \$30,161.00 for a total contract amount not to exceed \$351,317.44 plus an allowable contingency amount of up to \$6,000.



Office of the City Manager

CONSENT CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Phillip L. Harrington, Director, Public Works Department

Subject: Agreements: Joint Exercise of Powers Agreement Establishing and Governing Operation of the Collection System Technical Advisory Committee and Defendants' Side Agreement to Facilitate Consent Decree Compliance

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute the Joint Exercise of Powers Agreement with the City of Alameda, City of Albany, City of Berkeley, City of Emeryville, City of Oakland, City of Piedmont, the Stege Sanitary District, and East Bay Municipal Utility District, establishing and governing operation of the Collection System Technical Advisory Committee and the Defendants' Side Agreement to facilitate Consent Decree Compliance.

SUMMARY

On September 22, 2014, the City of Berkeley agreed to a Consent Decree filed by the Federal Government and the State of California to perform certain sanitary sewer capital improvements and maintenance work. The work requires collaboration with East Bay Municipal Utility District (EBMUD) and the seven satellite agencies tributary to the EBMUD wastewater system of wet weather facilities and wastewater treatment plant (satellites)<sup>1</sup>. Staff recommends that the City Council approve the resolution (Attachment 1) authorizing the City Manager to execute both the Joint Exercise of Powers Agreement Establishing and Governing Operation of the Collection System Technical Advisory Committee and the Defendants' Side Agreement to Facilitate Consent Decree Compliance.

FISCAL IMPACTS OF RECOMMENDATION

There is no immediate financial impact of the new Joint Exercise of Powers Agreements (JPA) or the Defendants' Side Agreement (DSA). The new JPA will result in cost savings for contracted common services that would otherwise be contracted directly by the City. Any necessary implementation of the DSA in the future should save the City some of the expenses related to revised work plans or performance evaluation plans since the cost allocations and processes are specified in the DSA. The new JPA creates the Collection

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<sup>1</sup> The satellite agencies are the Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont, and the Stege Sanitary District.

System Technical Advisory Committee (CSTAC) and establishes its governance as a means to coordinate on regional efforts, allows for the agencies to contract with EBMUD for fats, oils, and grease (FOG) services and other wastewater collection related services, and provides access to “economies of scale” services procured by EBMUD. The DSA addresses those items implied, though not explicitly clarified, in the Consent Decree, such as an arbitration process to settle disagreements amongst the JPA agencies.

#### CURRENT SITUATION AND ITS EFFECT

The existing JPA for the control of Wet Weather Overflows was signed by the City Manager on January 9, 1986 as authorized by Resolution No. 52,984-N.S. (Attachment 2). The existing JPA is outdated primarily because the Consent Decree was not in place at the time. The new JPA addresses the work requirements and coordination required by the Consent Decree.

East Bay Municipal Utility District and the satellites will be parties to this new JPA that will provide the means for the JPA agencies to:

- Coordinate on engineering, consulting, and possible legal services for the development, preparation and implementation of studies, reports, and projects to address National Pollutant Discharge Elimination System (NPDES) permit conditions
- Jointly fund efforts related to the regional system for wastewater collection, transmission and treatment, FOG services and agreed upon professional services
- Facilitate the efficient flow of information and the filing of joint reports to appropriate recipients, including regulatory agencies

The new JPA is shown in Attachment 3 and includes the following:

- Ability to designate one or more JPA agencies as being responsible for financial and administrative matters, and the process for replacing that member if required or necessary
- Financial responsibility of each JPA agency for administrative overhead costs, as well as proportional responsibility for each contractual commitment
- A governance structure comprised of representatives from each of the signatory agencies, and the authority with regard to decision-making and contracting
- An opt-out provision for contracts entered into participation in contracts is discretionary, at the option of each JPA agency so no agency is obligated to participate in any contract unless it so chooses
- The ability of a JPA agency to withdraw from the JPA

The DSA is shown in Attachment 4 and includes the following:

- A specified arbitration process to settle any disagreements among the Consent Decree defendants regarding Revised Work Plans that could potentially be required under the terms of the Consent Decree.



- Roles and Responsibilities for all Consent Decree defendants, other than the City of Berkeley (which has its own program), regarding the Private Sewer Lateral program
- Cost Allocation for Performance Evaluation Plan (PEP) implementation in the event that a PEP is required under the terms of the Consent Decree.

Executing the JPA and DSA supports the City's Strategic Plan goals of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities and being a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

## BACKGROUND

### Joint Exercise of Powers Agreement

The City of Berkeley is one of eight defendants named in the September 2014 Consent Decree issued by the Federal Government and State of California. The defendants are EBMUD and the satellites tributary to the EBMUD wastewater system of wet weather facilities and wastewater treatment plant. The Consent Decree requires significant work by the defendants over a twenty-two (22) year period with the purpose of eliminating the use of wet weather facilities for flows up to and including design storm events, includes penalties for failure to complete work and failure to meet flow reductions, and processes for potential revisions to future work if flow reductions are not achieved as planned. The defendants are linked through their use of wet weather facilities during high flow periods, as well as through their joint use of the EBMUD treatment plant. The work and the effectiveness (or not) of work in an individual defendant's systems affects the results of the entire system, so there is a definite interrelationship that necessitates the need for good communications and joint efforts in the group.

The City of Berkeley already has a formal relationship with the other defendants (EBMUD and the six other satellites that are tributary to EBMUD) via an existing joint powers agreement (existing JPA) that was adopted in 1979 and amended in 1986. This existing JPA formed no new public entity and was developed in response to the need for these agencies to combine resources to address inflow/infiltration regulatory concerns and orders in the 1970s and 1980s. The existing JPA has enabled the agencies to contract for and administer common collection system services, realizing cost savings over contracting as individual agencies because of the economies of scale evident due to the magnitude of the contracts. EBMUD serves as the lead agency and is responsible for entering into contracts on behalf of the agencies and providing financial and administrative services to the group.

The existing JPA is outdated in that the specific stated purposes for it are outlived or superseded. It is not applicable to current issues and requirements the agencies face and a new agreement needs to be made to address requirements in the 2014 Consent Decree to which all the existing JPA agencies are subject. A new JPA agreement was developed with the input and review of the existing JPA agencies and all except for the City of Berkeley and the City of Oakland secured approval by their governing bodies in

late 2018. Similar to the existing JPA, this new JPA forms no new public entity. Approval of this new JPA replaces and supersedes the existing JPA agreements and amendments.

#### Defendants' Side Agreement

During the Consent Decree negotiations, in addition to revising the JPA, the agencies' technical and legal staffs also recognized the possibility that revised work and evaluation plans may be imposed by the terms of the Consent Decree, and these plans may cause interrelated activities and requirements for some or all of the JPA agencies. It was also recognized that there could be disputes among the agencies regarding these potential future plans and an agreement was needed in advance of the time such plans may be developed; the agencies are related or linked through their use of downstream wet weather facilities and the EBMUD treatment plant. Successful flow reduction in individual JPA agency systems affects overall results of all JPA agencies, therefore, the staff of these agencies initiated a project to develop a Side Agreement to the new JPA in order to define how any future work plans imposed by the Consent Decree would be devised and implemented. The DSA was developed with the input and review of all JPA agencies, and all except for the City of Berkeley and City of Oakland secured DSA approval by their governing bodies, along with the new JPA. However, the JPA agencies, at their joint meeting on May 15<sup>th</sup>, 2019 decided to change the DSA to be executable by five of the members rather than all eight members in the event that City of Oakland does not sign the DSA or other agencies withdraw their participation in the Agreement in the future. The DSA, which all interested JPA agencies will bring to their governing board for approval, is attached as Attachment 4.

#### ENVIRONMENTAL SUSTAINABILITY

The regional collaborative effort from the JPA and DSA has a direct benefit to the environment by supporting compliance with the regulatory requirements and having a long-term plan to eliminate wastewater discharges and overflows to the bay. The collaborative effort will help protect water quality by reducing the frequency of sanitary sewer overflows, and infiltration and inflows into the City's sanitary sewer system that can negatively affect the water quality of the San Francisco Bay.

#### RATIONALE FOR RECOMMENDATION

The new JPA should result in cost savings for contracted common services that would otherwise be contracted for directly by the City. The DSA should save the City some of the expenses related to revised work plans or performance evaluation plans since the cost allocations and processes are specified in the agreement. In addition, these agreements provide for better coordination and facilitate compliance with the Consent Decree.

#### ALTERNATIVE ACTIONS CONSIDERED

No other alternative actions were considered as the agreements are required to comply with the Consent Decree.

CONTACT PERSON

Phillip L. Harrington, Director, Public Works (510) 981-6303

Andrew Brozyna, Deputy Director, Public Works (510) 981-6496

Nisha Patel, Manager of Engineering, Public Works (510) 981-6406

Attachments:

1. Resolution
2. Resolution No. 52,984-N.S. Authorizing Amendment to JPA Agreement
3. New Joint Exercise of Powers Agreement
4. Defendants' Side Agreement

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

AGREEMENTS: JOINT EXERCISE OF POWERS AGREEMENT ESTABLISHING AND GOVERNING OPERATION OF THE COLLECTION SYSTEM TECHNICAL ADVISORY COMMITTEE AND DEFENDANTS' SIDE AGREEMENT TO FACILITATE CONSENT DECREE COMPLIANCE

WHEREAS, the City is one of eight defendants in the September 2014 Consent Decree issued by the Federal Government and State of California; and

WHEREAS, the Consent Decree requires significant work by all defendants over a twenty-two (22) year period with the purpose of eliminating the use of wet weather facilities for wastewater flows up to and including design storm events; and

WHEREAS, the City already has a formal relationship with EBMUD and the six other wastewater satellite agencies (satellites) that are tributary to EBMUD via an existing joint powers agreement (existing JPA) that was adopted in 1979 and amended in 1986; and

WHEREAS, the existing JPA is outdated in that the specific stated purposes for it are outlived or superseded, it is not applicable to current issues and requirements the agencies face, and a new agreement is required to address requirements in the 2014 Consent Decree to which all defendants are subject; and

WHEREAS, successful flow reduction in individual defendants' systems affects overall results of all defendants, therefore, the staffs of the eight defendant agencies initiated a project to develop a Defendants' Side Agreement (DSA) to a new JPA in order to define how any future imposed work plans will be devised and implemented by the defendants; and

WHEREAS, the new JPA and the DSA were developed with the input and review of all eight defendants.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute the Joint Exercise of Powers Agreement Establishing and Governing Operation of the Collection System Technical Advisory Committee and the Defendants' Side Agreement and any amendments to facilitate Consent Decree compliance. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO. 52,984-N.S.

AUTHORIZING AMENDMENT TO JOINT POWERS AGREEMENT FOR THE INFILTRATION/INFLOW CONTROL PROJECT.

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

WHEREAS, by Resolution No. 49,211-N.S., the Council authorized execution of a joint powers agreement with the cities of Alameda, Albany, Emeryville, Oakland and Piedmont, the Stege Sanitary District and East Bay Municipal Utility District for the infiltration/inflow control project; and

WHEREAS, it has become necessary to extend the time period for the agreement and make other changes, as set forth in the draft amendment attached hereto as Exhibit A and made a part hereof.

NOW, THEREFORE, Be it Resolved that the City Manager is hereby authorized to execute the amendment to the joint powers agreement (Exhibit A); a copy of the amendment to be filed in the office of the City Clerk.

Copies sent 12/17/85

To: Public Works  
Auditor

RESOLUTION

No. 52,984 N.S.

Dated November 19, 1985

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

Ayes: Councilmembers Chandler, Denton, Fukson, Jelinek, Shirek,  
and President Newport.

Noes: None.

Abstaining: None.

Absent: Councilmembers Hester, Lashley, and Skinner.

*Eugene S. Newport*  
Mayor and President of the Council

Attest *Edythe Campbell*  
City Clerk and Clerk of the Council

AMENDMENT TO JOINT EXERCISE OF POWERS  
AGREEMENT FOR CONTROL OF WET WEATHER  
OVERFLOWS AND BYPASSES

This Amendment to Agreement is made and entered into by and between the following owners and operators of community sewer systems: City of Oakland, City of Piedmont, Town of Emeryville, City of Alameda, City of Berkeley, City of Albany and the Stage Sanitary District (all hereinafter referred to as "Communities") and the East Bay Municipal Utility District (hereinafter referred to as "District".)

WHEREAS, Communities and District entered a Joint Powers Agreement (JPA) dated February 13, 1979 for the conduct of a Study for the Control of Wet Weather Overflows and Bypasses in Community Sewer Systems and in the District interceptor system, said Study to include an infiltration/inflow analysis of community sewer systems and a Sewer System Evaluation Study for each community; a copy of said Agreement is attached hereto as Exhibit "A"; and

WHEREAS, the District has served as administrative lead agency for the conduct of said Study and applied for and received federal and state grant funds for the Study; and the goal of the Study was to develop a separate element for each Community and to incorporate the results of the Study with the District's Wet Weather Facilities Plan in order to seek the most cost effective way to eliminate untreated wet weather overflows from community sewer systems and District interceptor treatment systems to the benefit of residents and taxpayers common to communities and District; and

WHEREAS, each community signatory to the JPA, agreed to assume responsibility for implementation and funding study recommendations for its community sewer system to eliminate wet weather overflows; and

WHEREAS, in September 1984 revised NPDES permits were issued to communities and District requiring control of wet weather overflows; and each community and the District were required to submit a Compliance Plan by October 1, 1985; and

WHEREAS, the Draft I/I Study and SSES Report for each community was completed and filed with each community in April 1985; and each community has reviewed and commented on the element of the Study applying to its community service area; and

WHEREAS, each Community has adopted and filed with RWQCB a Compliance Plan accepting major recommendations setting forth a schedule for implementation of said recommendation over

approval of the Technical Advisory Board (TAB), an Implementation Program for the initial five years of community sewer system wet weather projects and programs recommended in the I/I Study and adopted in the respective communities Compliance Plans;

The Program shall include, on an annual basis, programs, studies and projects of general and special benefit as approved by the TAB in an Annual Budget and Work Plan, as provided herein, and shall include a priority list of construction projects for each community (including joint community facilities).

Upon approval of the first Annual Budget and Work Plan of the Implementation Program, District will apply on behalf of communities for state and federal grant or loan funds for the design and construction of projects (including joint community facilities) in the Implementation Program.

The Implementation Program may include such functions as:

- o Development of sewer and lateral testing and rehabilitation methods.
- o Conduct of sewer flow monitoring
- o Conduct of revenue and financial studies
- o Conduct of joint public information programs
- o Coordination of the planning, design and construction of joint community facilities and joint community - district facilities.
- o Coordination of community and district wet weather projects.
- o Coordination of legislative efforts as necessary for joint community benefit.
- o Procurement of necessary equipment for joint community use
- o Development of uniform sewer and lateral construction specifications standards and practices.
- o Other joint wet weather programs of mutual interest and benefit to District and Communities for regional control of wet weather overflows and bypasses.



c) Annual Budget and Work Plan

The five year Implementation Program shall be developed and implemented on a year to year basis, as reflected in Annual Budgets and Work Plans. The Annual Budget and Work Plan shall be divided into separate elements consisting of Part A (joint wet weather programs for general benefit to communities and district, including administrative expenses and a wet weather project priority listing and scheduling), and Part B (wet weather programs whose benefits are significantly greater for one or more communities than for others). Approval of Part A of the Annual Budget and Work Plan shall require a unanimous vote and approval of Part B of the Annual Budget and Work Plan shall require the affirmative vote of a simple majority (five members) of the Board, including the affirmative vote of all members participating in a program of specific benefit.

d) Implementation Revolving Fund.

In order to provide funds to cover costs under this Amendment to Agreement, for District administrative costs, and to facilitate the administration of this Agreement, an implementation revolving fund shall be established as provided herein. This fund shall be separate and independent from the JPA revolving fund established for the Step One East Bay I/I Study.

Within 30 days of the effective date of this Amendment to Agreement, communities agree to deposit with District a total initial sum of \$50,000 to establish said Implementation Revolving Fund, to be paid by each community as follows:

Alameda

Albany

Berkeley

Emeryville

Oakland

Piedmont

Stege

Said initial sum shall be credited towards the pro rata share which each community shall ultimately be required

phases of the Program.

Section 7. "Term" is amended to add the following:

The term of this Amendment to Agreement will be five years from the effective date hereof, or until such time as the work to be accomplished under the State and Federal grants to the lead agency has been accomplished to the announced satisfaction of the SWRCB and EPA, whichever occurs first.

Funds, including any interest earned on deposits, remaining in the Revolving Fund on the completion of the Implementation Program after payment of all Program obligations, shall be distributed to the communities in proportion to their respective contributions.

Section 8. It is understood and agreed that the provisions of the 1979 Joint Exercise of Powers Agreement shall remain in full force and effect, including the "Revolving Fund" provisions, through completion of the Final I/I Study Report, and thereafter as applicable to the Wet Weather Project Implementation Program.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment to Agreement by their duly authorized officers and representatives as of the day and year hereinafter set forth. This Agreement may be executed in counterpart and shall be effective on the date of execution by the last party hereto.

Attest:

CITY OF ALAMEDA

By \_\_\_\_\_

By \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Attest:

CITY OF ALBANY

By \_\_\_\_\_

By \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Attest:

CITY OF BERKELEY

By \_\_\_\_\_

By \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

**JOINT EXERCISE OF POWERS AGREEMENT  
ESTABLISHING AND GOVERNING OPERATION  
OF THE COLLECTION SYSTEM TECHNICAL ADVISORY COMMITTEE**

This Joint Exercise of Powers Agreement (“Agreement”) is made and entered into by and between the following owners and operators and community sewer systems: CITY OF ALAMEDA, CITY OF ALBANY, CITY OF BERKELEY, CITY OF EMERYVILLE, CITY OF OAKLAND, CITY OF PIEDMONT and STEGE SANITARY DISTRICT (all hereinafter referred to as “Communities”) and EAST BAY MUNICIPAL UTILITY DISTRICT (hereinafter referred to as “District”), jointly hereinafter referred to as Collection System Technical Advisory Committee (“CSTAC”) Agencies (“CSTAC Agencies” or individual Communities or the District as an “Agency” or a “CSTAC Agency”).

RECITALS

A. Communities own, operate and maintain community sewer systems for the collection and transport of sewage and industrial wastes from residents and industries within the boundaries of the Special District No. One of District.

B. District owns, operates and maintains interceptors and sewage treatment facilities for the interception and treatment of sewage and industrial wastes flowing from said Communities’ sewer systems.

C. In February 1975, District did, with the assistance and cooperation of Communities, file with the Regional Water Quality Control Board, and the governing bodies of Communities, that certain report entitled, “The Control of Wet Weather Overflows” and said report did include an infiltration and inflow analysis of the respective sewer systems of said Communities, as well as the interceptor facilities of District and did recommend the development of certain alternatives for further study to develop projects for the control of wet weather flows and said alternatives consist generally of Project A (Sewer System Evaluation Study and Infiltration-Inflow Control) to be undertaken by Communities by separating combined sewers and disconnecting roof leaders, yard drains and catch basins and of Project B (wet weather flow storage-treatment) to be undertaken by District by constructing storage and treatment facilities to reduce overflows from the interceptor and treatment plant systems.

D. The CSTAC Agencies entered into that certain “Joint Exercise Powers Agreement for Control of Wet Weather Overflows and Bypasses” dated February 13,

1979, for the purpose of establishing responsibilities with respect to further study of the alternatives to address wet weather overflows.

E. In September 1984, National Pollutant Discharge Elimination Systems (NPDES) permits were issued to CSTAC Agencies which require control of wet weather overflows.

F. On January 17, 1986, the CSTAC Agencies amended the February 13, 1979, agreement to provide for the 5-year initial phase of implementation of wet weather overflow study recommendations and provide for the performance of joint efforts to carry out wet weather implementation programs described therein.

G. In furtherance of the study recommendations, District designed and constructed three (3) Wet Weather Facilities (“WWFs”) during the period between 1987 and 1996 that provide primary treatment and disinfection of peak flows that would otherwise be discharged untreated into the San Francisco Bay.

H. The United States Environmental Protection Agency (“EPA”) and the California State Water Resources Control Board (“State Water Board”) determined in 2004 and 2007, respectively, that the WWFs do not provide the level of treatment required by law, and California Regional Water Quality Control Board, San Francisco Bay Region (“Regional Water Board”) subsequently reissued the District’s WWF NPDES permit on January 14, 2009, and such reissued permit prohibited further discharges from the WWFs.

I. On January 15, 2009, Plaintiff United States of America (“United States”), on behalf of the EPA and Plaintiff People of the State of California *ex rel.*, State Water Board and Regional Water Board (together with the State Water Board, “Water Boards”) filed a complaint against the District pursuant to section 309 of the Clean Water Act (“CWA”), 33 U.S.C. § 1319, and Cal. Water Code sections 13376, 13385 and 13386, in *United States, et al. v. East Bay Municipal Utility District*, Case No. C 09-00186 RS (N.D. Cal.) (“District Litigation”).

J. Inflow and Infiltration of stormwater into the Communities collection systems and sewer laterals during severe wet weather events - via cross-connections, cracks and other imperfections in system pipes, joints and manholes - can lead to a greater-than-10-fold increase in the volume of wastewater that reaches the District’s interceptor system. During such severe wet weather events, partially treated discharges from the WWFs are discharged to the San Francisco Bay.

K. Reduction of inflow and infiltration requires the active participation of the Communities. On December 3, 2009, the United States, on behalf of the EPA, filed a complaint against the Communities pursuant to section 309 of the CWA, 33 U.S.C. § 1319, in *United States, et al. v. City of Alameda, et al.*, Case No. C 09-05684 RS (N.D. Cal.) (“Communities Litigation”).

L. The complaint filed in the Communities Litigation alleged that the Communities have discharged pollutants without a permit in violation of CWA section 301(a), 33 U.S.C. § 1311(a), and have discharged pollutants and failed to properly operate and maintain their sanitary sewage collection systems in violation of the terms and conditions of their NPDES Permits. The complaint joined the State of California to this action pursuant to section 309(e) of the CWA, 33 U.S.C. § 1319(e).

M. On September 22, 2014, the court entered a Consent Decree resulting from the District Litigation and Communities Litigation brought by the EPA against the CSTAC Agencies. The work required by the Consent Decree represents a comprehensive regional asset management approach by eight (8) different agencies and is based on complex and evolving hydrologic and hydraulic modeling. The term of the Consent Decree, including the ultimate compliance deadline for eliminating discharges from the last WWF by the end of 2035, represents CSTAC Agencies’ understanding regarding an achievable timeline based on current information.

NOW, THEREFORE, the CSTAC Agencies hereto agree as follows:

1. Purpose. CSTAC Agencies wish to enter into this Agreement to establish and govern the operation of the CSTAC. The CSTAC is a decision-making body formed of representatives of the member agencies but is not an agency or entity separate from its members. The purpose of the CSTAC is to provide means for the CSTAC Agencies to do all of the following: (1) coordinate on engineering, consulting, and potentially legal services for the development, preparation and implementation of studies, reports and projects to address NPDES permit conditions for the CSTAC Agencies and additional legal or regulatory requirements applicable to the regional wastewater collection, transmission, and treatment system, and (2) jointly fund efforts related to the regional system for wastewater collection, transmission, and treatment, as may be agreed to by the CSTAC Agencies in accordance with this Agreement, which may include payment for Communities’ fats, oils and grease (FOG) services and agreed upon professional consultant services, and (3) facilitate the efficient flow of information among the parties and the filing of joint reports to appropriate recipients.

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2. Decision Making Structure. Decisions regarding the actions of CSTAC including decisions regarding which projects to pursue and fund, will be made by a committee made up of one (1) designated staff representative from each CSTAC Agency. This body of CSTAC Agency staff representatives shall be referred to as the "Committee." Each designated representative will have the authority to vote on behalf of that Agency, and one or more designated alternates will have the authority to vote on behalf of that Agency when the designated representative is absent or in the case of a conflict of interest. Each Agency shall have one (1) vote on the Committee. Except for voting on the annual budget, and special, unbudgeted, or outside projects, all other CSTAC decisions will require a minimum of a majority of affirmative votes by designated representatives or designated alternates of all CSTAC Agencies.

(a) Committee Meetings. A quorum shall be present or present by telephone for all Committee meetings. A quorum is a simple majority of CSTAC member agencies. Votes may be taken by voice vote or from the designated representatives present or attending by telephone at a noticed Committee meeting. Written votes may be submitted on behalf of a CSTAC Agency at a meeting when neither the designated representative nor the designated alternate can be present at the meeting or attend by telephone.

CSTAC shall elect a chair and vice chair as its officers annually at the first meeting of the fiscal year or as soon thereafter as is practical. The election may be administered by a written vote of CSTAC Agencies tabulated by the "Administrative Agency" (discussed in Section 3), if difficulty in obtaining a quorum, resignation or unavailability of officers or other occurrence prevents holding of an election at a Committee meeting early in a fiscal year. Each officer may serve for two (2) consecutive years in either of the positions. Additional sequential terms may be permitted by a supermajority vote of CSTAC Agency representatives as set forth below.

(b) Fiscal Year. This Agreement and all decisions made herein shall operate on a fiscal year basis, where such fiscal year commences on July 1 and ends on June 30. All references to "annual" or "annually" in this Agreement relate to the fiscal year.

(c) Annual Budget. The scope of the work to be performed will be determined annually as part of the annual budget. The Committee shall annually prepare and adopt a budget prior to the beginning of each fiscal year, and no later than June 30 of each year. To adopt or modify the annual budget or approve any

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unbudgeted projects, a minimum of seven (7) affirmative votes of the Committee members will be required. The budget shall include, but not be limited to, anticipated total annual expenditures, other contemplated expenditures, and any contingency reserve amount. The budget shall also contain sufficient detail to specify the anticipated projects and administrative costs for the fiscal year, a basis for the annual contribution of each Agency, and the total amount of administrative costs that will be reimbursed to the Administrative Agency or a procedure for effecting such reimbursement.

If fewer than eight (8) CSTAC Agencies remain parties to this Agreement due to withdrawal or termination in subsequent years, then a supermajority of affirmative votes of the remaining CSTAC Agencies is required in order to adopt or modify the annual budget or approve any unbudgeted projects. A supermajority is determined as follows: if seven (7) CSTAC Agencies remain then six (6) votes are required; if six (6) CSTAC Agencies remain, then five (5) votes are required; if five (5) CSTAC Agencies remain, then four (4) votes are required; if four (4) CSTAC Agencies remain, then three (3) votes are required. The term "supermajority" as used elsewhere in this Agreement shall have the meaning set forth in this paragraph.

(d) Joint and Special Projects. Joint projects are those that are undertaken jointly by CSTAC Agencies and provide a measure of benefit to all CSTAC Agencies. Joint projects typically will be approved through the annual budget process. As benefits may differ among CSTAC Agencies for joint projects, the proportionate funding responsibility for joint projects will be designated through the annual budget process.

Special projects are those that are undertaken through this CSTAC Agreement and are set forth in the annual budget, but where one or more CSTAC Agencies will not participate. A non-participating CSTAC Agency will not be required to fund the costs associated with a special project, such special project shall be the separate responsibility of the participating agencies. Any contract, obligation, or liability related to such project shall not constitute a debt, liability, or obligation of such non-participating CSTAC Agency. All CSTAC Agencies participating in a special project must vote favorably to the inclusion of the special project in the budget and the cost sharing proportion set forth therein.

(e) Unbudgeted Project Approval. Unbudgeted projects are projects that: (a) were either not included in the annual budget (new projects); or (b) pertain to projects that were included in the budget, but require supplemental

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authorization to carry out additional activities that were not contemplated in the budget. Both new projects and projects that require supplemental authorization shall be approved by a minimum of seven (7) affirmative votes of the CSTAC Agencies or a supermajority of affirmative (as described in Section 2(c) above) votes if fewer than eight (8) CSTAC Agencies remain parties to the Agreement.

If the annual budget is not sufficient to fund the unbudgeted project, then within forty-five (45) days of the unbudgeted project's approval, the Administrative Agency shall conduct an evaluation of the CSTAC Agencies' ability to pay the unfunded portion of unbudgeted project costs and take appropriate steps to prevent project costs in excess of any Agency's ability to fund its cost share.

Any Agency may choose to opt out of any unbudgeted project at the time of its approval and will not be required to contribute funds toward such a project. If one or more of the CSTAC Agencies opt out of an unbudgeted project, then said project will be deemed an outside project.

(f) Outside Projects. Outside projects are projects that were not included in the annual budget and that only some CSTAC Agencies choose to pursue. At least two (2) CSTAC Agencies must participate in an outside project. Agencies wishing to participate in an outside project must unanimously approve the outside project. Participating agencies will allocate and assess costs separately from joint and special projects. Agencies that do not participate in the outside project will not be required to contribute funds toward the outside project, and the outside projects shall be the separate responsibility of the participating agencies. Any contract, obligation, or liability related to such project shall not constitute a debt, liability, or obligation of such non-participating CSTAC Agency. If requested and authorized by the participating Agencies, the Administrative Agency may also serve as Administrative Agency for the outside project, and shall account for all finances of the outside projects and projects undertaken pursuant to this Agreement entirely separately.

3. Administrative Agency and Financial Agent: Authority, Responsibilities and Duties.

(a) One of the CSTAC Agencies shall serve as the "Administrative Agency" and in that role shall administer the projects undertaken jointly pursuant to this Agreement to accomplish the purposes of this Agreement, subject to the limitations herein set forth.



(b) The Committee may select the Administrative Agency with a minimum of six (6) affirmative votes, or by a supermajority vote as described in Section 2(c) if fewer than eight (8) agencies remain CSTAC members. The District and Stege Sanitary District have agreed to initially continue to assume their existing roles of serving as the Administrative Agency for selected tasks for the remainder of the fiscal year in which this Agreement becomes effective, and for the first full fiscal year that follows. The District has also agreed to continue to act as the “Financial Agent” (as defined in Section 3(h) below) for that same period.

(c) Neither the Administrative Agency nor CSTAC will authorize any work in a Community without the concurrence of the designated representative of the Community.

(d) The Administrative Agency shall perform routine administrative and legal functions incident to the administration of approved CSTAC projects.

(e) The Administrative Agency shall be responsible for administering the services on behalf of the CSTAC Agencies provided by engineers, consultants or attorneys.

The Administrative Agency may enter into contracts on behalf of the CSTAC Agencies without specific Committee approval, provided that the contract is within the adopted annual budgetary authorization, and that the total aggregate annual value of each contract does not exceed Fifteen Thousand Dollars (\$15,000.00). Contracts that are not consistent with the approved annual budget or exceed a total aggregate annual value of Fifteen Thousand Dollars (\$15,000.00) shall require specific Committee approval separate from the annual budget and a minimum of six (6) affirmative votes of the CSTAC members or a supermajority if there are less than eight (8) CSTAC members. This not-to-exceed Administrative Agency contracting limit may be adjusted from time to time by a supermajority vote of the Committee. The Administrative Agency shall procure such contracts in a manner that complies with the contracting laws, policies, and practices that govern the Administrative Agency.

(f) The Administrative Agency will be responsible for making payments, or authorizing payments if the Administrative Agency is not the Financial Agent of CSTAC. This authority shall include payments to engineers, consultants or attorneys on behalf of the CSTAC Agencies. The Administrative Agency shall provide regular financial reports to the Committee of all payments made and outstanding

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balances remaining on all projects. No payments shall be made in excess of the authorized project amount without unanimous approval of the Committee.

(g) The term of the Administrative Agency shall be at least one (1) full fiscal year. The Administrative Agency may resign its position as Administrative Agency upon written notice to all CSTAC Agencies within one hundred twenty (120) days prior to the end of the fiscal year. Unless otherwise agreed to by the Administrative Agency and a majority of CSTAC members, the last day of the fiscal year shall be the effective date of resignation. Upon resignation, the successor Administrative Agency shall direct the prior Administrative Agency to transfer or cause to have transferred to it all funds held on behalf of the CSTAC Agencies, CSTAC records and financial statements that were in the prior Administrative Agency's possession. The prior Administrative Agency shall also take any further action necessary to effectuate the transfer of Administrative Agency duties and responsibilities as directed by a majority of CSTAC members.

The successor Administrative Agency shall be chosen by a supermajority vote of the CSTAC as is set forth above for the initial selection of the Administrative Agency. If thirty (30) days after the resignation effective date no successor Administrative Agency is designated or no alternative administrative protocol is adopted by a vote of the CSTAC, this Agreement shall terminate and the prior Administrative Agency shall, with the assistance of the Financial Agent, distribute all property held on behalf of the CSTAC Agencies pursuant to Section 11.

(h) Either the Administrative Agency or another CSTAC Agency will be the Financial Agent of the CSTAC Agencies, subject to CSTAC approval by majority vote. The Financial Agent will be the depositor, and will have custody of all money of the CSTAC Agencies, strictly accounting for all CSTAC Agency funds held pursuant to this Agreement in trust in a segregated, interest bearing account. Any CSTAC Agency that assumes the role of Financial Agent must keep sufficient records that would allow appropriate review by an outside auditor at any time, at the request of the Administrative Agency or a majority of the CSTAC Agencies. The Administrative Agency's financial activities shall also be subject to an outside audit at any time, at the request of a majority of the CSTAC Agencies. For the remainder of the fiscal year in which this Agreement becomes effective, and for the first full fiscal year that follows, the District has agreed to act as the Financial Agent.

(i) There may be circumstances where it benefits CSTAC to designate a second Agency to serve as the Administrative Agency for one or more CSTAC projects. This may occur to facilitate ease of contracting and procurement of

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consultants, or when a CSTAC Agency has a special interest or experience related to one or more CSTAC projects or programs. A second Community or the District may be designated as an Administrative Agency for designated projects or programs by a supermajority vote of the Committee. The term and scope of that Agency's administrative responsibilities shall be set forth by the Committee consistent with the general provisions for the Administrative Agency set forth herein. The authority and responsibility of any Agency providing Administrative Agency functions at the time this Agreement becomes effective shall continue at least until the end of the first full fiscal year, consistent with Section 3(g) above.

4. Cost Estimate and Proportionate Community Share.

(a) Distribution of Costs. Except as provided herein with respect to the participation in and funding of outside projects, each of the CSTAC Agencies agrees to contribute its annual share of the estimated project costs based upon the approved allocations adopted with the annual budget or as designated and approved subsequent to the adoption of the annual budget.

Upon approval of the annual budget or any approved mid-year project, each of the CSTAC Agencies agrees to contribute its share of the costs in cash and/or creditable goods, materials, supplies or services as agreed to at the time of such approval. Creditable goods, materials, supplies or services are those goods, materials, supplies or services that are properly chargeable to the relevant project. None of the signatories to this Agreement shall be entitled to a credit for goods, materials, supplies or services furnished unless the credit has been previously approved by CSTAC. In allocating costs to the CSTAC Agencies hereto, the Administrative Agency shall give credit for the furnishing of such creditable goods, materials, supplies or services. When creditable goods, materials, supplies and services are furnished by CSTAC Agencies, they shall be charged for and invoiced in accordance with the accounting practices of the particular Agency unless otherwise agreed to in advance by CSTAC .

No compensation shall be paid under the terms of this Agreement to any member of the CSTAC for services rendered in such capacity.

Each party's financial obligation hereunder is expressly limited to the appropriation and contribution of such funds as are provided for in this Agreement.

(b) Administrative Costs. The Administrative Agency shall be reimbursed for its reasonable direct and indirect administrative costs incurred,

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commencing upon execution of this Agreement. In accounting for donated labor services, reimbursement shall be made at the rate of one hundred ten (110) percent of the Administrative Agency's labor charges for employees working on administrative tasks for the CSTAC Agency. For any period of less than one (1) month, said charge shall be prorated.

In accounting for goods, materials, supplies and services (other than labor services) furnished by Administrative Agency under this Agreement, actual cash value, rental values, or hourly rate shall be used in accordance with the Administrative Agency's standard accounting practices and in accordance with any applicable state and federal grant guidelines. The Administrative Agency shall provide CSTAC with a budget of anticipated administrative costs and shall make periodic reports, at least annually, to said CSTAC. Said budget shall be approved by two-thirds (2/3) of the members of the Committee. The Administrative Agency and the Financial Agent shall be strictly accountable for all funds received and expended on behalf of the CSTAC Agency.

5. Revolving Fund. In order to provide funds for all expenditures authorized by this Agreement, including Administrative Agency administrative costs, and to facilitate the administration of this Agreement, a revolving fund shall be established as provided herein. On or about July 1 of each year, after CSTAC adopts the annual budget, the Financial Agent shall send an invoice to each CSTAC Agency that sets forth that Agency's total annual allocated costs of the work ("budget payments"). On or before August 1 of each year, each CSTAC Agency shall remit to the Financial Agent a minimum of one-half (1/2) of that Agency's annual budget payments, which money the Financial Agent shall hold solely for payment to consultants for services rendered. Each Agency shall remit its other half of budget payments due to the Financial Agent on or before December 20 of each year.

Upon the Financial Agent's determination that monies submitted by the CSTAC Agencies have been or will be exhausted, the Financial Agent, in coordination with the Administrative Agency, shall notify each CSTAC Agency of its share of the costs of the work, and each CSTAC Agency shall promptly deposit its share with the Financial Agent. Each CSTAC Agency's share shall be fixed in the same proportion as that Agency's proportion of the general annual budget, unless the shortfall is due to costs resulting from special projects for which the Agency did not participate or contributed an agreed to, customized share. No reimbursements shall be made to any Agency until said share is deposited with the Financial Agent. CSTAC Agencies

shall be responsible for submitting payment to the Financial Agent for any additional invoices no later than ten (10) days before each payment is due.

If, in the Financial Agent's determination, there are sufficient funds in the revolving fund at the time the annual budget payments would be due, the Financial Agent will notify the CSTAC Agencies that their annual budget payments need not be paid for that year, or that the payments may be reduced by any carry over balances from the preceding annual budget. The Financial Agent's notification that annual budget payments are not required or have been reduced shall not excuse the CSTAC Agencies from their ongoing obligations to fund payment of work.

6. Payments. Pursuant to this Agreement, all payments shall be by check, warrant or electronic transfer. The Administrative Agency and/or the Financial Agent shall indicate the address where payments shall be sent and to whom payments shall be made payable.

7. Effective Date and Term. The Effective Date of this Agreement shall be the first date that it has been signed by at least six (6) CSTAC Agencies. The initial term of this Agreement shall be two (2) years from the Effective Date. For CSTAC Agencies that remain active parties to this Agreement, the term shall automatically renew in one (1) year increments unless and until the Agreement is terminated by mutual written agreement of the CSTAC Agencies or as otherwise provided for in Section 11, provided that any CSTAC Agency may withdraw from the Agreement as provided in Section 9.

8. Notices. Notices and invoices shall be delivered to the CSTAC Agencies at the following addresses via U.S. mail:

City of Alameda  
2263 Santa Clara Avenue  
Alameda, CA 94501

City of Albany  
1000 San Pablo Avenue  
Albany, CA 94706

City of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704

City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608

City of Oakland  
One Frank Ogawa Plaza  
Oakland, CA 94612

City of Piedmont  
120 Vista Avenue  
Piedmont, CA 94611

East Bay Municipal Utility District  
375 11th Street  
Oakland, CA 94607

Stege Sanitary District  
7500 Schmidt Lane  
El Cerrito, CA 94530

9. Withdrawal. Any CSTAC Agency may withdraw from this Agreement by providing no less than ninety (90) days written notice prior to the end of the fiscal year. Any CSTAC Agency that does not provide requisite notice to withdraw shall automatically remain as an active member of this Agreement. A withdrawing CSTAC Agency shall still be financially responsible for its shared costs for any work done or continuing thereafter while it was a party to this Agreement, including pre-authorized work continuing thereafter. The withdrawing CSTAC Agency's financial responsibility is limited to work performed, or costs approved, during the fiscal year in which notice of withdrawal is given, unless a specific CSTAC supermajority approval was provided for multi-year funding of a joint project prior to the notice of withdrawal and the withdrawing Agency voted affirmatively. The Administrative Agency shall calculate any amount owed by the withdrawing Agency for its share of costs of the annual budget, and the Agency's withdrawal will be effective upon proper notice and payment to the Administrative Agency of its remaining annual budget share. The withdrawing Agency shall have no right to receive any proportional share of any net surplus that may result from the last year's annual budget. However, CSTAC has authority to direct any distribution to the withdrawn Agency that CSTAC deems appropriate.

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10. Default and Remedies. If a CSTAC Agency fails to make a payment or to provide assurances within fifteen (15) business days after receipt of notice given by the Administrative Agency of such non-payment, that Agency shall be in default of this Agreement (“Defaulting Agency”) and the Administrative Agency may suspend the provision of services under this Agreement for that CSTAC Agency. A minimum of five (5) affirmative votes of the CSTAC are required to suspend or terminate this Agreement with respect to a Defaulting Agency provided there are eight (8) CSTAC Agencies prior to termination. A supermajority applies if there are fewer remaining members as described in Section 2(c).

CSTAC may also take such other action to remedy the default. The suspension or termination of this Agreement will not terminate, waive or otherwise discharge any ongoing liability for payment arising from this Agreement until such obligations are satisfied in full. In the event a Defaulting Agency is terminated, this Agreement will not automatically renew for the Defaulting Agency, and a simple majority vote of remaining CSTAC members is required to reinstate the Defaulting Agency. Following termination of any Defaulting Agency, the remaining CSTAC Agencies shall cooperate and act in good faith to negotiate and agree upon the method of reallocating the costs attributable to the terminated Defaulting Agency.

11. Termination and Disposition of Funds upon Termination. This Agreement shall terminate upon the earliest occurrence of any of the following: (a) mutual written agreement of all CSTAC Agencies that remain parties to the Agreement; (b) if CSTAC members are unable to obtain the required affirmative supermajority of votes to approve the next year’s annual budget; (c) if a successor Administrative Agency is not timely designated; or (d) if all CSTAC Agencies have withdrawn from the Agreement. Upon termination of this Agreement, and after payment of all engineering, consultant, and legal obligations, all assets remaining in the Revolving Fund, including any interest earned on deposits shall be distributed to any remaining CSTAC Agencies. Assets available for distribution shall be returned to the members remaining at the time of dissolution in a manner consistent with and in proportion to each remaining Agency’s respective contribution. Similarly, any liabilities in excess of the assets held by the Administrative Agency on behalf of the CSTAC Agencies at the time of dissolution shall be assessed against those CSTAC Agencies, and the CSTAC Agencies shall be responsible for such liabilities.

12. CSTAC Agencies not Agents; Indemnification.

(a) With the exception of the Administrative Agency when performing its duties as Administrative Agency and the Financial Agent when

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performing its duties as Financial Agent, in the performance of this Agreement, each Agency and its agents, employees, and contractors shall act in an independent capacity and not as officers, employees or agents of any other Agency.

(b) Costs and liabilities associated with paying the Administrative Agency, engineers, consultants, or attorneys, and the funding of joint projects, shall be allocated in accordance with Section 4. Costs and liabilities related to the funding of special projects shall be allocated in accordance with Section 4, subject to the exclusions provided for the benefit of non-participating agencies in Section 2(d). Costs and liabilities for outside projects shall be allocated between the participating CSTAC Agencies and set forth in a separate side agreement.

(c) In the case of non-contractual liabilities arising out of the activities of one or more individual Agencies under this Agreement, CSTAC Agencies specifically repudiate the divisions of liability outlined in Government Code sections 895.2, 895.4, and 895.6 and instead agree to share liability based on the relative fault of each individual CSTAC Agency. Each CSTAC Agency shall have the right to contribution against other Agencies based on the terms of this Agreement.

Each CSTAC Agency agrees that it is solely responsible for all loss, liability, expense, claims, suits, and damages, including attorneys' fees, relating to or arising out of the design, construction, inspection, operation, or maintenance of its projects undertaken without the approval of the Committee, excepting such loss, liability, expense, claims, suits, and damages, including attorneys' fees, relating to or arising out of the actions or activities of the other CSTAC Agencies. Each CSTAC Agency agrees that nothing in this Agreement shall create, impose, or give rise to any liability, obligation, or duty of the CSTAC Agency to the other CSTAC Agencies or to any third party with respect to the manner in which the CSTAC Agency designs, constructs, inspects, operates or maintains the projects that it undertakes without the approval of the CSTAC Committee.

Each CSTAC Agency agrees to indemnify, defend, and hold harmless the Administrative Agency and the Financial Agent from and against any and all loss, liability, expense, claims, suits, and damages, including attorneys' fees, relating to or arising out of any contract entered into by or administered in whole or part by the Administrative Agency or the Financial Agent for the benefit of said CSTAC Agency (collectively, "Covered Losses"), provided that the CSTAC Agency share of liability for Covered Losses shall be reduced in proportion to the extent (if any) the Covered Losses resulted from the negligence of, or the breach of this Agreement by, the Administrative Agency or the Financial Agent. In the event of concurrent negligence

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of one or more CSTAC Agency(ies) and the Administrative Agency or the Financial Agent, then the liability for any and all Covered Losses shall be apportioned according to the California theory of comparative negligence.

The provisions of this Section 12(c) will survive the expiration or termination of this Agreement and as against any Agency that has withdrawn from this Agreement.

13. Dispute Resolution. The Agencies shall resolve their disputes informally to the maximum extent possible. The disputing Agencies shall negotiate all matters of joint concern in good faith, with the intention of resolving issues between them in a mutually satisfactory manner. If the disputing Agencies cannot informally resolve the dispute, they shall first attempt to resolve such dispute through non-binding mediation for a period not to exceed ninety (90) days, unless that period is mutually extended by the parties involved. If the Agencies cannot mutually agree upon a mediator, then the Presiding Judge of the Alameda County Superior Court shall designate a mediator. Should mediation be unsuccessful, the dispute may be referred to private arbitration upon mutual written approval of the disputing Agencies. If the disputing Agencies do not mutually agree in writing to arbitration, a disputing Agency may commence an adversarial proceeding before any court of competent jurisdiction in the county of Alameda.

14. Entire Agreement. This Agreement, together with any exhibits hereto, constitutes the entire agreement among the CSTAC Agencies with respect to the subject matter hereof, and supersedes all prior understandings or agreements whether written or verbal.

15. Amendment. This Agreement may not be amended except in writing. Any such amendment must be approved and executed by all CSTAC Agencies that remain party to the Agreement at the time of the amendment.

16. Drafter. Each CSTAC Agency has participated in negotiating and drafting this Agreement. If an ambiguity or a question of intent or interpretation arises, this Agreement is to be construed as if the CSTAC Agencies had drafted it jointly, as opposed to being construed against an Agency because it was responsible for drafting one or more provisions of this Agreement.

17. Severability. The invalidity, illegality or unenforceability of any provision of this Agreement shall not render the other provisions unenforceable, invalid or illegal.

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18. Governing Law; Venue. This Agreement shall be interpreted, governed by and construed under the laws of the state of California. Venue for any legal proceeding initiated to enforce or interpret the terms of this Agreement shall be in the Superior Court of the County of Alameda, California.

19. Execution of Separate Agreements by CSTAC Agencies. Nothing in this Agreement shall preclude any CSTAC Agency from executing separate agreements among two (2) or more such CSTAC Agency members for activities which are similar and in addition to the activities pursued under this Agreement. Any such separate agreement for projects which are not approved by the CSTAC Committee shall not be the responsibility of any CSTAC Agency which is not a signatory to such separate agreement. CSTAC Agencies operating under this Agreement shall not assume any responsibility or liability for activities performed under such a separate agreement.

20. Supersede Prior Agreements. Immediately upon Effective Date of this Agreement, this Agreement shall replace and supersede in its entirety that certain Joint Exercise of Powers Agreement for Control of Wet Weather Overflows and Bypasses dated February 13, 1979, by and between the CSTAC Agencies, and that certain Amendment to Joint Exercise of Powers Agreement for Control of Wet Weather Overflows and Bypasses dated January 17, 1986, by and between the CSTAC Agencies, and said 1979 and 1986 agreements shall be cease to be of further legal effect.

21. Execution of Agreement in Separate Parts. This Agreement may be executed by the CSTAC Agencies in separate parts. The Effective Date of this Agreement shall be the date when the sixth (6th) CSTAC Agency executes the Agreement.

**CITY OF ALAMEDA**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: David Rudat

Title: Interim City Manager

**CITY OF ALBANY**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Nicole Almaguer \_\_\_\_\_

Title: \_\_\_\_\_ City Manager \_\_\_\_\_

**CITY OF BERKELEY**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Dee Williams-Ridley \_\_\_\_\_

Title: \_\_\_\_\_ City Manager \_\_\_\_\_

**CITY OF EMERYVILLE**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_ James N. Holgersson \_\_\_\_\_

Title: \_\_\_\_\_ City Manager \_\_\_\_\_

**CITY OF OAKLAND**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Jason Mitchell \_\_\_\_\_

Title: \_\_\_\_\_ Director of Public Works \_\_\_\_\_

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**CITY OF PIEDMONT**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: Paul Benoit

Title: City Administrator

**EAST BAY MUNICIPAL UTILITY DISTRICT**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: Eileen M. White

Title: Director of Wastewater

**STEGE SANITARY DISTRICT**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: Rex Delizo

Title: District Manager

**DEFENDANTS' SIDE AGREEMENT TO  
FACILITATE CONSENT DECREE COMPLIANCE**

This Side Agreement to Facilitate Consent Decree Compliance ("Agreement") is entered into by and among the CITY OF ALAMEDA, CITY OF ALBANY, CITY OF BERKELEY, CITY OF EMERYVILLE, CITY OF OAKLAND, CITY OF PIEDMONT and STEGE SANITARY DISTRICT (collectively, the "Satellites") and EAST BAY MUNICIPAL UTILITY DISTRICT ("EBMUD"). The Satellites and EBMUD are collectively referred to as the "Defendants."

RECITALS

A. On September 22, 2014, a stipulated final judgment was entered in the consolidated cases *United States, et al. v. EBMUD* (N.D. Cal. CV 09-0186 RS) and *United States, et al. v. City of Alameda, et al.* (N.D. Cal. CV 09-5684 RS). That stipulated final judgment is referred to in this Agreement as the "Consent Decree."

B. The Consent Decree requires the Defendants to perform numerous interrelated actions over a period of time.

C. To facilitate compliance with the Consent Decree, the Defendants wish to enter into this Agreement.

NOW, THEREFORE, in consideration of the foregoing and following provisions of this Agreement and the Defendants' promises in the Consent Decree, the Defendants agree as follows:

AGREEMENT

1. Definitions. All terms with initial capitals not defined in this Agreement shall be defined as provided in the Consent Decree.

2. Arbitration. In the event the Defendants are required under the Consent Decree to prepare and submit a Revised Work Plan ("RWP"), the Defendants shall submit any disagreement (regarding the contents of the RWP or selection of competing RWPs) to arbitration by a panel of three arbitrators. The arbitration will be subject to the joint-defense-privilege as stated under the Consent Decree.

(a) In advance of the confidential arbitration, each Defendant shall either: (1) declare its support for a single RWP that is presented to the panel, or (2) declare that it will accept any of the proposed RWPs and opt out of participation in the arbitration process, in which case it shall have no liability for any costs of

arbitration. More than one Defendant may declare support for a single RWP. Thus, the panel may be presented with anywhere from two to eight RWPs (there being a total of eight Defendants, and there being no need for arbitration if they all support a single RWP).

(b) The first arbitrator shall be the Chair of the Department of Civil Engineering at one of the following universities: California/Berkeley, California/Los Angeles; CalTech, Carnegie Mellon, MIT, Stanford, or other comparable civil or environmental engineering expert agreed to by the Defendants. If the Defendants cannot agree on which Chair shall serve, a Chair shall be chosen by drawing lots.

(c) The second arbitrator shall be the Dean of the Graduate School of Public Policy at one of the following universities: California/Berkeley (Goldman), University of Southern California (Price), University of Washington (Evans), University of California/Los Angeles (Luskin) or University of Chicago (Harris), or other comparable public policy expert agreed to by the Defendants. If the Defendants cannot agree on which Dean shall serve, a Dean shall be chosen by drawing lots.

(d) The third arbitrator shall be an experienced professional arbitrator chosen from the panel of the Judicial Arbitration and Mediation Service ("JAMS"). If the Defendants cannot agree on which such arbitrator shall serve, each Defendant shall submit a nominee, and the arbitrator shall be chosen by drawing lots. Any disputes regarding procedural matters (e.g., the length of briefs, the timing for filing them, etc.) shall be decided by this arbitrator alone, applying JAMS' Streamlined Arbitration Rules and Procedures.

(e) The fees and costs of the arbitrators shall be assigned in equal shares to each Defendant participating in the arbitration, or as otherwise agreed by the Defendants participating.

(f) The arbitrators shall consider the cost effectiveness of the RWPs proposed, and may consider any other factors they deem appropriate, but may only select an RWP that is an Effective RWP.

3. PSL Roles and Responsibilities. Attached hereto as Exhibits A, B, C, D, E, and F, are Statements of Roles and Responsibilities between the Cities of Alameda, Albany, Emeryville, Oakland and Piedmont, and Stege Sanitary District, respectively, and EBMUD for implementation of the Regional Private Sewer Lateral Program. The attached exhibits are part of this Agreement and are hereby incorporated into it by reference. Any new or amended Statement of Roles and Responsibilities executed by EBMUD and any Satellite shall, upon its full execution, be incorporated into this

Agreement without need for further amendment of this Agreement. The Defendants shall perform their respective roles and responsibilities under these agreements as they may be amended from time to time in furtherance of the goals of the Consent Decree.

4. Regional Standards Program Participation and Responsibilities.

(a) Each Defendant shall participate in meetings as needed to update the Regional Standards as required by the Consent Decree, and shall cooperate in the production of a report every five years thereafter.

(b) In the event one or more Defendants disagree with any Regional Standard agreed upon by the remaining Defendants, it will draft an appendix to the report explaining that disagreement and setting forth its different or additional standard addressing its local concerns. Each Defendant shall not be required to use any standard with which it disagrees.

5. Performance Evaluation Plan (PEP) Implementation Cost Allocation.

If a PEP is triggered and must be implemented under the CD, then:

(a) Each Satellite shall bear the cost of installing, maintaining and collecting data from flow monitoring and precipitation monitoring equipment described in the PEP as being located within that Satellite's Collection System. In the event that additional or other data gathering equipment is described in the PEP as being located within that Satellite's Collection System, determination on cost appropriation will be performed during the PEP development process through discussions between EBMUD and the Satellite(s).

(b) EBMUD shall bear the cost of installing, maintaining and collecting data from flow monitoring and other data gathering equipment described in the PEP as being located within EBMUD's Interceptor System. EBMUD shall also bear the cost of loading those data into a digital format compatible with EBMUD's software.

(c) EBMUD shall bear the costs of (i) incorporating into the Flow Model the Satellites' and EBMUD's data, (ii) calibrating the Flow Model, and (iii) preparing the reports required by the PEP and performing any modeling and other analytical work necessary to prepare those reports.

(d) All data and information collected under this section shall be accessible to all Defendants. At no time may any Defendant interfere with, or deny

access needed to perform, any action reasonably necessary for the timely implementation of the approved PEP.

6. General Provisions.

(a) Entire Agreement. This Agreement and the exhibits hereto, along with the Consent Decree, contains the entire agreement of the Defendants with respect to its subject matter and supersedes all prior negotiations, agreements and understandings with respect thereto, whether written or oral.

(b) Amendment. The Defendants may amend this Agreement at any time in a writing duly executed by all affected Defendants. The Defendants agree to meet and confer in good faith upon another Defendant's request for amendment. Any PSL Roles & Responsibilities agreement attached as an exhibit to this Agreement may be amended by a writing executed by EBMUD and the affected Satellite.

(c) Interpretation and Construction. Each Defendant and its counsel has had an opportunity to participate in the review and revision of this Agreement. The Defendants agree that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply to the construction or interpretation of this Agreement. Should any provision of this Agreement irreconcilably conflict with any part of the Consent Decree, the Consent Decree shall control.

(d) No Implied Waiver. The failure by one Defendant to require performance of any provision of this Agreement will not affect that Defendant's right to require performance at any time thereafter, nor shall a waiver of any breach or default of this Agreement constitute a waiver of any subsequent breach or default or a waiver of the provision itself.

(e) Severability. Should any part, term, portion or provision of this Agreement be determined unlawful or otherwise rendered unenforceable, ineffectual or invalid by any court of competent jurisdiction, the validity of the remaining parts, terms, portions or provisions of this Agreement shall be deemed severable and shall not be affected thereby, provided that such remaining parts, terms, portions or provisions can be construed in substance to constitute the Agreement that the Defendants intended to enter into in the first instance.

(f) Attorney's Fees. If a judicial action or proceeding is commenced to secure the performance of this Agreement or to enforce or interpret any provision of this Agreement or the rights and duties of any Defendant or Defendants in relation



to the Agreement, the prevailing Defendant or Defendants shall be entitled to reasonable attorney fees, costs, and other expenses incurred by the prevailing Defendant or Defendants in connection with such action or proceeding, in addition to any other relief to which such Defendant or Defendants may be entitled.

(g) Warranty of Authorization to Execute Agreement. Each Defendant represents and warrants to the other Defendants that the person signing this Agreement is duly authorized to execute this Agreement on such Defendant's behalf and to bind such Defendant to its terms.

(h) Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

(i) Effective Date. This Agreement will take effect on the first date it is executed by EBMUD and at least five other Defendants and shall remain binding on each signatory Defendant while the Consent Decree remains in effect.

WHEREFORE, the Defendants have executed and entered into this Agreement as of the dates indicated below.

**CITY OF ALAMEDA**

Dated: \_\_\_\_\_ By: \_\_\_\_\_  
Printed Name: Eric Levitt  
Title: City Manager

**CITY OF ALBANY**

Dated: \_\_\_\_\_ By: \_\_\_\_\_  
Printed Name: Nicole Almaguer  
Title: City Manager

**CITY OF BERKELEY**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: Dee Williams-Ridley

Title: City Manager

**CITY OF EMERYVILLE**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: Christine Daniel

Title: City Manager

**CITY OF OAKLAND**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: Jason Mitchell

Title: Director of Public Works

**CITY OF PIEDMONT**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: Sara Lillevand

\_\_\_\_\_

Title: City Administrator

**EAST BAY MUNICIPAL UTILITY DISTRICT**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: Eileen M. White

Title: Director of Wastewater

**STEGE SANITARY DISTRICT**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: Rex Delizo

Title: District Manager





Office of the City Manager

CONSENT CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Phillip Harrington, Director, Public Works  
 Subject: Residential Preferential Parking (RPP) Program: Summer 2019 Update

RECOMMENDATION

Direct staff to conduct analysis of Fiscal Year (FY) 2020 Residential Preferential Parking (RPP) Program costs and revenues and return to Council early 2020 with updated fee increase proposal(s) to be effective April 1, 2020 for the FY 2021 permit year, for Program enhancement and expansion.

FISCAL IMPACTS OF RECOMMENDATION

Staff time associated with the ongoing analysis is included in the FY 2020 & FY 2021 Biennial Budget as it is part of the baseline RPP Program.

CURRENT SITUATION AND ITS EFFECTS

This report summarizes changes to the RPP Program since the May 14, 2019 Council Meeting, at which staff presented a package of “mid-term” reforms to the RPP Program.<sup>1</sup> A summary of Council action at this meeting is provided in the Background section below, and the full report is included as Attachment 2.

RPP Program Operations

In July 2019, the City began processing annual RPP permit renewals, visitor permit sales, and new permit applications for FY 2020 using the new Passport parking and citation management system.<sup>2</sup> This system allows RPP customers to use their license plates as permits, removing the need for bumper permits, and streamlines new RPP permit applications by allowing customers to check their eligibility and submit required documentation online. Fees for FY 2020 permits remained unchanged from FY 2019.

To answer a question from Councilmember Kesarwani, staff also prepared an analysis evaluating the potential of a graduated pricing model for annual RPP permits, whereby the costs for each additional permit up to the limit of three (3) would increase

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<sup>1</sup> May 14, 2019 *City Council Agenda: Residential Preferential Parking (RPP) Program Reform and Expansion Phase II: Recommendations for Increased Staffing, Enhanced Football Game Day Enforcement, and Expansion* <http://bit.ly/2ZW6Ee5>

<sup>2</sup> October 16, 2018 *City Council Agenda: Contract: Passport Labs Incorporated for a Parking Management System* <http://bit.ly/2LtRN6N>

incrementally. The analysis showed that this pricing model could generate revenue on par with the original staff recommendation. Graduated pricing would be more equitable since those who own more cars and have more impact on neighborhood parking would pay a greater share of the Program cost. Implementing such a pricing model is now possible using the Passport system. A summary of this proposal is provided as Attachment 2.

Unfortunately, expanding the RPP Program beyond its current boundaries is not financially possible at this time. As discussed at the May 14, 2019 meeting, additional staff are required to enforce any new areas. Permit fees are an important revenue source supporting the RPP Program, as residents and other permit holders directly benefit from the parking availability resulting from time limit enforcement. With permit renewals currently underway, the window of opportunity to affect FY 2020 permit fees has closed.

## **BACKGROUND**

The RPP Program began in 1980 (1) to protect Berkeley residential neighborhoods from an influx of non-resident vehicles and related traffic; (2) to assure continued quality of life for residents; and (3) to provide neighborhood parking for residents. The Program limits parking for vehicles not displaying an RPP permit in most RPP areas to two hours, and reserves available daytime parking for residents, between 8:00 a.m. and 7:00 p.m. Monday through Friday, and in some areas Saturday.

In March 2014,<sup>3</sup> Council directed staff to evaluate expanding the RPP Program beyond its then-current geographic boundaries. At a September 2017 Council Worksession, staff proposed incremental changes to be implemented over a three-year period.<sup>4</sup> In February 2018, staff returned to Council with a first set of “short-term” policy reforms, including increased permit fees for Program cost neutrality, a limit of three (3) annual permits per address, and an expansion of RPP eligibility to two new zones in West Berkeley.<sup>5</sup>

At the May 14, 2019 Council Meeting, staff presented a package of “mid-term” reforms to the RPP Program. These recommendations included increasing permit fees to pay for new staff and equipment that would enhance enforcement in existing Program areas, particularly on UC Berkeley home football game days, and allowing expansion to new areas. Council took the following action:

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<sup>3</sup> March 11, 2014 *City Council Agenda: Expansion of Permit Parking to Impacted Areas*: <http://bit.ly/2vTgnqD>

<sup>4</sup> September 19, 2017 *City Council Agenda: Residential Preferential Parking (RPP) Program Recommendations*: <https://bit.ly/2iWaPDa>

<sup>5</sup> February 27, 2018 *City Council Agenda: Residential Preferential Parking (RPP) Program Reform and Expansion*: <https://bit.ly/2Yq6tYB>.

- Amended the Berkeley Municipal Code via ordinance to allow residents in areas zoned Mixed Use-Light Industrial and who meet all other requirements applicable to Mixed Use-Residential zoned areas to submit an opt-in petition to the RPP Program, which would be enforced upon hiring new enforcement staff;
- Established via resolution “Enhanced Fine Areas” in portions of RPP zones B, D, F, G, and I to prohibit parking without a valid RPP permit on UC Berkeley home football game days; and
- Established via resolution a new Parking Fine Schedule including parking fines of \$225 for not displaying a valid RPP permit in new Enhanced Fine Areas.

Council did not approve a new fee schedule for RPP permits, which would have increased all permit fees by an average of 37% to generate additional revenue for six (6) new Parking Enforcement Officers, one (1) new supervisor, and associated equipment. These staff positions would allow for enhanced enforcement in existing RPP Program areas, particularly during staff shortages on Cal football game days, and enforcing restrictions in new areas not currently within RPP Program boundaries.

Improving the effectiveness of the RPP Program is a Strategic Plan Priority Project, advancing the City’s goals to:

- Provide an efficient and financially-healthy City government; and
- Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

ENVIRONMENTAL SUSTAINABILITY

This item has no discernible environmental effects.

RATIONALE FOR RECOMMENDATION

For continued RPP Program cost neutrality, staff seek to present cost and revenue analyses that reflect the most recent available data. Both the original RPP permit fee increase proposal and the alternative model are based on FY 2019 revenues. RPP revenues fluctuate from year to year, and as the City transitions to the new Passport parking management system, any permit fee increase proposals will require an assessment of FY 2020 costs and revenues to maximize accuracy and applicability.

ALTERNATIVE ACTIONS CONSIDERED

Council could schedule a public hearing to approve fee increase proposals based on FY 2019 data, but any authorized changes at this time would have no meaningful fiscal effect until the FY 2021 permit renewal period in spring 2020.

CONTACT PERSON

Farid Javandel, Transportation Manager, Public Works (510) 981-7061  
Danette Perry, Parking Services Manager, Public Works (510) 981-7057  
Gordon Hansen, Senior Planner, Public Works (510) 981-7064

**Attachments:**

- 1: Alternative Graduated RPP Fee Increase Model (Based on FY 2019 Revenues)
- 2: May 14, 2019 Council Report: "Residential Preferential Parking Program Reform and Expansion Phase II: Recommendations for Increased Staffing, Enhanced Football Game Day Enforcement and Expansion"



Proposed Alternate FY 2020 Fee Structure

The fee structure below was developed in response to an inquiry from Councilmember Kesarwani. The analysis is based in part on FY 2019 permit revenues.

Permit Type	Current Fee	Proposed Fee	Change from Current
Annual Residential & In-Home Care	\$66	<b>\$66</b> first permit <b>\$96</b> second permit <b>\$126</b> third permit	0% first permit 45% second permit 91% third permit
Semi-Annual Residential & In-Home Care	\$33	<b>\$33</b> first permit <b>\$48</b> second permit <b>\$63</b> third permit	“ “
1-Day Visitor	\$3	<b>\$3</b>	N/A
14-Day Visitor	\$34	<b>\$34</b>	N/A
1-Day Senior Center	\$1	<b>\$1</b>	N/A
Community-Serving Facility	\$83	<b>\$108</b>	30%
Merchant	\$185	<b>\$241</b>	30%
Surcharge per Additional Annual Residential Permit Over Maximum of 3 per Address, if Waiver Approved	\$100	<b>\$100</b> , applied to 3 <sup>rd</sup> permit fee (\$126)	N/A

Revenue Estimates

In the May 14, 2019 Council Report, the proposed permit fees resulted in a cost-neutral program. According to staff estimates, the alternate fee structure would result in the same.

RPP Fee Proposal	Description	Estimated Revenue Generated
<b>Original 5/14/19</b>	Raise all RPP permit fees by an average of 37%	\$1,305,240
<b>Alternate 6/2019</b>	Adopt graduated pricing for annual permits & 30% increase for other annual permit types	\$1,304,649
Difference from original		(\$591)

Relevant Statistics

Of nearly 9,500 accounts issued annual residential permits in FY 2019...

- 66% had one (1) permit
- 25% had two (2) permits
- 8% had three (3) permits
- Just over 1% had four (4) or more permits



Office of the City Manager

PUBLIC HEARING  
May 14, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Phillip Harrington, Director, Public Works  
 Subject: Residential Preferential Parking Program Reform and Expansion Phase II: Recommendations for Increased Staffing, Enhanced Football Game Day Enforcement, and Expansion

RECOMMENDATION

Conduct a public hearing and upon conclusion:

1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 14.72 to allow Residential Preferential Parking (RPP) in areas zoned Mixed Use-Light Industrial;
2. Adopt a Resolution to expand and enhance the RPP Program, raising permit fees for cost neutrality while increasing parking enforcement staff and equipment to augment RPP enforcement, improving UC Berkeley home football game parking enforcement, allowing more residents to opt-in, and rescinding Resolution 68,344-N.S.;
3. Adopt a Resolution modifying parking restrictions in specified RPP Zones on UC Berkeley home football game days as follows: establish “Enhanced Fine Areas” to prohibit parking without a valid RPP permit in portions of RPP Zones B, D, F, G, and I; and install new RPP signs in zones B, D, F, G, and I to clearly indicate UC Berkeley home football game day parking prohibitions; and
4. Adopt a Resolution establishing a new Parking Fine Schedule, including parking fines of \$225 per violation of BMC 14.40.090 in new Enhanced Fine Areas on posted UC football game days, and rescinding Resolution No. 68,466-N.S.

SUMMARY

The recommended actions constitute a package of “mid-term” changes to the RPP Program, developed in response to previous Council direction. These changes include: 1) hiring (7) seven more parking enforcement personnel to augment enforcement in existing and new RPP Zones, particularly on UC Berkeley home football game days; 2) instituting new parking restrictions and increased fines on football game days; 3) allowing blocks currently ineligible for RPP to opt-in to the Program; and 4) increasing permit fees to make the Program cost-neutral.

**FISCAL IMPACTS OF RECOMMENDATION**

The recommendation would provide staffing to increase enforcement of RPP Program parking restrictions, including during UC Berkeley football games, and allow many currently ineligible residents to opt-in to the Program. The capital and operational cost and revenue elements associated with these changes are summarized below. These are new obligations, in addition to existing costs to operate the program.

**Football Game Day Enforcement Cost**

Implementing the recommendation for the 2019 football season will incur a one-time capital cost of \$80,000, including:

- Approximately 500 new Residential Preferential Parking (RPP) signs specifying new parking restrictions, at a unit cost of \$100 per sign, and 250 person hours to install the new signs for a one-time labor cost of \$25,000; and
- Approximately 500 decals to identify football game dates (replaced annually) at cost of \$5,000. Initial decal installation included with sign installation cost. Annual decal replacement requires 100 person hours at a cost of \$10,000.

Staff calculates the ongoing cost to be \$15,000 annually. Initial and annual costs are summarized in the table below:

		<b>Initial Cost</b>	<b>Ongoing Annual Cost</b>
Signs	Materials	\$50,000	N/A
	Labor	\$25,000	N/A
Decals	Materials	\$5,000	\$5,000
	Labor	Included in sign installation.	\$10,000
<b>Total</b>		<b>\$80,000</b>	<b>\$15,000</b>

Currently, the UC Berkeley Athletics Department reimburses the City for signs produced and installed to manage football game day traffic. The current signs are over 20 years old; in 2017, UC paid approximately \$18,600 for sign and decal maintenance costs. Staff recommend that City leadership coordinate with UC Berkeley to fund the recommended one-time signage/decal upgrades, plus ongoing annual costs.<sup>1</sup>

**RPP Program Enforcement Enhancement and Expansion Cost**

The fiscal impact of all of these recommendations will be realized in the General Fund (011). All permit fees and citation revenues, including revenue from new enforcement staff, will be deposited in the General Fund. In turn, all new staff and equipment costs will come out of the General Fund. Costs include:

- Six (6) Parking Enforcement Officers (\$124,818 per FTE; total \$748,908/year), and one (1) Parking Enforcement Supervisor at \$138,065/year;

<sup>1</sup> If UC Berkeley is unable to pay this cost, then the funding would come from the General Fund.

- Six (6) parking enforcement vehicles (\$210,000 total), each equipped with standard automated license plate recognition (ALPR) systems at \$78,363 each (\$470,178), annualized over a five-year period;<sup>2</sup> and
- New RPP sign installation, including labor and materials, at \$23,000 per year.<sup>3</sup>

#### Estimated New Revenue

During the 2018 season, football-related RPP citations resulted in \$49,100 in revenue, and staff anticipates the new “Enhanced Fine Areas” to generate an additional \$31,650. More significantly, hiring six (6) more PEOs is expected to increase citation revenue in both new and existing RPP areas. Staff estimate that each new PEO would issue up to \$75,000/year in RPP citations, for a total of \$450,000/year.

#### Incremental Fiscal Impact in FY 2020

Hiring of new PEOs and procurement of associated enforcement equipment would take place over the course of FY 2020, resulting in incremental increases in new citation revenue as new staff are selected, trained, and deployed. Similarly, each opt-in petition for new areas will take time to verify and bring to Council for approval, resulting in delayed revenues from permits purchased in expansion areas. Therefore, the full fiscal impact of the Program’s expansion and enhancement will not be seen in FY 2020. Staff will continue to monitor the Program’s costs and revenues as new enforcement staff are hired.

#### User Fee Increases for Cost Neutrality

Per Council Budget Policies,<sup>4</sup> the RPP Program should pay for itself. As of March 2019, the RPP Program still runs a deficit of approximately \$124,675. The deficit has shrunk by \$71,125 since FY 2017, when the deficit was approximately \$195,800. This deficit reduction, but not elimination, may be due in part to a decline in permit revenues following the 20% fee increase on April 1, 2018. Customers may also have reevaluated their needs in light of the new maximum of three (3) annual permits per address.

The proposed fee structure would go into effect June 1, 2019, to support increasing enforcement in FY 2020. It is estimated to generate approximately \$368,280 of additional revenue, including \$21,600 from annual permit sales in potential new opt-in areas, for the General Fund (Fund 011). The following table reflects increases for each type of permit in the RPP fee structure to result in a cost-neutral Program.

<sup>2</sup> Proposed permit fees incorporate half of PEO salary costs, and half of the one-time vehicle and equipment costs, as RPP enforcement accounts for approximately half of all parking enforcement duties. Remaining costs are expected to be covered by new revenues resulting from new staff enforcing other duties, such as street sweeping, parking meter payments, and school zones.

<sup>3</sup> Up to twenty blocks in new areas would be allowed to join the Program per year. Staff assumes six RPP signs per block (three signs on each side of the block), and approximately \$1,150 per block.

<sup>4</sup> “Council Budget Policies”: <http://bit.ly/2z4UiFY>

Permit Type	Current Fee	Proposed Fee	\$ Increase	% Increase
Annual Residential & In-Home Care	\$66.00	\$90.00	\$24.00	36.4%
1-Day Visitor	\$3.00	\$4.00	\$1.00	33.3%
14-Day Visitor	\$34.00	\$47.00	\$13.00	38.2%
Semi-Annual Residential & In-Home Care	\$33.00	\$45.00	\$12.00	36.4%
Community-Serving Facility	\$83.00	\$114.00	\$31.00	37.3%
Merchant	\$185.00	\$253.00	\$68.00	36.8%
1-Day Senior Center	\$1.00	\$1.00	N/A	N/A
Replacement of Annual, 14-Day, Community-Serving Facility, & Merchant Permits	\$15.00	\$21.00	\$6.00	40.0%

The proposed fee structure is estimated to generate approximately \$1,305,240 in revenue for the General Fund in FY 2021, once all new staff have been hired and anticipated expansion has occurred. This increase of \$368,280 in revenue would close the projected deficit, resulting in a cost-neutral Program (the \$600 difference is within the margin of approximation). With the proposed fee increase, the total Program revenue is projected to be \$3.41 million including revenue resulting from an increase in RPP-related citations due to higher staffing levels and new football fines.

RPP Program Financial Components	April 2018- March 2018 Actuals	FY 2021 Projections
Total RPP Permit Fee Revenue	\$936,960	\$1,305,240
RPP-Related Citation Revenue	\$1,573,840	\$2,023,840
Football RPP-Related Citation Revenue	\$49,100	\$80,750
<b>Total Revenue</b>	<b>\$2,559,910</b>	<b>\$3,409,830</b>
<b>Total RPP Program Costs</b>	<b>\$2,684,580</b>	<b>\$3,409,230</b>
<b>RPP Program Deficit/Surplus</b>	<b>(\$124,670)</b>	<b>\$600</b>

#### CURRENT SITUATION AND ITS EFFECTS

This report represents “mid-term” changes to the RPP Program as part of ongoing RPP Program Reform & Expansion. Building on the initial “short-term” changes enacted by Council in February 2018, described in the accompanying Information Report on this Agenda, this report recommends “mid-term” changes that respond to remaining resident requests and Council referrals.

#### UC Berkeley Football Game Day Parking Demand

The UC Berkeley football season typically spans twelve (12) games between September and November. Up to seven (7) games per year are played at California

Memorial Stadium (“stadium”), near the eastern end of Bancroft Avenue. Most home games occur on Saturday afternoons or evenings. Neighborhoods surrounding UC Berkeley currently have RPP. South of campus, RPP Zones A, B, D, and K are enforced Monday to Saturday, with the exception of Zones I (Telegraph) and L (Claremont), which are not enforced on Saturday. North of campus, RPP Zones F and G are enforced Monday through Friday.

Game attendees who drive and park in surrounding neighborhoods can make it difficult for some residents to find parking near their homes during games. In fall 2017, the City analyzed game day parking south of campus.<sup>5</sup> The analysis found that parking occupancy in the study area increased by about 25% on a game day compared to a non-game day, with increases of approximately 35-50% closest to campus (RPP Zones B, D, and I). Anecdotal evidence from residents also suggests poor parking by visitors may impede access to residential driveways at times.

Existing Game Day Parking Restrictions

Special parking restrictions and enforcement on football game days currently includes:

- Increased fines for certain parking violations<sup>6</sup> within the boundaries of Cedar Street (north), Berkeley-Oakland city limits (south and east), and Oxford and Fulton Streets (west), with double fines in RPP Zones A, B, and D; and
- Tow-away zones for all vehicles on certain streets close to campus,<sup>7</sup> and additional no-parking areas at metered parking spaces in the Southside and Northside areas.

The Berkeley Police Department (BPD) requires substantial staff time and resources for football game day duties. BPD typically assigns sworn officers on overtime to patrol areas near the stadium to discourage bad behavior.<sup>8</sup> Any staffing gap is filled by parking enforcement personnel. Between five and seven PEOs may be reassigned to game day duty, with one PEO specifically assigned to regulate access to the Panoramic Hill neighborhood (RPP Zone K). That leaves between two and four PEOs to enforce meter payments, curb markings, or RPP time limits elsewhere in the City. As shown in the table below, the City does not have enough PEOs to provide regular Saturday enforcement in addition to football duties on game days.

Enforcement Duties	Number of Assigned PEOs
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<sup>5</sup> Specifically, Zones A, B, D, I, and L. While not explicitly studied, staff assume neighborhoods north of campus experience similar game day parking demand patterns.

<sup>6</sup> Football game day defined as 9:30 a.m. to 11 p.m., regardless of game start time. Most football game day citation rates are 150% of non-game day citation rates. For example, a citation for a vehicle parked in a No Parking Zone (red curb) that is normally \$64 costs \$96 on a game day.

<sup>7</sup> For example: Piedmont Avenue between the stadium and Channing Way, Bancroft Way between Warring Street and Bowditch Street, and College Avenue between Bancroft Way and Dwight Way.

<sup>8</sup> UC Berkeley reimburses the City for BPD overtime costs.

	<b>Non-Game Days</b>	<b>Football Game Days</b>
Game Day Activities	0	5-7
Parking Meters, Curbs, Time Limits, and RPP	7-9	2-4

Requests for Further Program Expansion

In the past year, staff received four (4) opt-in requests from residents outside of the current RPP eligibility area, all of them in northwest Berkeley.<sup>9</sup> In the previous five years, staff have received another five (5) requests from residents outside of the program boundaries.<sup>10</sup> A map depicting these requests is provided as Attachment 5.

Recommendation: Increase and Enhance RPP Enforcement, Including on Football Game Days, and Expand RPP Eligibility

1. Enhanced Enforcement in Existing RPP Areas

Due to staffing constraints discussed in the accompanying Information Report on this Agenda, enforcement in existing RPP areas occurs only once per day. Staff recommend hiring sufficient parking enforcement staff to resume morning and afternoon patrols of existing RPP areas. This will help reinforce RPP time limits, particularly on streets near popular destinations such as public facilities or commercial districts. Increased patrols may also reduce the amount of one-off requests from residents who do not observe enforcement as frequently, which reduce PEOs’ ability to conduct regularly-scheduled beat patrols.

To further increase parking enforcement capacity, staff also recommend that PEOs should no longer accompany street sweeping vehicles. Instead, beat officers would enforce restrictions during the three-hour restriction window, before the sweeper cleans the street, to allow time for other responsibilities.<sup>11</sup> Additionally, staff strongly recommend against introducing additional permit types for resident services, e.g., ‘nanny permits’, or ‘gardener permits’, which serve as exemptions from RPP restrictions. In addition to further increasing already high parking demand in some areas, adding new permits for non-residents dilutes the Program’s effectiveness for all existing permit holders and encourages more driving, which is contrary to the City’s

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<sup>9</sup> Requests received in FY 2019 include: 10th Street between Cedar and Jones Streets; 10th Street from University Avenue to Allston Way, Addison Street from 10th Street to San Pablo Avenue, and Allston Way from 10th Street to San Pablo Avenue; Camelia Street from 7th to 8th Street; and Page Street from 8th to 9th Street.

<sup>10</sup> Requests received prior to FY 2019 include: Campus Drive from Avenida Drive to the Berkeley Lab Campus; Spruce Street from Los Angeles Avenue to Eunice Street; Stannage Avenue between Gilman Street and Harrison Street; Stanton Street from Ashby Avenue to Prince Street; and various areas adjacent to Solano Avenue.

<sup>11</sup> In the future, street sweeping vehicles may be equipped with GPS beacons, which would allow residents to check when streets reopen for parking in real-time.

Climate Action Plan goals of reducing vehicular emissions.

## 2. Enhanced Game Day Parking Management and Enforcement

In response to Council referrals, staff has prepared a proposal for the 2019 football season to improve parking availability for residents in neighborhoods closest to campus. Illustrated in Attachment 6, this proposal builds on existing game day restrictions by adding tougher penalties for non-residents closer to the stadium:

- **New tow-away areas for vehicles without a valid RPP permit** on streets within one quarter-mile of the stadium (including portions of RPP Zones D and I), where demand was heaviest on the game day analyzed in fall 2017.
- **New “Enhanced Fine Areas”** on streets within one half-mile of the stadium (including portions of RPP Zones F and G north of campus and portions of Zones B and D south of campus), where vehicles without a valid RPP permit will be subject to a one-time fine of \$225.<sup>12</sup>

This proposal maximizes game day staff capacity and effectiveness in areas where residents experience the most inconvenience. While current enforcement requires two passes to determine whether a non-permitted vehicle exceeds the time limit, under this proposal a PEO will need to check only once to verify whether a vehicle has a permit.

Signage is critical to effective enforcement of parking restrictions. In addition to clearly defining expectations for visitors, signage justifies the issuance of citations that violate posted restrictions. Details about the costs and content of new signage required to implement this proposal is provided in the Fiscal Impacts section of this report.

## 3. Additional Strategies to Increase Parking Availability on Game Days

While some street parking spaces near the stadium are restricted on game days, metered parking is available for visitors in Downtown, Southside/Telegraph, and the Northside area.<sup>13</sup> Staff will return to Council later this year with options for special events, including adjusting special event rate setting ability at City parking garages, and piloting demand-responsive special event pricing at goBerkeley parking meters.

## 4. Further Expansion of RPP Program Eligibility

Although there have been relatively few opt-in requests from outside the current Program boundary, they still represent a customer need that the City cannot meet with existing staffing levels. To maximize enforcement resources, currently ineligible residents would be able to opt-in under the following conditions:

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<sup>12</sup> Staff are sensitive to low income residents and visitors who may not be able to afford this fine. Options include a payment plan (AB 503), as well as applying to perform Community Service in lieu of paying for parking citations.

<sup>13</sup> Meters operate 9 a.m. to 6 p.m. Monday to Saturday. On the Northside, Hearst Avenue between Euclid Avenue and La Loma Avenue is a tow-away zone on game days.



- A. Meet all existing requirements, including petitioner obtaining agreement of 51+% of all housing units in an area, and staff verifying limited parking availability in the mid-morning and mid-afternoon;
- B. Parcels must be located within two (2) blocks of a major commercial corridor (e.g., San Pablo Avenue or Gilman Street); or be adjacent to existing RPP boundaries; and
- C. In residentially-zoned areas, at least one full block (i.e., two sides of a street) must be included in the petition.

Petitioners in areas zoned Mixed Use-Residential or Mixed-Use Light Industrial will be subject to restrictions approved by Council in 2018 for Mixed Use Area P, including a reduced maximum of two (2) annual permits available per address. While slightly more restrictive than current requirements, this expansion approach would allow all petitioners who have submitted opt-in requests to date to be eligible for RPP.

#### 5. Staffing Requirements

Enhanced enforcement, including new football game day restrictions, requires five (5) new PEOs and one (1) Parking Enforcement Supervisor, plus standard equipment. Expansion requires one (1) additional PEO for every twenty full blocks (i.e., both sides of a street) added to the Program, plus standard equipment.

#### BACKGROUND

The RPP Program began in 1980 (1) to protect Berkeley residential neighborhoods from an influx of non-resident vehicles and related traffic; (2) to assure continued quality of life for residents; and (3) to provide neighborhood parking for residents. The Program limits parking for vehicles not displaying an RPP permit in most RPP areas to two hours, and reserves available daytime parking for residents, between 9:00 a.m. and 7:00 p.m. Monday through Friday, and on some blocks Saturday.

In March 2014,<sup>14</sup> Council directed staff to evaluate expanding the RPP Program beyond its then-current geographic boundaries. At a September 2017 Council Worksession, staff discussed several challenges with the RPP Program, and proposed incremental solutions to be implemented over the next three years.<sup>15</sup> In February 2018, staff returned to Council with a first set of “short-term” policy reforms, including increased permit fees for Program cost neutrality, a limit of three (3) annual permits per address, and an expansion of RPP eligibility to two new zones in West Berkeley.<sup>16</sup> Improving the effectiveness of the RPP Program is a Strategic Plan Priority Project, advancing the City’s goals to:

<sup>14</sup> March 11, 2014 *City Council Agenda: Expansion of Permit Parking to Impacted Areas*: <http://bit.ly/2vTgnqD>

<sup>15</sup> September 19, 2017 *City Council Agenda: Residential Preferential Parking (RPP) Program Recommendations*: <https://bit.ly/2iWaPDa>

<sup>16</sup> February 27, 2018 *City Council Agenda: Residential Preferential Parking (RPP) Program Reform and Expansion*: <https://bit.ly/2Yq6tYB>.

- Provide an efficient and financially-healthy City government; and
- Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

### Football Game Day Enforcement

On April 5, 2016, Councilmembers Capitelli, Droste, and Wengraf sponsored a Referral to the Transportation Commission to review game day parking fines in RPP areas around campus, and to recommend higher fees to deter visitors from parking in those areas.<sup>17</sup> On July 25, 2017, the Transportation Commission submitted a Council Report recommending an increase of game day parking fines to \$300 for vehicles without a valid RPP permit in Zones A, B, and D south of campus, but Council did not adopt the Commission's recommendation.<sup>18</sup> On September 25, 2018, Councilmembers Droste, Wengraf, and Mayor Arreguin submitted a referral to the City Manager to implement game day parking restrictions similar to the Transportation Commission's 2017 proposal, but taking into account additional concerns such as parking on the north side of campus.<sup>19</sup>

### ENVIRONMENTAL SUSTAINABILITY

Increasing parking fines for vehicles without valid RPP permits on football game days should increase parking availability for residents in neighborhoods near campus, reducing traffic congestion and vehicle emissions as drivers spend less time searching for parking. Increased fines may also encourage the use of alternative forms of transportation to UC football games.

Expansion of the RPP Program may encourage some drivers who work in commercial areas adjacent to proposed RPP areas to consider using other modes of travel, potentially reducing parking demand and congestion. While use of these other transportation modes may result in a corresponding reduction in traffic and greenhouse gases, staff anticipate the "two-hour shuffle" (i.e., moving a vehicle every two hours to avoid a ticket) may also begin to occur in new RPP areas among commuters who continue to drive. This behavior would have an adverse impact on traffic congestion, air quality, and excess fuel consumption.

### RATIONALE FOR RECOMMENDATION

At the September 19, 2017 Worksession, Council expressed support for a roadmap for RPP reform and expansion, including short-, mid-, and long-term changes to the

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<sup>17</sup> April 5, 2016 *City Council Agenda: Refer to Transportation Commission to Reassess UC Berkeley Game Day Parking Fines in RPP Areas A, B, D, F and G Surrounding Campus* <https://bit.ly/2GRoSzi>

<sup>18</sup> July 25, 2017 *City Council Agenda: Referral Response: Reassess UC Berkeley Game Day Parking Fines in RPP Areas A, B, D, F, and G Surrounding Campus* <https://bit.ly/2fwXaEj>

<sup>19</sup> September 25, 2018 *City Council Agenda: Refer to the City Manager UC Berkeley Game Day Parking Restrictions and Fines in RPP Surrounding Campus* <https://bit.ly/2EwSnfS>

Program. Short-term recommendations were approved by Council in February 2018. The proposals contained in this report comprise staff's "mid-term" recommendations.

In their September 25, 2018 referral, Councilmembers Droste, Wengraf, and Mayor Arreguin supported increasing parking fines to increase parking availability for residents affected by football game demand. Previously, the Transportation Commission has also supported higher fines.

ALTERNATIVE ACTIONS CONSIDERED

The following table summarizes four alternatives considered by staff:

Alternative	Estimated Annual Permit Fee
<u>Option 1: Staff Recommendation, Enhanced RPP and Football Enforcement, and Expansion, Without Changing Saturday Enforcement.</u>	\$90/year (+36% / +\$24)
<u>Option 2: Saturday Enforcement in All Areas, Enhanced RPP and Football Enforcement, and Expansion</u> <ul style="list-style-type: none"> <li>• Implement Saturday patrols of all RPP Zones,<sup>20</sup> plus increased RPP and football enforcement, and expansion as in Option 1</li> <li>• Increase permit fees to eliminate deficit and add seven (7) PEOs and one (1) supervisor for increased RPP enforcement, one (1) PEO per twenty new blocks/year, and equipment</li> </ul>	\$97/year (+47% / +\$31)
<u>Option 3: Expansion and Enhanced Football Enforcement</u> <ul style="list-style-type: none"> <li>• Implement enhanced football enforcement and expansion as in Option 1</li> <li>• No change to existing RPP enforcement levels/frequency</li> <li>• Increase permit fees to eliminate deficit and add three (3) PEOs and one (1) supervisor for football, one (1) PEO per twenty new blocks/year, and equipment</li> </ul>	\$88/year (+34% / +\$22)
<u>Option 4: Expansion Only</u> <ul style="list-style-type: none"> <li>• Expand RPP Program eligibility per guidelines in Option 1</li> <li>• No changes to existing RPP and football enforcement levels</li> <li>• Increase permit fees to eliminate deficit and add one (1) new PEO and equipment per twenty new blocks/year</li> </ul>	\$82/year (+24% / +\$16)

Council could also reject all options, which would maintain the status quo RPP Program, including its structural deficit.

**CONTACT PERSON**

Farid Javandel, Transportation Manager, Public Works (510) 981-7061  
 Danette Perry, Parking Services Manager, Public Works (510) 981-7057  
 Gordon Hansen, Senior Planner, Public Works (510) 981-7064

**Attachments:**

- 1: Ordinance
- 2: Resolution: Fees: Residential Preferential Parking Permits
- 3: Resolution: Establish “Enhanced Fine Area” and Double Fine Locations
- 4: Resolution: Modify Parking Violation Fine Schedule
  - Exhibit A: Schedule of Fines and Late Payment Penalties for Parking Violations
  - Exhibit B: List of New Parking Violations

<sup>20</sup> Adding enforcement at streets with RPP restrictions in Zones C, E, F, G, H, I, J, L, M, O, and P.

- 5: Public Hearing Notice
- 6: FY 2019 and Prior Out of Area RPP Opt-In Requests
- 7: Proposed 2019 UC Berkeley Football Game Day Parking Restrictions

ORDINANCE NO. #,###-N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 14.72 TO ALLOW FURTHER EXPANSION OF THE RESIDENTIAL PREFERENTIAL PARKING (RPP) PROGRAM

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

Section 1. That Berkeley Municipal Code Section 14.72.030 is amended to read as follows:

**14.72.030 Definitions.**

A. "Designated residential parking permit area" means any contiguous area upon which the Council imposes parking limitations pursuant to the authority granted by this chapter.

B. "Block front" means all of the property on one side of a street between two consecutive intersecting streets.

BC. "Mixed use" means the use of a lot or building with two or more different land uses including, but not limited to, residential, commercial, retail, office or manufacturing, in a single structure or a group of physically integrated structures; in a neighborhood context, it means blocks containing single-use residences interspersed with other land uses, such as commercial or industrial.

DC. "Mixed Use-Residential" and "Mixed Use-Light Industrial" refers to the zoning designations so defined in Berkeley Municipal Code Chapters 23E.84 and 23E.80, respectively.-

ED. "Assessor's Use Code" means the code used by the Alameda County Assessor to assess property for property tax purposes. These codes cover a range of building descriptions and uses, including a variety of residential uses.

FE. "Nonresidential vehicle" means a motor vehicle not eligible to be issued a residential parking permit, pursuant to the terms and conditions of this chapter, for the specific area in which it is parked. However, it could be eligible for a local business parking permit, or any other parking permit the council shall designate.

GF. "Residential parking permit" means a permit issued under this chapter which, when displayed upon a vehicle, as described herein, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.

HG. "Local business parking permit" means a permit issued under this chapter which, when displayed upon a motor vehicle, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.

IH. "Trapped resident" means: 1) any resident whose dwelling is on a block that may not legally opt-in because less than 80% of the block fronts are residentially zoned and

either: a) whose address is on a block front adjacent to and/or surrounded by block fronts that are already included in the RPP program; or b) whose address is within the general boundary of a designated RPP area; or 2) any resident whose dwelling abuts controlled curb parking and either: a) whose address is on a block front adjacent to and/or surrounded by RPP areas; or b) whose address is within the general boundary of a designated RPP area.

**JJ.** "Neighborhood-service community facility" means churches, schools and senior centers located wholly within the general boundary of an RPP designated area.

**KJ.** "Neighborhood-serving business and establishment" means any business or establishment located in a neighborhood commercial district as defined in the Zoning Ordinance Section Cl, Clb, Clc, Clb(E).

**LK.** "One-day visitor permit" means a parking permit issued pursuant to this chapter or an ordinance enacted pursuant to authority granted herein, which shall exempt the vehicle from parking time restrictions pursuant to this chapter, for the date indicated upon the face of said permit.

**LM.** "Two-week visitor permit" shall mean a parking permit issued pursuant to this chapter or an ordinance enacted pursuant to authority granted herein, which shall exempt the vehicle from parking time restrictions established pursuant to this chapter for a period of 14 consecutive calendar days, beginning upon the date indicated upon the face of said permit.

**NM.** "Motor vehicle" shall be an automobile, truck, motorcycle or other self-propelled form of transportation not in excess of 8,000 pounds gross weight and not in excess of 20 feet in length. A trailer, trailer coach, utility trailer, motor home/(RV), or any other type of vehicle as defined in the California Vehicle Code that is not self-propelled, is not eligible for an RPP permit.

**ON.** "Controlled curb parking" means any on-street parking with existing parking limitations, such as meters, time restrictions, red zone, etc.

**PO.** "Schools" shall mean any school or other place of learning providing a pre-school, elementary or secondary level of study, and which regularly employs a staff of at least 15 certificated persons regularly employed as a classroom teacher.

**QP.** "Senior centers" means the three senior centers affiliated with the City: North Berkeley Senior Center, South Berkeley Senior Center and the West Berkeley Senior Center.

Section 2. That Berkeley Municipal Code Section 14.72.050 is amended to read as follows:

**14.72.050 Designation of a residential permit parking area.**

A. There shall be two alternative processes by which City Council could consider any area for designation as a residential permit parking area:

1. Residents petition. The City Council shall consider for designation as a residential permit parking area any proposed area for which a petition has been submitted which meets and satisfies the following requirements:

a. Prior to obtaining signatures, neighborhood organizers shall consult with City staff to assure that the proposed area meets guidelines set in the administrative regulations for the establishment of permit parking boundaries.

b. The petition shall contain a description or a map showing the proposed residential permit parking area.

c. Said description or map shall be followed in the petition by a statement describing the residential permit parking program and the current residential permit fees.

d. The statement shall be followed by a signature, printed name, address, and date of signing of the application by a number of adult residents including at least 51% of the housing units within the area.

e. For applicants in areas zoned Mixed ~~Use-Residential~~ or Mixed Use-Light Industrial, a petition shall only be deemed valid if at least 51% of the housing units on each block ~~face-front~~ have an address that has a residential Assessor's Use Code.

f. All petitions shall be the same as the standard petition form developed by City staff. Any petition form different from the standard petition form shall be deemed invalid for the purposes of this chapter.

g. In the proposed residential permit parking area, at least 80% of the block fronts with unlimited on-street parking must be residentially zoned, and at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

h. In areas zoned Mixed ~~Use-Residential~~ or Mixed Use-Light Industrial, at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

2. City Council initiation. City Council shall consider for designation as a residential permit parking area any area for which the following requirements have been met:

a. City Council shall initiate the area as a residential permit parking area.

b. For areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, Council shall only initiate the area as a residential permit parking area if at least 51% of the housing



units on each block face-front have an address that has a residential Assessor's Use Code.

c. In the proposed residential permit parking area at least 80% of the block fronts with unlimited on-street parking must be residentially zoned, and at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m. or unlimited on-street parking is projected to be impacted by parking spillover from a more congested residential permit parking area.

d. In areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

e. A notice of intent to establish permit parking shall be sent to all addresses within the proposed residential parking permit area.

B. Upon receipt by the City Council of a petition as described in subsection A.1 of this section, or after Council has initiated a residential permit parking area as described in subsection A.2 of this section, the Council shall:

1. Undertake or cause to be undertaken such surveys or studies which it deems necessary.

2. Cause to be drafted a resolution which would establish a residential permit parking area based upon the aforementioned proposal and studies, including all regulations and time restrictions determined by the Council to be reasonable and necessary in such area.

C. The Council shall thereafter conduct a public hearing on said draft resolution. Notice of the hearing shall be posted at least ten days prior to the hearing on all block fronts proposed to be included in the residential permit parking area. Following the hearing, the City Council may enact, amend or reject said draft resolution in any manner, including but not limited to, modification of boundaries of the proposed area and the restrictions imposed on such proposed area. In order to grant permit parking designation, Council shall find that the designation will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the area of designation. In reaching this decision, consideration shall be given to the residents' support for residential permit parking, the existing parking conditions, the expected effectiveness of residential permit parking in improving parking conditions, and the location and size of the residential permit parking area.

Section 3. That Berkeley Municipal Code Section 14.72.090 is amended to read as follows:

**14.72.090 Residential parking permit.**

A. The City Manager and/or his/her designee shall issue residential parking permits with a term not to exceed one year to motor vehicles which comply with the requirements set forth in this section.

1. No more than three (3) permits may be purchased for each residential address. Applicants may request a waiver if additional permits are needed.

2. In areas zoned Mixed Use-Residential (MU-R) or Mixed Use-Light Industrial (MULI), no more than two (2) permits may be purchased for each residential address. Applicants may request a waiver if additional permits are needed.

3. The City Traffic Engineer is authorized to issue such rules and regulations necessary to grant waivers to the annual permit limits.

B. A residential parking permit may be issued for a motor vehicle only upon application of the following person:

1. The applicant must demonstrate that he or she is currently a resident of the area for which the permit is to be issued; and

2. The applicant must demonstrate that he or she has ownership or continuing custody of the motor vehicle for which the permit is to be issued; and

3. Any motor vehicle to be issued a permit must have a vehicle registration indicating registration within the area for which the permit is to be issued.

C. A residential parking permit may in addition be issued for any vehicle in the area regularly utilized by a person who owns or leases commercial property and actively engages in business activity within the particular residential permit parking area. However, no more than one parking permit, or any greater number which the City Council may determine appropriate for the particular residential permit parking involved area, may be issued for each business establishment for a motor vehicle registered to or under the control of such a person.

D. A residential parking permit may be issued for any vehicle utilized in the area by a nonresidential nonbusiness enterprise, such as a church, school, or hospital, located wholly or partially within the particular residential permit parking area. However, no more than one parking permit, or any greater number which the City Council may determine appropriate for the particular permit parking area involved, may be issued for each such enterprise within each permit area for a motor vehicle registered to or under the control of such an enterprise.

E. Any person to whom a residential parking permit has been issued pursuant to this section shall be deemed a permit holder.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

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

FEEES: RESIDENTIAL PREFERENTIAL PARKING PERMITS

WHEREAS, on February 27, 2018, Council adopted Resolution No. 68,344-N.S., establishing a revised fee schedule for parking permits for annual residential preferential parking; 1-Day Visitors, 2-Week Visitors, and annual in-home care, annual community-serving facility, annual merchant, 1-Day Senior Center, Semi-annual residential, and Semi-annual in-home care permits issued for the Residential Preferential Parking (RPP) Program, and rescinded Resolution No. 66,895-N.S.; and

WHEREAS, the current RPP Program is operating at an annual deficit of at least \$124,675; and

WHEREAS, staffing for the RPP Program will be increased to allow for enhanced enforcement activities in existing Program areas, a comprehensive overhaul of University of California, Berkeley football game day parking, and actively managed expansion of opt-in eligibility; and

WHEREAS, increased staffing will incur additional yearly costs, but will also deliver new citation revenue;

WHEREAS, it is necessary to increase RPP permit fees in order to operate the RPP Program as a cost-neutral program in accordance with Council Budget Policies.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following fees for the RPP Program are hereby established:

Permit Type	Permit Fees
Annual Residential & In-Home Care	\$90.00
1-Day Visitor	\$4.00
14-Day Visitor	\$47.00
Semi-Annual Residential & In-Home Care	\$45.00
Community-Serving Facility	\$114.00
Merchant	\$253.00
1-Day Senior Center	\$1.00
Replacement of Annual, 14-Day, Community-Serving Facility, & Merchant Permits	\$21.00
Surcharge Per Additional Annual Residential Permit Over Maximum, Only If Waiver is Approved	\$100.00

BE IT FURTHER RESOLVED that these fees shall be effective June 1, 2019 for FY 2020 permit purchases and shall be deposited into the General Fund.

BE IT FURTHER RESOLVED that Resolution No. 68,344-N.S. is hereby rescinded effective June 1, 2019.

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

ESTABLISHING THE ZONES FOR “ENHANCED FINE AREAS” AND FOOTBALL GAME DAY VIOLATIONS, AND AUTHORIZING THE CITY MANAGER TO MAKE AN ANNUAL DETERMINATION AND NOTICE OF DATES ON WHICH FOOTBALL DAY VIOLATIONS WILL BE ISSUED

WHEREAS, City Council Resolution No. 65,813-N.S. restated the geographic area for football game day citations; and

WHEREAS, University of California football games attract a large number of visitors who drive to the game and park in residential neighborhoods to the north and south of campus, which typically makes it difficult for residents to find parking in close proximity to their homes on football game days; and

WHEREAS, current enforcement of the two-hour time limit for vehicles without a valid permit in portions of Residential Preferential Parking (RPP) Zones closest to the stadium is time intensive, reducing the ability of Parking Enforcement to maximize limited staff capacity on game days; and

WHEREAS, the permanent double parking fine program established by Resolution No. 63,800-N.S. has not deterred extended game day parking in portions of RPP Zones B and D, particularly in comparison to private off-street facilities in the vicinity of the stadium offering game day parking for up to \$100; and

WHEREAS, staff have confirmed with Parking Enforcement leadership that new “Enhanced Fine Areas,” in which vehicles without a valid RPP permit would not be permitted to park on football game days, would maximize limited enforcement capacity on football game days; and

WHEREAS, concurrent with this Resolution, the Council is considering adoption of another Resolution establishing a new schedule of parking violations and fines for parking violations, including in new “Enhanced Fine Areas;” and

WHEREAS, the existing “double parking fine” program would continue to be in effect on football game days in addition to the new “Enhanced Fine Areas;” and

WHEREAS, the schedule of parking violations and fines for parking violations may be revised in the future without affecting established zones for football day citations and Enhanced Fine Areas and the City Manager’s authorization to determine and provide public noticing of dates for these violations.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the established zone for the northerly Enhanced Fine Area is north to (not including) Cedar Street, west to (not including) Shattuck Avenue, south to Hearst Avenue, and east to the existing boundary of RPP Zones F and G.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the established zone for the southerly Enhanced Fine Area is north to Dwight Way between Telegraph Avenue and Regent Street, north to Haste Street between Regent Street and Bowditch Street, north to Dwight Way between Bowditch Street and College Avenue; east to (but not including) College Avenue between Dwight Way and Parker Street; north to (but not including) Parker Street between College Avenue and Warring Street; east to Warring Street between Parker Street and Derby Street; north to Derby Street between Warring Street and Belrose Avenue; east to (but not including) Belrose Avenue/Claremont Boulevard between Derby Street and Russell Street; south to (but not including) Russell Street between Belrose Avenue/Claremont Boulevard and Telegraph Avenue; and west to (but not including) Telegraph Avenue between Russell Street and Dwight Way.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the established zone for the easterly Enhanced Fine Area is north to the southern boundary of RPP Zone K between Channing Way and the Berkeley-Oakland city limits; east to the Berkeley-Oakland city limits; south to (but not including) Dwight Way between the Berkeley-Oakland city limits and Prospect Street; and west to (but not including) Prospect Street between Dwight Way and Channing Way.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the established zone for football day citations is north to (not including) Cedar Street, south and east to the Berkeley-Oakland city limits, and west to Oxford and Fulton Streets (including both sides of these streets).

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the City Manager is directed to annually determine the dates during which there are higher parking fines for football day citations, and provide reasonable notice to the public of these dates.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that Resolution No. 65,813-N.S. is hereby rescinded.

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

ESTABLISHING A NEW SCHEDULE OF PARKING VIOLATIONS AND FINES FOR PARKING VIOLATIONS AND LATE PAYMENT PENALTIES; AND RESCINDING RESOLUTION NO. 68,466-N.S.

WHEREAS, the State of California Vehicle Code Section 40203.5 states “the schedule of parking penalties for parking violations and late payment penalties shall be established by the governing body of the jurisdiction where the notice of violation is issued;” and

WHEREAS, University of California football games attract a large number of visitors who drive to the game and park in residential neighborhoods to the north and south of campus, which typically makes it difficult for residents to find parking in close proximity to their homes on football game days; and

WHEREAS, concurrent with this Resolution, the Council is considering adoption of another Resolution establishing new “Enhanced Fine Areas” in portions of Residential Preferential Parking (RPP) Zones F and G north of campus, and in portions of RPP Zones B, D, and I south of campus, wherein vehicles without a valid RPP permit would not be permitted to park on football game days; and

WHEREAS, in May 2018, the City Council adopted Resolution No. 68,466-N.S. establishing a new schedule of fines for parking violations to enable the City to properly cite vehicles in violation of new laws managing parking for electric vehicles.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a new schedule of parking violations and late payment penalties is established, as set forth in Exhibit A, which includes fines and late penalties for violations of BMC Section 14.40.090 pertaining to parking restrictions in new “Enhanced Fine Areas” in effect on football game days only; and

BE IT FURTHER RESOLVED that Resolution No. 68,466-N.S. is hereby rescinded.

Exhibits

- A: Schedule of Fines and Late Payment Penalties for Parking Violations
- B: List of New Parking Violations

## Exhibit A: Schedule of Fines and Late Payment Penalties for Parking Violations

Code	Section	Violation Description (For citations issued to a vehicle) FD = Football Game Days 9 a.m. to 11 p.m. FD fines = 50% higher on most violations & 100% higher for violations in RPP Zones A, B, D	Fine Amount	On Day 28 +\$30	On Day 47 +\$50
BMC	6.24.020	Off-St Rsrv Pkg No Permit Displayed	\$48	\$78	\$128
BMC	6.24.020	FD Off-St Rsrv Pkg No Permit Displayed			
BMC	6.24.020	Non-Electric Vehicle Parked in Electric Vehicle Space	\$35	\$65	\$115
BMC	6.24.060	Electric Vehicle Exceeding EV Parking Space Time Limit	\$30	\$60	\$110
BMC	6.24.020	Electric Vehicle Not Actively Charging in EV Parking Space	\$35	\$65	\$115
BMC	6.24.093	P&D Dispensing Mach Tkt Not Displayed	\$43	\$73	\$123
BMC	6.24.093	FD P&D Dispensing Mach Tkt Not Displayed	\$65	\$95	\$145
BMC	6.24.096	Improper Display of P&D Disp Mach Tkt	\$43	\$73	\$123
BMC	6.24.096	FD Improper Display of P&D Disp Mach Tkt	\$65	\$95	\$145
BMC	6.24.100 B	P&D Station Expired Time	\$43	\$73	\$123
BMC	6.24.100 B	FD P&D Station Expired Time	\$65	\$95	\$145
BMC	6.24.103 B	Time Limits Enforced at Inoperable P&D Sta	\$43	\$73	\$123
BMC	6.24.103 B	FD Time Limits Enforced at Inoperable P&D Sta	\$65	\$95	\$145
BMC	6.24.130	Off-St Facility: Motorcycle Zone Only	\$48	\$78	\$128
BMC	6.24.130	Off-St Facility: Pkg Outside Markings	\$48	\$78	\$128
BMC	6.24.130	FD Off-St Facility: Pkg Outside Markings	\$72	\$102	\$152
BMC	6.24.130	Off-St Facility: Disabled Zone	\$288	\$318	\$368
BMC	6.24.130	FD Off-St Facility: Disabled Zone	\$288	\$318	\$368
BMC	6.24.130	Off-St Facility: Restricted Load Zone	\$48	\$78	\$128
BMC	6.24.130	FD Off-St Facility: Restricted Load Zone	\$72	\$102	\$152
BMC	6.24.130	Off-St Facility: Unmarked Space	\$48	\$78	\$128
BMC	6.24.130	FD Off-St Facility: Unmarked Space	\$72	\$102	\$152
BMC	6.24.140	Off-St Facility: Backed-In	\$48	\$78	\$128
BMC	9.52.140	Unattended Taxi Over 5 Min	\$91	\$121	\$171
BMC	13.52.040	Unauth Pkg on Private Property	\$41	\$71	\$121
BMC	14.24.070	Unauth Vehicle on Private Prop	\$64	\$94	\$144
BMC	14.36.030 A	No Parking on Divisnl Islands	\$55	\$85	\$135
BMC	14.36.030 A	FD No Parking on Divisnl Islands	\$83	\$113	\$163
BMC	14.36.030 C	No Parking Zone (Sign Posted)	\$64	\$94	\$144
BMC	14.36.030 C	FD No Parking Zone (Sign Posted)	\$96	\$126	\$176
BMC	14.36.030 C	No Parking Zone (Red Curb)	\$64	\$94	\$144
BMC	14.36.030 C	FD No Parking Zone (Red Curb)	\$96	\$126	\$176



Code	Section	Violation Description (For citations issued to a vehicle) FD = Football Game Days 9 a.m. to 11 p.m. FD fines = 50% higher on most violations & 100% higher for violations in RPP Zones A, B, D	Fine Amount	On Day 28 +\$30	On Day 47 +\$50
BMC	14.36.030 D	No Parking Street Sweeping (sign)	\$49	\$79	\$129
BMC	14.36.030 E	No Parking on Railroad Tracks	\$64	\$94	\$144
BMC	14.36.030 F	Hazard Obstructing Traffic	\$64	\$94	\$144
BMC	14.36.030 F	FD Hazard Obstructing Traffic	\$96	\$126	\$176
BMC	14.36.030 G	Construct: No Permit on Dashboard	\$64	\$94	\$144
BMC	14.36.030 G	FD Construct: No Permit on Dashboard	\$96	\$126	\$176
BMC	14.36.050	On Street 72 or More Consec hrs	\$60	\$90	\$140
BMC	14.36.060	Repair Vehicle on Street	\$52	\$82	\$132
BMC	14.36.080	Vehicle Parked in School Zone	\$51	\$81	\$131
BMC	14.36.090	Pkg on Grade Brake/Block Wheels	\$55	\$85	\$135
BMC	14.36.110	Emerg Prkg w/o Permit (Tow CVC 22651)	\$52	\$82	\$132
BMC	14.40.010	3 min Limit Zone Overtime	\$43	\$73	\$123
BMC	14.40.010	FD 3 min Limit Zone Overtime	\$65	\$95	\$145
BMC	14.40.010	5 min Limit Zone Overtime	\$43	\$73	\$123
BMC	14.40.010	FD 5 min Limit Zone Overtime	\$65	\$95	\$145
BMC	14.40.010	10 min Limit Zone Overtime	\$43	\$73	\$123
BMC	14.40.010	FD 10 min Limit Zone Overtime	\$65	\$95	\$145
BMC	14.40.010	12 min Limit Zone Overtime	\$43	\$73	\$123
BMC	14.40.010	15 min Limit Zone Overtime	\$43	\$73	\$123
BMC	14.40.010	24 min Limit Zone Overtime	\$43	\$73	\$123
BMC	14.40.010	FD 24 min Limit Zone Overtime	\$65	\$95	\$145
BMC	14.40.020	30 min Limit Zone Overtime	\$43	\$73	\$123
BMC	14.40.020	FD 30 min Limit Zone Overtime	\$65	\$95	\$145
BMC	14.40.030	1 hr Limit Zone Overtime	\$43	\$73	\$123
BMC	14.40.030	FD 1 hr Limit Zone Overtime	\$65	\$95	\$145
BMC	14.40.030	Faulty Meter Over 1 hr Limit	\$43	\$73	\$123
BMC	14.40.040	2 hr Limit Zone Overtime	\$43	\$73	\$123
BMC	14.40.040	FD 2 hr Limit Zone Overtime	\$65	\$95	\$145
BMC	14.40.040	Faulty Meter Over 2 hr Limit	\$43	\$73	\$123
BMC	14.40.050 A	Parallel Pkg Veh Outside Markers	\$48	\$78	\$128
BMC	14.40.050 B	Veh Facing Wrong Way 1-way St	\$48	\$78	\$128
BMC	14.40.050 B	FD Veh Facing Wrong Way 1-way St	\$72	\$102	\$152
BMC	14.40.050 B	Pkg Over 18" from Curb 1-way St	\$51	\$81	\$131
BMC	14.40.050 B	FD Pkg Over 18" fr Curb 1-way St	\$77	\$107	\$157
BMC	14.40.060 A	Diagonal Pkg Veh Outside Markers	\$51	\$81	\$131
BMC	14.40.060 B	Diagonal Pkg FW Over 6" from Curb	\$51	\$81	\$131
BMC	14.40.070 A	No Stopping 4-6pm (Tow CVC 22651)	\$64	\$94	\$144
BMC	14.40.070 A	FD No Stopping 4-6pm (Tow CVC 22651)	\$96	\$126	\$176
BMC	14.40.070 A	No Stopping 7-9am (Tow CVC 22651)	\$64	\$94	\$144

Code	Section	Violation Description (For citations issued to a vehicle) FD = Football Game Days 9 a.m. to 11 p.m. FD fines = 50% higher on most violations & 100% higher for violations in RPP Zones A, B, D	Fine Amount	On Day 28 +\$30	On Day 47 +\$50
BMC	14.40.070 A	No Stopping 9pm-6am (Tow CVC 22651)	\$64	\$94	\$144
BMC	14.40.070 A	Posted No Stopping Tow Away	\$64	\$94	\$144
BMC	14.40.090	RPP Zone No RPP Permit Displayed	\$49	\$79	\$129
BMC	14.40.090	FD RPP Zone A,B,D No Permit Dsply	\$98	\$128	\$178
BMC	14.40.090	RPP Zone K No Permit Displayed	\$57	\$87	\$137
BMC	14.40.090	RPP Zone RPP Permit Expired	\$49	\$79	\$129
BMC	14.40.090	FD RPP Zone A,B,D Permit Expired	\$98	\$128	\$178
BMC	14.40.090	RPP Zone Permit Improper Display	\$49	\$79	\$129
BMC	14.40.090	FD RPP A,B,D Permit Impropr Dsply	\$98	\$128	\$178
BMC	14.40.090	No RPP Permit Displayed in Enhanced Fine Area (Football Game Days)	\$225	\$255	\$305
BMC	14.40.130	Pkg/Standing in City Lots/Spaces	\$55	\$85	\$135
BMC	14.40.130 A	City Lot No Permit Displayed	\$57	\$87	\$137
BMC	14.40.130 C	Reserved Pkg No Permit Displayed	\$49	\$79	\$129
BMC	14.40.130 E	Reserved City Hall Pkg Towable	\$64	\$94	\$144
BMC	14.40.150 A	Car Parking in Motorcycle Area	\$51	\$81	\$131
BMC	14.40.150 B	Motorcycle Zone Overtime	\$51	\$81	\$131
BMC	14.40.160	DbI-Pkd Commer Vehicle Center St	\$60	\$90	\$140
BMC	14.44.020 B	Commer Zone No Permit (yellow)	\$57	\$87	\$137
BMC	14.44.020 B	FD Commer Zone No Permit (yellow)	\$86	\$116	\$166
BMC	14.44.020 A	Commercial Zone Overtime	\$57	\$87	\$137
BMC	14.44.020 A	FD Commercial Zone Overtime	\$86	\$116	\$166
BMC	14.44.030	Passenger Load Zone (white curb)	\$57	\$87	\$137
BMC	14.44.030	FD Passgr Load Zone (white curb}	\$86	\$116	\$166
BMC	14.44.040	No Stopping Bicycle Zone	\$55	\$85	\$135
BMC	14.44.040	FD No Stopping Bicycle Zone	\$83	\$113	\$163
BMC	14.44.050	Special Passenger Load Zone only	\$57	\$87	\$137
BMC	14.44.060	Parking in Coach (bus) Zone	\$64	\$94	\$144
BMC	14.44.060	FD Parking in Coach (bus} Zone	\$96	\$126	\$176
BMC	14.44.070	Unauthorized Use of Funeral Zone	\$51	\$81	\$131
BMC	14.44.080	Taxicab Parking Only	\$51	\$81	\$131
BMC	14.44.080	Unauthorized Taxicab Stand Pkg	\$51	\$81	\$131
BMC	14.46.040 B	Non-Electric Vehicle Parked in EV Space	\$49	\$79	\$129
BMC	14.46.050 B	Electric Vehicle Exceeding EV Space Time Limit	\$43	\$73	\$123
BMC	14.46.050 C	Electric Vehicle Not Actively Charging in EV Space	\$43	\$73	\$123
BMC	14.52.050 A	Meter Street: Expired Meter	\$43	\$73	\$123
BMC	14.52.050 A	FD Meter Street: Expired Meter	\$65	\$95	\$145
BMC	14.52.050 B	Pay & Display Station Expired Time	\$43	\$73	\$123

Code	Section	Violation Description (For citations issued to a vehicle) FD = Football Game Days 9 a.m. to 11 p.m. FD fines = 50% higher on most violations & 100% higher for violations in RPP Zones A, B, D	Fine Amount	On Day 28 +\$30	On Day 47 +\$50
BMC	14.52.050 B	FD Pay & Display Sta Expired Time	\$65	\$95	\$145
BMC	14.52.060 A	Meter St: Extending Meter Time	\$43	\$73	\$123
BMC	14.52.060 A	FD Meter St: Extending Meter Time	\$65	\$95	\$145
BMC	14.52.060 B	Pay & Display Station Extend Time	\$43	\$73	\$123
BMC	14.52.060 B	FD Pay & Display Sta Extend Time	\$65	\$95	\$145
BMC	14.52.063	P&D Dispensing Mach Tkt Not Displayed	\$43	\$73	\$123
BMC	14.52.063	FD P&D Dispens Mach Tkt Not Displayed	\$65	\$95	\$145
BMC	14.52.066	Improper Display of P&D Disp Mach Tkt	\$43	\$73	\$123
BMC	14.52.066	FD Improper Display of P&D Disp Mach Tkt	\$65	\$95	\$145
CVC	4000	No Evidence Current Registration	\$50	\$80	\$130
CVC	4000	Expired Registration	\$50	\$80	\$130
CVC	4461 B	Improper Lending of DP Placard or Plate	\$550	\$580	\$630
CVC	4461 C	Improper Display of DP Placard or Plate	\$550	\$580	\$630
CVC	4461 D	Improper Use of DP Placard or Plate	\$550	\$580	\$630
CVC	4463 C	Use of Forged, Counterfeit, or False DP Placard or Plate	\$550	\$580	\$630
CVC	5200	Missing License Plates	\$25	\$55	\$105
CVC	5201	Lic Plates Improperly Positioned	\$25	\$55	\$105
CVC	5202	Hanging/Detached License Plate	\$25	\$55	\$105
CVC	5204 A	Expired Tags (read back)	\$25	\$55	\$105
CVC	5204 A	Missing Tags	\$25	\$55	\$105
CVC	21113 A	Parking on Public Grounds	\$54	\$84	\$134
CVC	21211 B	Vehicle Blocking Bicycle Lane	\$54	\$84	\$134
CVC	21718	Parking on Freeway	\$54	\$84	\$134
CVC	22500 A	Parking in an Intersection	\$60	\$90	\$140
CVC	22500 A	FD Parking in an Intersection	\$86	\$116	\$166
CVC	22500 B	Parking in Crosswalk	\$60	\$90	\$140
CVC	22500 B	FD Parking in Crosswalk	\$90	\$120	\$170
CVC	22500 C	Parking in Safety Zone	\$60	\$90	\$140
CVC	22500 C	FD Parking in Safety Zone	\$90	\$120	\$170
CVC	22500 D	Parking within 15' of Fire Station	\$60	\$90	\$140
CVC	22500 D	FD Parking within 15' of Fire Station	\$90	\$120	\$170
CVC	22500 E	Parking in Driveway	\$60	\$90	\$140
CVC	22500 E	FD Parking in Driveway	\$90	\$120	\$170
CVC	22500 F	Parking On/Across Sidewalk	\$60	\$90	\$140
CVC	22500 F	FD Parking On/Across Sidewalk	\$90	\$120	\$170
CVC	22500 G	Parking Construction No Permit	\$60	\$90	\$140
CVC	22500 G	FD Parking Construction No Permit	\$90	\$120	\$170
CVC	22500 H	Double-Parked	\$60	\$90	\$140

<b>Code</b>	<b>Section</b>	<b>Violation Description</b> (For citations issued to a vehicle) FD = Football Game Days 9 a.m. to 11 p.m. FD fines = 50% higher on most violations & 100% higher for violations in RPP Zones A, B, D	<b>Fine Amount</b>	<b>On Day 28 +\$30</b>	<b>On Day 47 +\$50</b>
CVC	22500 H	FD Double-Parked	\$90	\$120	\$170
CVC	22500 I	Parking/Stopping in Coach Zone	\$263	\$293	\$343
CVC	22500 I	FD Parking/Stopping in Coach Zone	\$263	\$293	\$343
CVC	22500 J	Parking in Tunnel	\$54	\$84	\$134
CVC	22500 K	Parking on Bridge	\$54	\$84	\$134
CVC	22500 L	Blocking Disabled Ramp	\$288	\$318	\$368
CVC	22502 A	Parking Over 18" from Curb 2-Way St	\$69	\$99	\$149
CVC	22502 A	FD Parking Over 18" from Curb 2-Way St	\$104	\$134	\$184
CVC	22503 E	Parking Over 10" from Curb 1-Way St	\$58	\$88	\$138
CVC	22507.8 A	Parking in Disabled Zone	\$317	\$347	\$397
CVC	22507.8 B	Obstructing Access Disabled Zone	\$317	\$347	\$397
CVC	22507.8 B	FD Obstructing Access Disabled Zone	\$317	\$347	\$397
CVC	22514 a	Parking within 15' of Fire Hydrant	\$78	\$108	\$158
CVC	22514 a	FD Parking within 15' of Fire Hydrant	\$117	\$147	\$197
CVC	22521	Parking within 7.5' of Railroad Tracks	\$54	\$84	\$134
CVC	22522	Parking within 3' of Wheelchair Ramp	\$317	\$347	\$397
CVC	22522	FD Parking within 3' of Wheelchair Ramp	\$317	\$347	\$397
CVC	22523 a	Abandon Vehicle on Highway	\$168	\$198	\$248
CVC	22523 b	Abandon Vehicle on Pub/Prvt Prop	\$168	\$198	\$248

Note: In addition to citation placed on vehicle, "Notice of Violation" is mailed to registered owner seven (7) days after citation and indicated when the fine penalty increases will occur: On Day 28 after citation issuance, the fine increases by \$30. If payment is not received within 45 days after issuance, on Day 47, the fine increases by an additional \$50.

Exhibit B: List New Parking Violations

Code	Section	<b>Violation Description</b> (For citations issued to a vehicle) FD = Football Game Days 9 a.m. to 11 p.m. FD fines = 50% higher on most violations & 100% higher for violations in RPP Zones A, B, D	<b>Fine Amount</b>	<b>On Day 28 +\$30</b>	<b>On Day 47 +\$50</b>
BMC	14.40.090	No RPP Permit Displayed in Enhanced Fine Area (Football Game Days)	\$225	\$255	\$305

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**FEES: RESIDENTIAL PREFERENTIAL PARKING PERMITS**

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said city council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Department of Public Works is proposing to increase the cost of annual Residential Preferential Parking (RPP) permits, effective June 1, 2019, for permits purchased for FY 2020, as summarized below:

Permit Type	Current Fee	Proposed Fee
Annual Residential & In-Home Care	\$66.00	\$90.00
1-Day Visitor	\$3.00	\$4.00
14-Day Visitor	\$34.00	\$47.00
Semi-Annual Residential & In-Home Care	\$33.00	\$45.00
Community-Serving Facility	\$83.00	\$114.00
Merchant	\$185.00	\$253.00
1-Day Senior Center	\$1.00	\$1.00
Replacement of Annual, 14-Day, Community-Serving Facility, & Merchant Permits	\$15.00	\$21.00
Surcharge Per Additional Annual Residential Permit Over Maximum, If Waiver Approved	\$100.00	\$100.00

The hearing will be held on Tuesday, May 14, 2019 at 6:00 p.m. in the School District Board Room, 1231 Addison Street.

For further information, please contact Farid Javandel, Transportation Division Manager, at (510) 981-7061.

A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of May 2, 2019.

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

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become**

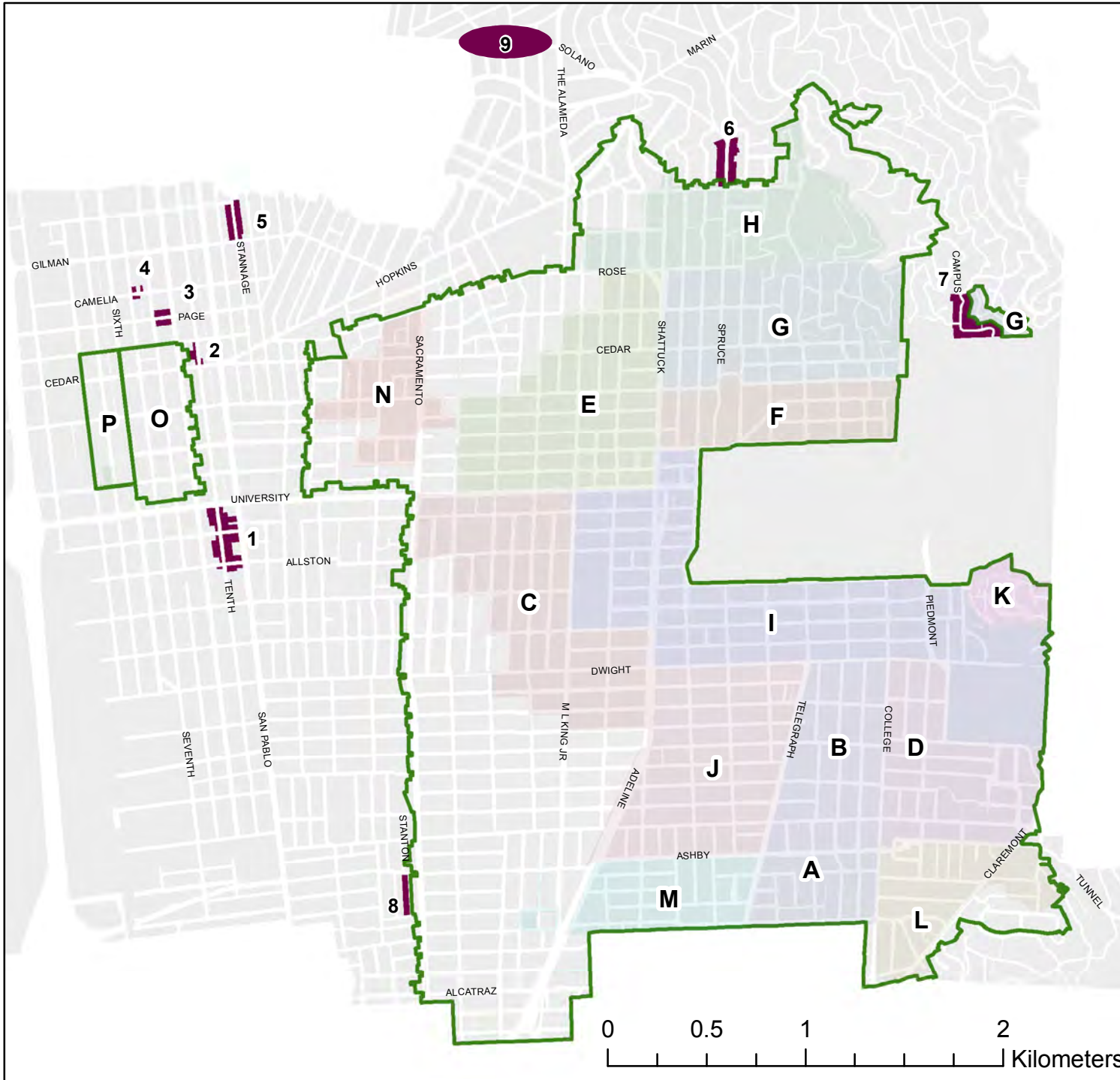
**part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

**Published:** May 3 and May 10, 2019 – The Berkeley Voice

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on May 2, 2019.

\_\_\_\_\_  
Mark Numainville, City Clerk



# ATTACHMENT 6

## EXISTING ELIGIBILITY AND INELIGIBLE OPT-IN REQUESTS

- E Existing RPP Area Extents
- Current Eligibility Boundary
- Out of Area Opt-In Requests

### FY 2019 Requests

1. 10th between University and Allston with adjacent side streets
2. 10th between Jones and Cedar
3. Page between 8th and 9th
4. Camelia between 7th and 8th

### Requests Prior to FY 2019

5. Stannage between Gilman and Harrison
6. Spruce between Los Angeles to Eunice
7. Campus between Los Aveita and LBL Campus
8. Stanton between Ashby and Prince
9. Multiple requests from Solano neighborhood

This map is for reference purposes only.

Care was taken in the creation of this map, but it is provided "AS IS". Please contact the City of Berkeley to verify map information or to report any errors.  
March 20, 2019



**CITY OF BERKELEY**  
 Transportation Division  
 1947 Center Street  
 Berkeley CA 94704







**CONSENT CALENDAR**

July 23, 2019

Office of the Mayor

TO: Members of the City Council

FROM: Mayor Arreguín, Council Members Droste, Hahn, and Wengraf

SUBJECT: Implementing Vision Zero: Prioritizing High Collision Streets

**RECOMMENDATION**

As street lights are being replaced and transportation infrastructure improvements are made throughout the City, and as work plans and schedules are developed, priority should be given to high-collision streets, as identified in the Pedestrian Master Plan<sup>1</sup> and Vision Zero program. Examples include but are not limited to improving lighting, updating signage, and painting of crosswalks.

**BACKGROUND**

Approximately three people are killed and 31 people are severely injured each year in traffic collisions on Berkeley streets (City Council work session report, 2017). Pedestrians and bicyclists are involved in only 7% of overall crashes but represent roughly one-third of all traffic fatalities. High vehicle speeds, violation of “Pedestrian Right of Way”, and alcohol/drug intoxication are the primary causes of severe and fatal collisions. Under a Vision Zero approach, traffic safety efforts would focus on reducing these primary causes of severe and fatal collisions (City Council Worksession Report, December 2017<sup>2</sup>).

In recent years, major cities across the United States have begun adopting this policy, including San Francisco in 2014<sup>3</sup>. In March 2018, the Berkeley City Council resolved to make Berkeley a Vision Zero City<sup>4</sup>. We have stepped up implementation efforts in recent months, with the creation of a Vision Zero Task Force<sup>5</sup>.

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<sup>1</sup> <https://www.cityofberkeley.info/pedestrian>; <https://www.cityofberkeley.info/pedestrian>

<sup>2</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2017/12\\_Dec/Documents/2017-12-07\\_WS\\_Item\\_02\\_Vision\\_Zero\\_Traffic\\_Safety\\_Policy\\_-\\_Pres.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2017/12_Dec/Documents/2017-12-07_WS_Item_02_Vision_Zero_Traffic_Safety_Policy_-_Pres.aspx) [PDF]

<sup>3</sup> <https://www.visionzerosf.org/about/what-is-vision-zero>

<sup>4</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/03\\_Mar/Documents/2018-03-27\\_Item\\_18\\_Vision\\_Zero\\_-\\_Rev.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/03_Mar/Documents/2018-03-27_Item_18_Vision_Zero_-_Rev.aspx) [PDF]

On June 25, 2019, the Berkeley City Council approved the City Budget for Fiscal Years 2020 and 2021. Thanks to the efforts of community members and advocacy groups, the budget prioritized funding to implement Vision Zero and for multiple traffic safety improvements, making the streets safer and more accessible for pedestrians and bicyclists.

#### FINANCIAL IMPLICATIONS

No additional financial implications. City staff will provide a high-level, preliminary analysis of potential costs, timelines, and staffing demands as part of the referral to the Facilities, Infrastructure, Transportation, Environment, & Sustainability Policy Committee.

#### ENVIRONMENTAL SUSTAINABILITY

Vision Zero policies are consistent with several provisions of the City of Berkeley's Climate Action Plan. Significant positive environmental impacts (e.g. increased pedestrian and bicycle trips resulting in lower greenhouse gas output) arise when cities prioritize walking and bicycling infrastructure and safety.

#### CONTACT

Mayor Jesse Arreguín | [mayor@cityofberkeley.info](mailto:mayor@cityofberkeley.info) | 510.981.7100  
Councilmember Lori Droste | [ldroste@cityofberkeley.info](mailto:ldroste@cityofberkeley.info) | 510.981.7180  
Councilmember Sophie Hahn | [shahn@cityofberkeley.info](mailto:shahn@cityofberkeley.info) | 510.981.7150  
Councilmember Susan Wengraf | [swengraf@cityofberkeley.info](mailto:swengraf@cityofberkeley.info) | 510.981.7160

#### ATTACHMENTS

1. [Resolution 68-371 — In Support of Vision Zero](#)

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<sup>5</sup> <http://www.jessearreguin.com/vizion-zero>

RESOLUTION NO. 68,371-N.S.

IN SUPPORT OF VISION ZERO

WHEREAS, the City of Berkeley wants a safe and healthy city where we do everything possible to avoid traffic-related injuries and fatalities; and

WHEREAS, Berkeley City Council adopted the Berkeley Strategic Transportation (BeST) Plan in 2016 which included a recommendation that the City develop a Vision Zero policy with the goal of eliminating the number of fatal and severe traffic injuries; and

WHEREAS, cars and trucks produce greenhouse gas emissions when they burn gasoline or other fossil fuels, which contributes to human-made climate change; and

WHEREAS, transportation-related greenhouse gas emissions are increasing in Berkeley and now account for 56% of Berkeley's greenhouse gas emissions; and

WHEREAS, the City of Berkeley's vulnerabilities to climate change include sea level rise and flooding, heat waves, damage to local ecosystems, and risks to the city's transportation and water infrastructure; and

WHEREAS, the City of Berkeley's Climate Action Plan supports measures that increase walking, transit ridership, ridesharing and bicycling to achieve greenhouse gas reduction goals; and

WHEREAS, according to the December 2017 Council work session report "Development of a Vision Zero Traffic Safety Policy," pedestrians and bicyclists are the most vulnerable road users and account for 29-36% of all traffic deaths in Berkeley; and

WHEREAS, the California Office of Traffic Safety consistently ranks Berkeley as having more pedestrian and bicycle injuries than other California cities its size; and

WHEREAS, many more people choose to walk, bike, and take transit in Berkeley than in most other cities in California and the United States; and

WHEREAS, measures to make Berkeley's streets safer for all road users, particularly those who are most physically vulnerable, will further encourage people to walk, bike and take transit; and

WHEREAS, the City of Berkeley's Complete Streets Policy (2012), Pedestrian Plan (2010), and Bicycle Plan (2017) all seek to reduce serious or fatal pedestrian and bicycle injuries; and

WHEREAS, Vision Zero is a data-driven strategy to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all; and

WHEREAS, Vision Zero is founded on a Safe Systems approach that recognizes humans will make mistakes and roadway systems and policies should be designed to protect them; and

WHEREAS, Vision Zero road safety goals are accomplished through a combination of engineering, education, and enforcement measures; and

WHEREAS, Vision Zero was first implemented in Sweden, which now has one of the lowest annual rates of road deaths in the world, even as trips have increased; and

WHEREAS, San Francisco, Santa Barbara, and Eugene (Oregon) are among 34 Vision Zero cities in the United States; and

WHEREAS, the Vision Zero Network's minimum criteria for recognizing Vision Zero cities include setting a clear goal of eliminating traffic fatalities and severe injuries within a set timeframe, publicly committing to Vision Zero, establishing a Vision Zero implementation plan or strategy, and engaging key city departments (including transportation, police, and public health); and

WHEREAS, the City of Berkeley Transportation Division collaborates with other departments to support policies, programs, and initiatives that promote safer streets such as the Traffic Calming Program, Safe Routes to School program, and Pedestrian and Bicycle Plans.

WHEREAS, a commitment to Vision Zero should create opportunities to invite meaningful input from the community, including communities that are disproportionately burdened by traffic collisions, and historically have been underserved.

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council adopts the Vision Zero goal of eliminating traffic deaths and severe injuries by 2028.

BE IT FURTHER RESOLVED that a multi-disciplinary Vision Zero Task Force will be formed to advise City Council on the development and implementation of a Vision Zero Action Plan, and shall be comprised of organizations and agencies with expertise in transportation, enforcement, education, public health, emergency response, equity, transit, biking, walking, and vehicles.

BE IT FURTHER RESOLVED that Berkeley City Council directs the Vision Zero Task Force to research a minimum of five years of data to identify dangerous behaviors causing death and injury, and geographic locations and populations which bear a disproportionate burden of fatal and severe crashes, and engage community in developing the Action Plan.

BE IT FURTHER RESOLVED that the Berkeley City Council directs the Vision Zero Task Force to develop assurances against racial profiling and targeting as it pertains to Vision Zero enforcement and to ensure that communities of color, police bureau, and community

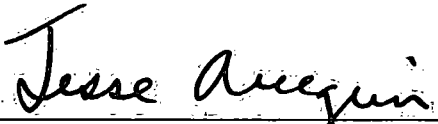
leadership are included in the decision-making and development of enforcement plans or policies.

The foregoing Resolution was adopted by the Berkeley City Council on March 27, 2018 by the following vote:

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

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numainville, City Clerk







Office of the Mayor

32

CONSENT CALENDAR  
July 23, 2019

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Authorizing Transfer of Funds to Rent Board for Eviction Defense Contracts

RECOMMENDATION

Adopt a Resolution authorizing the transfer of \$550,000 for Fiscal Years 2020 and 2021 to the Rent Stabilization Board to amend its contracts with the Eviction Defense Center and East Bay Community Law Center to provide eviction defense and various other anti-displacement services to low and moderate-income Berkeley residents.

BACKGROUND

The unprecedented rental housing crisis has resulted in increased displacement and eviction of low-income residents in Berkeley. One of the priorities of the Rent Stabilization Board is to provide services to low-income households to prevent displacement.

At the June 25, 2019 Council Meeting, the FY 2020-21 Biennial Budget was approved, allocating \$900,000 each year for anti-displacement programs. Of this, \$550,000 will be used for eviction defense and housing counseling each year. Council initially authorized an annual funding of \$300,000 for this purpose for both the 2018 and 2019 Fiscal Years at its July 25, 2017 meeting. These funds were transferred to the Rent Board whose staff administered, monitored, and reported to Council regarding the program funding during those years.

When this item was initially considered in 2017, Council expressed interest in expanding the scope of services provided by Eviction Defense Center (EDC) and East Bay Community Law Center (EBCLC) under their existing Rent Board Contracts to provide counseling and advocacy to tenants seeking to avoid displacement by exercise of rights afforded by local law other than the Rent Ordinance. The funding provided by the Rent Board is not adequate to achieve the Council's objective of fully preventing displacement during the current housing emergency, when low and middle-income tenants are particularly vulnerable to displacement if not provided with sufficient and competent legal defense. There is also a need for additional funding to provide counseling and representation to tenants relating to city ordinances such as the Tenant Protection Ordinance and Tenant Buyout Ordinance. Council now sees fit to increase the funding to attempt to further curb the tide of displacement.

Both EDC and EBCLC have requested \$275,000 to cover this expanded scope of work to serve the broadest number of Berkeley tenants.

On June 20, 2017, by Resolution Nos. 19-14 and 19-15 the Rent Board authorized the Board's Executive Director to amend existing contracts with the EDC and the EBCLC through June 30, 2020. These contracts provide eviction defense services for very-low income Berkeley tenants in furtherance of the Board's mission of preserving diversity and prevent displacement of vulnerable tenants. The Rent Board agreed to amend its existing contracts with the EDC and EBCLC to incorporate Council's additional scope of work and additional funding during the 2018 and 2019 fiscal years and has indicated that it would be amenable to continuing this relationship. The Board will formally approve authorizing modification of its existing contracts with the EDC and the EBCLC to allow for the transfer of these Council funds for the 2020 and 2021 fiscal years at its July 18, 2019 meeting and will report to Council regarding this matter.

FINANCIAL IMPLICATIONS

\$550,000 annually from the General Fund appropriation for eviction defense approved on June 25, 2019. Funding will come from Measure U1 tax receipts.

ENVIRONMENTAL SUSTAINABILITY

No adverse effects to the environment.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

1: Resolution



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

CONTRACT NOS. 112505-1 AND 114171-1 AMENDMENTS: EVICTION DEFENSE CENTER AND EAST BAY COMMUNITY LAW CENTER; SUPPLEMENTAL FUNDING TO RENT BOARD

WHEREAS, the Costa-Hawkins Rental Housing Act passed by the state legislature in 1995 (and implemented in 1996) gave Berkeley landlords the ability to impose market rate rent increases for the overwhelming majority of new tenancies and an incentive to pursue pretextual evictions of tenants with below market rents; and

WHEREAS, due to market conditions Berkeley tenants have experienced unprecedented rent increases in recent years; and

WHEREAS, due to these substantial rent increases, many Berkeley tenants are unable to relocate in Berkeley or the central Bay Area if they are displaced by eviction; and

WHEREAS, effective administration of Berkeley's Rent Stabilization and Eviction for Good Cause Ordinance and advocacy surrounding the eviction protections listed therein have proven the most effective way to preserve affordable housing and prevent displacement that often leads to homelessness; and

WHEREAS, since the passage of Costa-Hawkins the Rent Board has funded eviction defense services for extremely low-income tenants; and

WHEREAS, Measure U1 provides annual funding to create and preserve Berkeley's affordable housing; and

WHEREAS, Council has determined it a priority to preserve affordable housing, so that more residents are not displaced from the city; and

WHEREAS, Council has heard testimony regarding the increasing vulnerability of low and moderate-income tenants (such as teachers, restaurant workers, and tradespeople) in today's unbalanced housing market; and

WHEREAS, Council has passed several Ordinances in recent years (including the Tenant Buy-Out Ordinance and Tenant Protection Ordinance [B.M.C. Chapter 13.79], Discrimination Based on Source of Income Prohibited [B.M.C. Chapter 13.31], and the Short-Term Rental Ordinance [B.M.C Chapter 23C.22]) to help preserve affordable housing and attempt to secure more universal tenant protections in addition to those already provided in the Rent Ordinance; and

WHEREAS, on June 25, 2019, Council set aside \$550,000 for eviction defense funding for fiscal years 2020 and 2021; and

WHEREAS, on June 20, 2019, by Resolution Nos. 19-14 and 19-15 the Rent Board authorized the Board's Executive Director to amend existing contracts with Collective Legal Services, dba the Eviction Defense Center (EDC) and the East Bay Community Law Center (EBCLC) through June 30, 2018, in an amount not to exceed \$150,000 for EDC and \$142,500 for EBCLC for services provided in the 2019/2020 Fiscal Year; and

WHEREAS, these contracts provide eviction defense services for very-low income Berkeley tenants in furtherance of the Board's mission of preserving diversity and prevent displacement of vulnerable tenants; and

WHEREAS, the Rent Board is unable to fund the EDC and EBCLC for work not directly related to eviction defense as defined by the eviction protections enumerated in the Rent Ordinance; and

WHEREAS, the funding provided by the Rent Board is not adequate to achieve the Council's objective of fully preventing displacement during the current housing emergency, when low and middle-income tenants are particularly vulnerable to displacement if not provided with sufficient and competent legal defense; and

WHEREAS, Council is informed that the Board and citizens of Berkeley have been extremely pleased with the excellent services provided by the EDC and EBCLC; and

WHEREAS, the emergent nature of the affordability crisis demands an immediate response and supplementing the Rent Board's contracts with these agencies is the fastest way to prevent further displacement; and

WHEREAS, Council wishes to expand the scope of services provided by EDC and EBCLC under their existing Rent Board Contracts to provide counseling and advocacy to tenants seeking to avoid displacement by exercise of rights afforded by local law other than the Rent Ordinance; and

WHEREAS, Council seeks to fund these additional services in an amount not to exceed \$275,000 per agency per fiscal year and not to exceed the amount necessary to provide these services to Berkeley tenants; and

WHEREAS, the Rent Board has agreed to amend its existing contracts with the EDC and EBCLC to incorporate Council's additional scope of work and additional funding as detailed above; and

WHEREAS, it will be more efficient to have the EDC and EBCLC report to the Rent Board under the existing format of the current contracts;

NOW, THEREFORE BE IT RESOLVED, that the Berkeley City Council authorizes transfer of \$550,000 for Fiscal Years 2020 and 2021, as appropriated in the Fiscal Year 2020 and 2021 Biennial Budget, to the Berkeley Rent Board to amend its existing contracts with EDC and EBCLC to provide the services detailed above; and

BE IT FURTHER RESOLVED, that Council specifically authorizes the use of these funds to provide eviction defense services for extremely low, very-low, low or moderate-income Berkeley tenants and to help provide counseling and advocacy to tenants seeking to avoid displacement; and

BE IT FURTHER RESOLVED, that the City Manager is authorized to work with the Rent Board to articulate a scope of services being provided from each source of funding; and

BE IT FURTHER RESOLVED, that the Rent Board shall submit reports to the City Council on a semi-annual basis articulating the number of Berkeley residents served and the outcomes; and

BE IT FURTHER AND FINALLY RESOLVED, that EDC and EBCLC shall continue to report to the Rent Board regarding outcome objectives under the existing contracts and shall provide Council with periodic updates regarding the expanded scope of services upon request.



Rashi Kesarwani  
Councilmember District 1

CONSENT CALENDAR  
07/23/2019

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Rashi Kesarwani  
 Subject: Designating Berkeley's portion of Ohlone Greenway and the West Street Bike Path as linear City parks.

RECOMMENDATION

Adopt a resolution designating the Berkeley-owned portions of the West Street Bike Path and the Ohlone Greenway as linear City parks and formally dedicate these sites for permanent recreational use.

The City-owned portion of the West Street Bike Path begins adjacent to the basketball courts at Virginia Gardens and travels southward ending at Delaware Street.

The City-owned section of the Ohlone Greenway begins northwest of the North Berkeley BART station at Cedar Street and continues north to the City's border with Albany.<sup>1</sup>

FINANCIAL IMPLICATIONS

The City already owns and maintains these properties, so the financial implications would be minimal. One-time minimal use of staff time would be needed to dedicate these areas as parks and add park signage.

CURRENT SITUATION AND ITS EFFECTS

The Berkeley-owned portions of the West Street Bike Path and the Ohlone Greenway are used as recreational areas. Residents use these spaces to gather, rest and relax, play, and exercise, particularly biking and walking. Importantly, these dedicated bike/pedestrian paths already include many park features, such as park benches,

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<sup>1</sup> It should be noted that the San Francisco Bay Area Rapid Transit District (BART) is planning North Berkeley Bicycle and Pedestrian Access Improvements that will, among other upgrades, widen the BART-owned portion of the Ohlone Greenway adjacent to the BART side parking lots up to Virginia Gardens. See <https://www.bart.gov/about/planning/north-berkeley-bike> for plan details.

proximity to recreational facilities (including bike-share stations as well as basketball and tennis courts), and art installations.

Because these two paths primarily function as recreational areas, they should be officially dedicated as City parks for the common good of Berkeley residents and visitors. This resolution aligns with our Strategic Plan, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

It should also be noted that the Ohlone Greenway portions in both the cities of Albany<sup>2</sup> and El Cerrito<sup>3</sup> have already been dedicated as linear City parks; establishing a similar designation in Berkeley would create regional consistency for recreational pursuits.

### BACKGROUND

In Berkeley's Open Space and Recreational Element of our General Plan, adopted April 3<sup>rd</sup>, 2002<sup>4</sup>, the objectives are stated as:

The policies and actions of the Open Space and Recreation Element are intended to achieve the following three objectives:

- Preserve, maintain, and repair the city's existing open space and recreational resources and facilities.
- Expand open space and recreational resources to meet the evolving open space and recreational needs of all segments of this community through land acquisitions and improvements.
- Increase funding for parkland, recreational facilities, and open space maintenance, improvement, and expansion.

This is congruent with Berkeley's adopted Measure "L" – The Berkeley Public Parks and Open Space Preservation Ordinance, passed in 1986. The measure requires "the Berkeley City Council to preserve and maintain the public parks and open space in Berkeley as well as to acquire and maintain public parks and open space in the census tracts and neighborhoods of Berkeley having less than the minimum amount of open space relative to population (2 acres per 1,000) identified in the Berkeley Master Plan of 1977."<sup>5</sup> These directives regarding parks and open space prioritize recreation as an essential element of civic life, and requires the City to obtain and maintain these amenities for the public good. This council consent item seeks to ensure this directive by officially dedicating these public spaces as City park property for permanent recreational use.

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<sup>2</sup> Ohlone Greenway Park Facility Directory, City of Albany (2019) available at:

<https://www.albanyca.org/Home/Components/FacilityDirectory/FacilityDirectory/104/1607?npage=3>.

<sup>3</sup> Ohlone Greenway Facilities, City of El Cerrito (2019) available at: <http://el-cerrito.org/Facilities/Facility/Details/Ohlone-Greenway-16>.

<sup>4</sup> See: [https://www.cityofberkeley.info/uploadedFiles/Planning\\_\(new\\_site\\_map\\_walk-through\)/Level\\_3\\_-\\_General/GPliteOpen\\_Space\\_policies.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_(new_site_map_walk-through)/Level_3_-_General/GPliteOpen_Space_policies.pdf).

<sup>5</sup> Voter Information Pamphlet text of Measure L



ENVIRONMENTAL SUSTAINABILITY

Designating the Berkeley-owned portions of the West Street Bike Path and Ohlone Greenway as linear City parks will enable the City to better maintain these dedicated bike paths as safe and enjoyable alternatives to driving, thereby potentially reducing vehicle miles traveled.

CONTACT PERSONS

Councilmember Rashi Kesarwani                      Council District 1      510-981-7110

Attachments:

- 1: Resolution
- 2: Voter Information Pamphlet Text of Measure L
- 3: Map indicating proposed area to be designated as City of Berkeley linear parks

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

DESIGNATING THE BERKELEY-OWNED PORTIONS OF THE OHLONE GREENWAY  
AND WEST STREET BIKE PATH AS PART OF CITY PARK INFRASTRUCTURE

WHEREAS, in Berkeley's Open Space and Recreational Element of the General Plan, adopted April 3<sup>rd</sup>, 2002, the objectives are stated as:

- Preserving, maintaining, and repairing the city's existing open space and recreational resources and facilities
- Expanding open space and recreational resources to meet the evolving open space and recreational needs of all segments of this community through land acquisitions and improvements
- Increasing funding for parkland, recreational facilities, and open space maintenance, improvement, and expansion; and

WHEREAS, Berkeley adopted Measure "L" – The Berkeley Public Parks and Open Space Preservation Ordinance – in 1986, which requires "the Berkeley City Council to preserve and maintain the public parks and open space in Berkeley as well as to acquire and maintain public parks and open space in the census tracts and neighborhoods of Berkeley having less than the minimum amount of open space relative to population (2 acres per 1,000) identified in the Berkeley Master Plan of 1977"; and

WHEREAS, these directives regarding parks and open space prioritize recreation as an essential element of civic life, and requires the City to obtain and maintain these amenities for the public good; and

WHEREAS, Berkeley's portions of the West Street Bike Path and the Ohlone Greenway are used as recreational areas; and

WHEREAS, the Ohlone Greenway portions in both the cities of Albany and El Cerrito have already been dedicated as linear City parks.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Berkeley-owned portions of the Ohlone Greenway and West Street Bike Path are designated as linear City parks.

**CITY OF BERKELEY INITIATIVE ORDINANCE**

|                                                                                                                                                                                                                                                                                                                                                                          |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <p><b>L</b> MEASURE L: Shall an ordinance be adopted to require voter approval of non-recreational uses of parks or open space and require acquisition of open space controlled or leased by the City if acquisition is the only means of preserving the open space?</p> <p>Financial Implication: Increase in landscape assessment fees; acquisition costs unknown.</p> | YES |
|                                                                                                                                                                                                                                                                                                                                                                          | NO  |

**FULL TEXT OF MEASURE L**

LET IT HEREBY BE ORDAINED that an Ordinance shall be passed which shall provide:

**THE BERKELEY PUBLIC PARKS AND OPEN SPACE PRESERVATION ORDINANCE: PROPOSAL FOR AN ORDINANCE TO REQUIRE THE BERKELEY CITY COUNCIL TO PRESERVE AND MAINTAIN THE PUBLIC PARKS AND OPEN SPACE WHICH EXIST IN BERKELEY, AS WELL AS TO ACQUIRE AND MAINTAIN PUBLIC PARKS AND OPEN SPACE IN THE CENSUS TRACTS AND NEIGHBORHOODS OF BERKELEY HAVING LESS THAN THE MINIMUM AMOUNT OF OPEN SPACE RELATIVE TO POPULATION (2 ACRES PER 1,000) IDENTIFIED IN THE BERKELEY MASTER PLAN OF 1977; AND TO REQUIRE THE CITY TO SUBMIT TO A POPULAR VOTE ALL PROPOSALS TO WITHDRAW FROM RECREATIONAL USE PUBLIC PARKS OR PUBLIC OPEN SPACE.**

**FINDINGS:**

WHEREAS the Berkeley Master Plan of 1977 (hereinafter Master Plan) provides for a minimum standard of two acres of public open space per 1,000 persons and identifies specific Berkeley census tracts as having high population density and high open space demands, and attainment of the minimum standard is jeopardized by continued loss of Public open spaces.

WHEREAS the City of Berkeley is the second most densely populated city in California, undeveloped land is at a high premium in Berkeley, there are significant pressures to convert City owned or controlled open space to permanent or long-term non-park, non-open space uses and there exists a clear and present emergency in that the threatened loss of open space, parks and recreational opportunities in the neighborhoods in Berkeley will cause irreparable damage to the health and welfare of Berkeley residents.

WHEREAS the Berkeley City Council has failed to provide and fund the Master Plan minimum standard of public parks and open space in every Berkeley neighborhood, and in particular in those census tracts having high park and open space requirements.

WHEREAS, specific procedures and directives to the Berkeley City Council are necessary to insure that the Master Plan's minimum park and open space goals are not rendered impossible through the continued loss of public open spaces;

**VOTER AUTHORIZATION PROCEDURE**

Section 1: That no public parks (hereinafter defined) or public open space (hereinafter defined) owned or controlled or leased by the City of Berkeley or agency thereof, shall be used for any other purpose than public parks and open space, without The Berkeley City Council first having submitted such use to the citizens for approval by a majority of registered Berkeley voters voting at the next occurring general election.

**FUNDING LEVELS TO ALLOW FULL USE**

Section 2(a): That wherever public parks and open space currently exist in Berkeley, such use shall continue and be funded at least to allow the maintenance of the present condition and services. (b) That all undedicated or unimproved open space owned or controlled by the City of Berkeley (including land held by the City in trust) shall be retained and funded by the Berkeley City Council to enable public recreational use of those lands. (c) That those census tracts containing less than the Master Plan provision of two acres of parks and open space per 1,000 population shall be singled out as having a high priority for funding the acquisition, development and maintenance of parks and recreational facilities.

Section 3(a): **Public parks** shall be defined as City of Berkeley parks, public school playgrounds or lands held in trust by a public entity, which have been formally dedicated to permanent recreational use by the City of Berkeley, and funded for recreational use by City of Berkeley public funds.

Section 3(b) **Public open space** shall be defined as all City of Berkeley parks, public school playgrounds, and vacant public land, whether dedicated formally to park use or being used de facto as open space with recreational use or potential use on or after January 1, 1985.

**ADOPTION OF THIS ORDINANCE**

Section 4(a): If the petition accompanying this proposed ordinance is signed by the number of voters required by the Berkeley City Charter, Article XIII, Section (3) or (4) or (5), the Berkeley City Council is hereby directed to submit this ordinance forthwith to the vote of the people pursuant to the appropriate Charter Section that applies to the highest number of voter signatures certified by the City Clerk, unless the Council passes this ordinance pursuant to the Charter, Article XIII, Section (3)(a).

**RETROACTIVITY**

Section 5(a): Upon passage of this initiative, all actions taken on or after January 1, 1985, by the Berkeley City Council, Housing Authority, or any agency of the City of Berkeley which contravene the provisions herein shall be declared null and void.

Section 5(b): Upon passage of this initiative, all actions, even administrative, taken by the Berkeley City Council, or Housing Authority or agency of the City of Berkeley occurring after the date this initiative is certified for placement on the next occurring general election ballot, which actions are not in full conformity with this Ordinance, shall be declared null and void.

**SEVERABILITY**

Section 6: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are severable.

**BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE L**

The initiative ordinance would have the following effect:

1. Require that all existing public parks and vacant public land, either formally or informally devoted to recreational use after January 1, 1985, be retained and maintained at their present level of service. This requirement would only apply to land owned or controlled by the City of Berkeley, since the City does not have the authority to regulate land owned by other public entities such as the school district or the University of California. The Berkeley Redevelopment Agency and the Berkeley Housing Authority are independent state agencies and thus would be immune from regulation in this manner.
2. Require prior voter approval if such City of Berkeley public parks or open space are to be used for any other purpose. This measure requires the City to acquire land it does not presently own, if acquisition is the only means to retain the land as open space or public park. As of the date this analysis was prepared, several City parks are owned by others, including: sections of Ohlone Park, leased from Bay Area Rapid Transit District; six school parks owned by the Berkeley Unified School District and maintained, in part, by the City; and Douglas Park on Dwight Way which is owned by the University. The City has plans underway to acquire the remaining section of Ohlone Park.
3. Census tracts that do not meet the Master Plan open space requirements will have priority for the funding, acquisition, development and maintenance of parks and recreational facilities.

**Financial Implications**

Currently park maintenance is funded by fees through the Landscape Assessment District. Increase in fees will be required to maintain additional land. Costs to acquire land owned by others is unknown at this time, but may be significant.

## ARGUMENT IN FAVOR OF MEASURE L

Approval of this citizen's initiative ordinance will allow Berkeley Voters to directly participate in decisions to change the use of Public Parks and Open Space.

Berkeley's parks and public open spaces are highly used and valued by all parts of the community. They help provide for the health, fitness, children's play, entertainment, and recreational needs of all citizens. Decisions to reduce our presently insufficient number of parks belong on the ballot where all citizens can express their opinion with their vote.

This initiative ordinance requires that the voters must approve new uses for city lands held in public trust. It does not limit or prohibit any potential new uses approved by the majority of the voters.

Approval of this ordinance would certify that Berkeley Census tracts that presently contain less public open space than the Master Plan standard of two acres per 1,000 residents be given priority funding in acquisition, development and maintenance of parks/recreational facilities. It will help make distribution of parks more equitable throughout Berkeley. This is a minimal standard, since Berkeley has fewer parks than state and national averages.

The provisions of the Master Plan combined with the approval of Measure Y (1974) park funding, strongly suggests that the Citizens of Berkeley believe that Public Parks and Open Space need expansion. Since there is no indication that Berkeley has changed its opinion, it is all the more appropriate to require voter approval when potential development removes parks and open space called for in the Berkeley Master Plan.

You can help Preserve Berkeley's parks and open space by voting YES on Measure L.

s/Martha Nicoloff, Co-Author, Neighborhood Preservation Ordinance  
s/Clifford Fred  
s/Dorothy Bryant  
s/Carroll B. Williams, Former Berkeley School Director  
s/John G. Cecil, Chair, Preservation Initiatives Committee

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE L

The need for parks is a serious issue which should not be the subject of the scare tactics employed by the proponents of Measure L.

City parks are designated in the Master Plan for recreational use. Contrary to implications made by the proponents of this measure, **no one can recall any City plan**—past, present, or future—to **reduce the number of parks** serving Berkeley's recreational needs. Open space, sometimes a vacant lot, on the other hand, is usually held by owners other than the City. They may, or may not, have plans for future use of their property.

The real reason for Measure L is the Housing Authority's plan to build 12 single-family townhouses for low income families on a small portion of School District property at Savo Island (MLK, Jr. Way between Derby and Ward). The remaining piece of land is large enough to accommodate a football field. The neighborhood will still be able to enjoy the use of this open space.

Measure L does more than require a vote for new uses for City lands held in public trust. It requires the City to acquire land. But **where will the money come from?** Given the tremendous federal budget cuts to municipalities and the demands on the City's budget, from what other City services will the trade-off come? And given the pressure of Measure L on the City, property owners would be foolish to negotiate.

If we want additional parks, someone has to pay. And since we will ultimately pay, **we should know the cost before we make such an important decision.**

Don't let the proponents of this measure scare you into believing that our parks will disappear. Quite honestly, they won't.

## VOTE NO ON MEASURE L

s/Wesley E. Hester, Chair, Council Committee on Revenue and Finance  
s/Arlene Irlando, Member, Berkeley Chicano/Latino Network  
s/Maudelle Miller Shirek, Berkeley City Council  
s/Stacy Wilson, Chair, Citizens Budget Review Commission  
s/Carole K. Davis, Former Vice-Mayor

## ARGUMENT AGAINST MEASURE L

On its face as a statement of community values, Measure L seems harmless. What could be wrong with wanting additional parks? However, the difference between the outcome of Measure L and the kind of program which can come from a thoughtful parks proposal such as Measure Y (1974) is a budget—a specific amount dedicated to acquiring and maintaining parks and open space.

In 1974 voters passed a park acquisition, renovation and development ordinance: Measure Y. It raised more than \$5 million. As a result, the City was able to create 9 new parks and 8 parks on-school grounds. That measure was a direct result of the recognition that Berkeley was deficient in park space and was able to accomplish what it did because it included a budget.

As a community we are stretched thin in trying to fund a variety of City Services ranging from police services to sidewalk repair. **New parks** and additional open space **cost money** (if and when the City can get title to the property. In fact, this measure may well prejudice City negotiations with landowners who will use this measure in their bargaining. The proponents of Measure L are irresponsible in offering this proposal without including the means by which to finance it. They have made promises but have not provided any way of keeping them. **The citizens deserve to know how the money will be obtained, and what the price tag will be.**

s/Hynetha Hewitt, Parks and Recreation Commissioner  
s/Carole Davis, Former Vice-Mayor  
s/Maudelle Shirek, Berkeley City Council  
s/Carole Lewis, Social Services Director  
s/Rich Illgen, President, Planning Commission

## REBUTTAL TO ARGUMENT AGAINST MEASURE L

The opponents of Measure L have missed its major provision.

Measure L **prevents the City Council from using the existing public parks and open spaces for any new use without the approval of the community.**

If the **Council wants to remove/develop** existing public parks and open space, **prior voter approval is required.**

At this time, **no law prevents** our elected officials from placing such decisions on the ballot.

Measure L also requires that the **minimal standard for parks already in existence** be observed in **areas that presently have less than their "fair share" of parks** called for in the Berkeley Master Plan of 1977.

We do not agree with the opponents financial argument.

Despite the implication of the opponent's argument, responsibility for implementing and financing the Master Plan has not shifted from Council and Staff to individual community members. It should be noted that **determined citizens** who believe in the importance of parks and recreational facilities in everyone's quality of life, have and will continue to assist in the search for sources of new and additional funding.

Measure L ensures the community will be directly involved in decisions to re-use existing Public Parks and Open Space by placing every proposed development plan on the ballot and letting the voters decide between parks and development.

**Vote YES on Measure L.**

- s/Michael Winter, Executive Director, Center for Independent Living
- s/Pamela J. Ferguson
- s/Gloria A. Belsky
- s/John G. Cecil, Chair, Preservation Initiatives Committee
- s/Janet M. Maestre

**CITY OF BERKELEY INITIATIVE ORDINANCE**

|                                                                                                                                                                                                                          |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <p><b>M</b> MEASURE M: Shall an ordinance be adopted requiring voter approval for non-educational and/or non-recreational uses of Berkeley Unified School District property?</p> <p>Financial Implications: Unknown.</p> | YES |
|                                                                                                                                                                                                                          | NO  |

**FULL TEXT OF MEASURE M**

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF BERKELEY:

FINDINGS:

WHEREAS the Berkeley City Council and Berkeley Housing Authority have attempted to acquire, develop, use or approve Berkeley Unified School District property for non-educational purposes.

WHEREAS the Berkeley Unified School District (hereinafter School District) has been given a public trust in real property to use for the educational benefit of the Citizens of Berkeley.

WHEREAS the School District has purchased and developed real property with monies received in trust and intended to be expended for the educational benefit of the citizens of Berkeley, which property if lost to the originally intended and dedicated educational and related recreational uses, will be unavailable or irreplaceable when needed for those uses.

WHEREAS there is a potential that use or development of School District property for non-educational uses will ultimately act to the detriment of the Citizens of Berkeley and will violate the wishes of a majority of the Citizens of Berkeley regarding the use of that property.

WHEREAS these actions have been proposed and are being undertaken without the approval of the voters of Berkeley.

WHEREAS there exists a clear and present emergency in that the threatened sale or long-term lease of School District real property and buildings for non-educational or non-recreational use will cause irreparable damage to the health and welfare of Berkeley residents.

**VOTER AUTHORIZATION PROCEDURE**

Section 1: That should the Berkeley City Council, Housing Authority or any other agency of the City of Berkeley propose to acquire, or approve the use of, School District property (hereinafter defined) for other than educational or existing recreational purposes, and should that approval or use require the purchase, sale or long-term encumbrance (hereinafter defined) of that property, the Berkeley City Council shall first submit that specific proposal, detailing the specific use, transaction sought, and the site involved, after being approved officially by the appropriate City agency and the Berkeley City Council, to the Citizens for approval by a majority of registered Berkeley voters voting at the next occurring general election.

**DEFINITIONS**

Section 2(a): **School District property** shall be defined to include the land and buildings which have been used by the Berkeley Unified School District for educational purposes, child-care, recreation or School District support services (including maintenance) at any time since January 1980.

Section 2(b): A **long-term encumbrance** shall include a lease whose term is greater than five years or where options are granted such that the term may be extended beyond five years by option of the lessee. In addition, a long-term encumbrance shall include any mortgage transaction which pledges the property as security.

**ADOPTION OF THIS ORDINANCE**

Section 3(a): If the petition accompanying this proposed ordinance is signed by the number of voters required by the Berkeley City Charter, Article XIII, Section (3) or (4) or (5), the Berkeley City Council is hereby directed to submit this ordinance forthwith to the vote of the people pursuant to the appropriate Charter Section that applies to the highest number of voter signatures certified by the City Clerk, unless the Council passes this ordinance pursuant to the Charter, Article XIII, Section (3) (a).

**RETROACTIVITY**

Section 4(a): Upon passage of this initiative, all actions taken on or after January 1, 1985, by the Berkeley City Council, Housing Authority or any agency of the City of Berkeley which contravene the provisions herein shall be declared null and void.

Section 4(b): Upon passage of this initiative, all actions, even administrative, taken by the Berkeley City Council, Housing Authority or agency of the City of Berkeley occurring after the date this initiative is certified for placement on the next occurring general election ballot, which actions are not in full conformity with this Ordinance, shall be declared null and void.

**SEVERABILITY**

Section 5: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are severable.

**BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE M**

The initiative ordinance would have the following effect:

1. Require the City Council to submit to the voters for prior approval any proposal to acquire, encumber or lease for a period longer than five years, or approve the use of property owned by the Berkeley Unified School District, if the property is not intended to be devoted to educational or recreational uses. Under current law, voter approval of such a proposal would be required only if the property was to be used for specified kinds of public housing and the City had exhausted its current voter approved authority to construct such units. The Housing Authority is an independent state agency implementing statewide laws and is not subject to this ordinance. Zoning or other City land use approvals of projects proposed by other private or public persons or entities would not be subject to prior voter approval under current case law.
2. Provide that any actions taken by the City Council or the Berkeley Housing Authority or other City agency after January 1, 1985, which contravene the ordinance in the above respect, are null and void. The Berkeley Housing Authority has entered into a long-term lease with the Berkeley Unified School District

Proposed Area to be Designated as City of Berkeley Park Property:



Ohlone Greenway: - - - - -









## Councilmember Ben Bartlett

City of Berkeley, District  
 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  
 July 23, 2019

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Ben Bartlett and Cheryl Davila  
 Subject: Letter of Support for California Bill SB 464, the Dignity in  
 Pregnancy and Childbirth Act

### RECOMMENDATION

That the Mayor and Berkeley City Councilmembers support the Senate Bill 464 (SB 464) otherwise known as the California Dignity in Pregnancy and Childbirth Act and write a letter of support to Senator Holly J. Mitchell. Senate Bill 464 would attempt to find data relating to implicit bias and racial disparities in maternal mortality rates and institute measures to ensure equal treatment of all pregnant patients.

### CURRENT SITUATION

Although California's maternal mortality rate has decreased by 55% since 2006, black women still die in childbirth three to four times more than other races. This could be evidence of a disparity in the quality of perinatal care of pregnant patients of all races. SB 464, or the California Dignity in Pregnancy and Childbirth Act, will help reduce the effects of implicit bias in perinatal care so that all pregnant patients are treated equally and with dignity and respect.

A study released in June of 2019, looking at discrimination and treatment of perinatal patients found that 1 out of 3 Indigenous women, 1 out of 4 Latinx women and 1 out of 5 Black women experienced some typed of mistreatment during pregnancy, delivery or postpartum. This includes being yelled at, threatened to withhold or force treatment on someone, as well as violating physical privacy including hitting or striking. In recent studies, African American mothers reported disrespectful treatment by maternity caregivers. Among those identifying concerns, there were significant differences within subgroups showing clear advantages for White women, English-speaking women and women with private insurance relative to their counterparts. We also asked whether during the hospital stay for birth the women had experienced harsh

language and rough handling from personnel. With respect to the use of harsh language and to rough handling, women who were Black or primarily spoke an Asian language at home were more likely than White women or Latinx to report both types of ill-treatment. The disparity exists also as to pressure to experience several major interventions: labor induction, epidural analgesia in laboring women and cesarean birth. Women covered by Medi-Cal were more likely to identify concerns in all three areas than women with private insurance.<sup>1</sup>

By writing a letter of support for SB 464, the City of Berkeley would uphold its commitment to equality for all people.

### BACKGROUND

SB 464 would require any medical center that provides perinatal care to implement an evidence-based implicit bias program for all health care providers involved in such care. It also requires these medical centers to track and publish data on maternal death; and requires that certificates of death indicate whether the person was pregnant either within 42 days of death or within 43 to 365 days of death; and requires that patients be provided information regarding their rights “to be free of discrimination on the basis of race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, sexual orientation, citizenship, primary language, or immigration status.”<sup>2</sup> SB 464 would also require hospitals to provide information on how to submit any complaints regarding a violation of these rights.

It would also mandate implicit bias training of staff to ensure the provision of equal treatment to all pregnant patients at hospitals and health centers. This basic training would be required for providers and refresher courses would be taken every 2 years or earlier thereafter.

All of these measures are aimed to reduce preventable deaths, severe illnesses, and other health disparities associated with pregnancy.

### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

Existing law requires the State Department of Public Health to maintain a program of maternal and child health that includes services intended to reduce infant mortality and

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<sup>1</sup> The Giving Voice to Mothers study: inequity and mistreatment during pregnancy and childbirth in the United States  
*Reproductive Health*201916:77

<sup>2</sup> [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200SB464](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB464)

improving the health of mothers and children. Existing law requires the department's Office of Health Equity to be a resource for "ensuring that programs collect and keep data and info regarding ethnic and racial health statistics, and strategies and programs that address multicultural health issues including infant and maternal mortality.

Existing law also requires that local registrars keep records of all births and deaths in the district in which the death was pronounced or body was found. It also sets forth the persons responsible for completing the certificate of death and requires certain medical and health content on the certificate, including whether the person was pregnant at time of death or the year prior to death.

Existing law also requires medical centers to provide information to each patient upon admission regarding their rights. One of these rights is the right to be informed of continuing health care requirements following discharge from the hospital. Violations of these requirements would be a crime.

#### ACTIONS/ALTERNATIVES CONSIDERED

No other alternative actions considered.

#### RATIONALE FOR RECOMMENDATION

Despite advances in medicine and perinatal care in the past decade, the rate of black deaths in childbirth are still three to four times higher than other races.<sup>3</sup> In order to address this issue, SB 464 will specifically address the inequities of maternal care for black patients by requiring a number of measures aimed at reducing implicit bias and ensuring equal treatment for all pregnant patients before, during and after childbirth. The Mayor and City Council should support this senate bill to uphold its own commitment to equality regardless of race or ethnicity.

#### IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

With the Mayor and City Council's approval, an official letter of support will be sent to Senator Holly J. Mitchell and co-authors of SB 464.

#### FISCAL IMPACTS OF RECOMMENDATION

No fiscal impacts.

#### ENVIRONMENTAL SUSTAINABILITY

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<sup>3</sup> <https://sd30.senate.ca.gov/support-sb-464>

No negative impact.

OUTCOMES AND EVALUATION

By showing that the public is in support of this Senate bill, there will be a greater chance that the bill will pass, providing equal treatment for all pregnant patients.

CONTACT PERSON

Councilmember Ben Bartlett  
Brian Gan

510-981-7130  
brianjgan@berkeley.edu

ATTACHMENTS

1. Letter to Senator Holly J. Mitchell

Attachment 1:

July xx, 2019

The Honorable Holly J. Mitchell  
United States Senate

Washington, D.C. 20510

Re: SB 464 (Mitchell)

Dear Senator Mitchell:

The Honorable Mayor and Members of the Berkeley City Council are pleased to support SB 464. SB 464 seeks to find evidence of implicit bias and racial disparities in perinatal care. To accomplish this, the bill will implement a number of measures.

First, the bill will require implicit bias training for staff at medical centers in an effort to eliminate any unequal treatment in maternal care. The bill also requires the tracking and publishing of data on births and maternal deaths in order to make the processes around these events more transparent. Lastly, the bill ensures that all patients admitted to hospitals and medical centers are provided with information regarding their right to be free of discrimination on any basis.

It is crucial that the Senate upholds and defends the rights, dignity, and respect of all of its citizens, especially those going through the vital act of bringing life into the world. For these reasons, we strongly support SB 464.

Respectfully,

The Honorable Mayor and Members of the Berkeley City Council

Jesse Arreguin

Mayor, City of Berkeley

Members of the Berkeley City Council





Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
July 23<sup>rd</sup>, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Kate Harrison, Mayor Jesse Arreguin, and  
Councilmember Ben Bartlett

Subject: Resolution in Support of AB 1279 – Planning and zoning: housing  
development: high-resource areas.

RECOMMENDATION

1. Adopt a resolution in support of AB 1279, which requires that housing development projects be issued a by-right use permit in designated high resource areas and mandate that they include a percentage of affordable units. If these affordability requirements are not met, developers would be charged fees that would be deposited in a local affordable housing fund.
2. Send letters of support to Assemblymember Wicks, Senator Skinner, and Governor Newsom.

BACKGROUND

The housing crisis is one of the most pressing issues facing California. A 2016 McKinsey Global Institute report found that California is currently short about two million units of housing. Real estate prices are rising three times faster than the median household income, and more than 50% of households cannot afford the cost of housing.<sup>1</sup> By 2025, 3.5 million units must be built to meet the needs of a growing population.

The housing crisis pushes vulnerable residents into intolerably long commutes and homelessness and has negative implications for the economy, with California losing \$140 billion per year, or 6% of GDP, due to the housing shortage. The LA Times cites a 2015 study that found there are 116,000 homeless people in California; this is 21% of the national homeless population despite California only comprising 12% of the U.S. population.<sup>2</sup>

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<sup>1</sup> A Tool Kit to Close California's Housing Gap: 3.5 Million Homes By 2025  
<https://www.mckinsey.com/~media/mckinsey/featured%20insights/Urbanization/Closing%20Californias%20housing%20gap/Closing-Californias-housing-gap-Full-report.ashx>

<sup>2</sup> California's housing crisis reaches from the homeless to the middle class — but it's still almost impossible to fix  
<https://www.latimes.com/business/hiltzik/la-fi-hiltzik-housing-crisis-20180330-story.html>

This bill is intended to accelerate housing development, subsequently driving down the cost of housing, while also rectifying disparities of housing development between different cities and counties, and taking steps to avoid gentrification and displacement in areas of new construction.

Past legislation has not differentiated high resource areas from those at risk of displacement that would drive residents out of neighborhoods, and has focused on transit-ready areas, allowing areas without transit to avoid housing requirements and disincentivizing adding transit.

AB 1279 addresses these problems in several ways. The bill requires the Department of Housing and Community Development to designate areas in the state as “high resource areas” (areas of low residential density that are not currently experiencing, or at a future risk of, gentrification and displacement), with updates every five years. In these areas, the bill would require that proposed housing development projects be by right. Developments that require the demolition of rental housing that has been occupied by tenants within the past 10 years, or that are located in certain areas (such as land designated for conservation) are not eligible as by right.

The development must meet a set of requirements, including affordability requirements. For example, for certain developments, if the price or rent exceeds the affordable housing cost or affordable rent to households with incomes equal to or less than 100% of the area median income, the developer must pay a fee equal to 10% of the difference between the actual amount and the affordable amount, with the fee deposited into a local fund reserved for affordable housing. Additionally, the bill requires certain larger developments to provide inclusionary units at prices affordable to low or very low income households. The developer must ensure the continued affordability of these units for 45 years (for rented units), or 55 years (for owner-occupied units).

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: Letters



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

RESOLUTION IN SUPPORT OF AB 1279 – PLANNING AND ZONING: HOUSING  
DEVELOPMENT: HIGH-RESOURCE AREAS

WHEREAS, the cost of housing is rapidly increasing across California

WHEREAS, an increasing percentage of families are unable to afford their housing costs, and homelessness is becoming more prevalent

WHEREAS, the underlying cause of increasing housing costs is a lack of housing development

WHEREAS, past legislation has incentivized development in areas at risk of displacement, worsening conditions for existing residents, and has focused on transit-ready areas, allowing areas without transit to avoid housing requirements and disincentivizing the development of transit

WHEREAS, AB 1279 mandates that housing development projects be by right in designated high resource areas, and institutes affordability requirements for these newly built developments

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council urges Senator Nancy Skinner and Assemblymember Buffy Wicks to support, the California Legislature to pass, and Governor Gavin Newsom to sign into law the California Assembly Bill 1279

BE IT FURTHER RESOLVED that copies of this Resolution will be sent to Governor Gavin Newsom, Senator Nancy Skinner, and Assemblymember Buffy Wicks.

The Honorable Richard Bloom  
California State Assembly  
P.O. Box 942849  
Sacramento, CA 94249-0050

**Re: Support from Berkeley City Council for AB 1279 – Housing Development:  
High Resource Areas**

Dear Assemblymember Bloom,

We, the Berkeley City Council, wish to express our support for AB 1279, a plan to increase housing development and improve affordability of housing while minimizing gentrification and displacement.

California is currently in the midst of a housing crisis. The McKinsey Global Institute finds in 2016 that more than 50% of California households cannot afford the cost of housing. Homelessness is increasing, with the LA Times writing in 2015 that 21% of the national homeless population lives in California, despite California only making up 12% of the U.S. population.

However, the crisis must be addressed in a way that minimizes the possibility of gentrification and displacement where construction occurs. Past legislation encouraging housing development has not differentiated high resource areas from those at risk of gentrification and displacement, ultimately pushing existing residents out. Additionally, past legislation has centered on transit-ready areas, allowing areas without transit to avoid housing requirements and discouraging the development of transit.

The Council supports AB 1279 and its efforts to address the housing shortage, as well as its specificity to high resource areas with low residential density and its robust affordability requirements. We believe this bill is crucial towards making housing more affordable, while avoiding the dangers of gentrification and displacement.

Thank you for your leadership on affordable housing in California.

Sincerely,

Berkeley City Council  
Mayor Arreguin,  
Councilmembers

CC: Assemblymember Wicks  
Senator Skinner  
Governor Newsom



Fair Campaign Practices Commission

PUBLIC HEARING

July 23, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dean Metzger, Chair, Fair Campaign Practices Commission  
 Submitted by: Emma Soichet, Secretary, Fair Campaign Practices Commission  
 Subject: Amendments to the Berkeley Election Reform Act; Amending BMC Chapter 2.12

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt an ordinance amending the Berkeley Elections Reform Act, Berkeley Municipal Code Chapter 2.12, regarding the public financing program.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The proposed amendments to the Berkeley Election Reform Act (BERA) were adopted by the Fair Campaign Practices Commission (FCPC) at its regular meeting of May 16, 2019.

***Motion to adopt amendments, regulations, and text of the report to Council (M/S/C: Smith/Blome; Ayes: Blome, Ching, McLean, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: Harper (excused)).***

Pursuant to Berkeley Municipal Code Section 2.12.051, BERA may be amended by the “double green light” process. This process requires that the FCPC adopt the amendments by a two-thirds vote and the City Council hold a public hearing and adopt the amendments by a two-thirds vote.

BACKGROUND

In the November 2018 election cycle, the public financing program was used for the first time. The lessons learned from the initial implementation of the public financing program and other campaign finance issues have surfaced the need for amendments to BERA. City staff consulted with representatives from MapLight, the original sponsors of the Fair Elections Act of 2016, regarding the types of changes staff identified. In these discussions, many of the amendments identified by staff were similar to the issues

raised by MapLight and campaign committees that participated in public financing in 2018. The proposed amendments are listed and explained below.

## 1. Violations prior to statement of participation

In the 2018 election, multiple candidates experienced difficulty with starting up their committee and opening their checking account. The \$50 limit resulted in several inadvertent minor violations of the public financing regulations and actually resulted in one candidate being barred from participation in the program. Many candidates start by opening a checking account first, and some banks require a minimum initial deposit of \$100.

The proposed amendment allows a candidate to contribute up to \$250 to their own committee, but makes these contributions ineligible for matching funds. This amendment strikes a balance between allowing higher contributions from candidates, but maintains the purposes of the Fair Elections Act. The FCPC noted that candidate contributions to their own committee do not demonstrate community support of their candidacy in the same manner as a contribution from a Berkeley resident.

Proposed Remedy: Amend BERA 2.12.500.A.6.

*A. To be eligible to be certified as a participating candidate, a candidate must:*

6) Not make expenditures from or use his or her personal funds or funds jointly held with his or her spouse, domestic partner, or unemancipated children in connection with his or her election except as a qualified monetary or non-monetary contribution to his or her controlled committee of \$250 or less. Contributions from a participating candidate to his or her own controlled committee are not eligible for matching funds. ~~A Participating Candidate may make non-monetary contributions to his or her controlled committee. However, the aggregate amount of a Participating Candidate's monetary and non-monetary contributions to his or her controlled committee must not be greater than fifty dollars (\$50);~~

## 2. Remove requirement for FCPC to approve matching funds – administrative process and approval only.

This change furthers the purposes of the public financing program by reducing the timeline from submission to payment from 17 days to 7 days.

No payments were denied by the commission in the 2018 election cycle. The review and verification of the hundreds of individual contributions that are eligible for matching funds is a time-consuming administrative process that is infeasible for the commission to perform. Faster distribution of matching funds

will benefit participating candidates and this change will also eliminate the occurrence of delayed payments due cancelled meetings, as was the case in November 2018 during the wildfires.

City staff will process matching requests and distribute the funds according to the distribution schedule adopted by the FCPC and continue to provide the commission with detailed summaries of all public financing requests and itemized reports of the matching funds submissions and their status. The Commission would maintain its authority to approve candidates' initial applications to participate in the public financing program.

Proposed Remedy: Amend Section 2.12.505, Paragraphs D, E, and G.

D. The ~~Commission-City~~ shall verify that a candidate's qualified contributions meet all of the requirements and restrictions of this Act prior to the disbursement of Fair Elections funds to the candidate. A participating candidate who receives a qualified contribution that is not from the person listed on the qualified contribution receipt shall be liable to pay the Fair Elections Fund the entire amount of the inaccurately identified contribution, in addition to any penalties.

E. The ~~Commission-City~~ shall make an initial payment of Fair Elections funds within seven business days of the Commission's certification of a participating candidate's eligibility, or as soon thereafter as is practicable.

G. The ~~Commission-City~~ shall provide each participating candidate with a written determination specifying the basis for any non-payment of Fair Elections funds. The Commission shall provide participating candidates with a process by which they may immediately upon receipt of such determination petition the Commission for reconsideration of any such non-payment and such reconsideration shall occur within seven business days of the filing of such petition. In the event that the Commission denies such petition then it shall immediately notify the candidate of his or her right to seek judicial review of the Commission's denial pursuant to Section 2.12.235.

### **3. Change 2.12.530.B.2 to clarify the prohibited uses of public matching funds.**

The changes to this section arise, in part, from a difficult question from a candidate regarding a mailer that they planned to send that included voting recommendations on other candidates and measures. The proposed "direct personal benefit" language is from Fair Political Practices Commission State Manual 2, and the reference to BERA's definition of an independent expenditure is for additional clarification.

Proposed Remedy: Amend section 2.12.530 (Use of Fair Elections funds).

- A. A participating candidate shall use Fair Elections funds and contributions only for direct campaign purposes.
- B. A participating candidate shall not use Fair Elections funds or contributions for:
  - 1) Costs of legal defense in any campaign law enforcement proceeding under this Act, or penalties arising from violations of any local, state, or federal campaign laws;
  - 2) The candidate's personal support or compensation to the candidate or the candidate's family;
  - 3) Indirect campaign purposes, including but not limited to:
    - a) ~~The candidate's personal support or compensation to the candidate or the candidate's family;~~
    - ba) Any expense that provides a direct personal benefit to the candidate, including clothing and other items related to the candidate's personal appearance;
    - cb) Capital assets having a value in excess of five hundred dollars (\$500) and useful life extending beyond the end of the current election period determined in accordance with generally accepted accounting principles;
    - dc) A contribution or loan to the campaign committee of another candidate or to a party committee or other political committee;
    - ed) An independent expenditure as defined in Berkeley Municipal Code Section 2.12.142 as may be amended;
    - fe) Any payment or transfer for which compensating value is not received;
- C. The term "Contribution" is defined in 2.12.100 and includes "Qualified Contributions" as defined in 2.12.167 and contributions from non-residents of Berkeley as described in 2.12.500.A.7.

#### 4. Timing of requests submitted, especially at qualifying period deadline.

When a candidate participates in the public financing program, a sentence is added to his or her candidate statement (published in ballot materials) indicating this participation. In 2018, a candidate submitted an application for participation by the qualification deadline and thus had the sentence stating her participation included with their candidate statement. However, she subsequently decided not to participate in program and did not submit an initial qualifying request. By the time the City was aware that the candidate would not participate, it was too late to remove the participation sentence from their candidate statement. This amendment will require the candidate to submit their qualifying request before the end of qualifying period.

Proposed Remedy: Amend BERA 2.12.500.A.3

3) Before the close of the qualifying period, collect [and submit](#) at least 30 qualified contributions, from at least 30 unique contributors, of at least ten dollars (\$10), for a total dollar amount of at least five-hundred dollars (\$500).

## 5. Amendment to prohibit all loans.

This change is needed for consistency and clarity. The definition of a Qualified Contribution excludes loans, however, no similar restriction is made on a contribution from a non-resident. Loans are inconsistent with public financing programs since the matching funds and contributions are not accounted for separately by participating committees.

Proposed Remedy: Add BERA 2.12.500.A.9

[9\) Not accept loans from any source.](#)

## 6. Discretion for FCPC on Disqualifying Violations

Related to the issues that were raised regarding startup problems and inadvertent, minor disqualifying actions by campaign committees, it is warranted to grant the FCPC some discretion in enforcement of certain Public Financing requirements.

Proposed Remedy: Add Paragraph (10) to Section 2.12.500 (Eligibility for Fair Elections campaign funding)

[\(10\) The Commission has the authority to approve a candidate's application for public financing, despite a violation by the candidate related to participation and qualification in the public financing program, if the violation is minor in scope and the candidate demonstrates a timely, good-faith effort to remedy the violation. The Commission may adopt regulations setting forth guidelines for what constitutes a minor violation under this provision.](#)

## ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects related to the recommendation in this report.

## RATIONALE FOR RECOMMENDATION

The proposed amendments to BERA will provide expanded access to the program, provide clarifying language for several passages, and allow for some additional discretion regarding minor violations to assist non-professional treasurers.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager concurs with the recommendation in this report.

CONTACT PERSON

Dean Metzger, Chair, Fair Campaign Practices Commission, 981-6998

Emma Soichet, Commission Secretary, Fair Campaign Practices Commission, 981-6998

Attachments:

1: Ordinance

2: Public Hearing Notice



ORDINANCE NO. -N.S.

AMENDMENTS TO THE BERKELEY ELECTION REFORM ACT RELATED TO PUBLIC FINANCING FOR CAMPAIGNS; AMENDING BERKELEY MUNICIPAL CODE CHAPTER 2.12

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

Section 1. That Berkeley Municipal Code Section 2.12.500 is amended to read as follows:

**2.12.500 Eligibility for Fair Elections campaign funding.**

A. To be eligible to be certified as a participating candidate, a candidate must:

1) During the qualifying period for the election involved, choose to participate in the Fair Elections program by filing with the Commission a written application for certification as a participating candidate in such form as may be prescribed by the Commission, containing the identity of the candidate, the office that the candidate seeks, and the candidate's signature, under penalty of perjury, certifying that:

a) The candidate has complied with the restrictions of this chapter during the election cycle to date;

b) The candidate's campaign committee has filed all campaign finance reports required by law during the election cycle to date and that they are complete and accurate; and

c) The candidate will comply with the requirements of this Act during the remainder of the election cycle and, specifically, if certified an eligible participating candidate, will comply with the requirements applicable to participating candidates.

2) Meet all requirements to be eligible to hold the office of Mayor or Councilmember as set forth in Sections 9 and 10 of Article V of the Charter of the City of Berkeley;

3) Before the close of the qualifying period, collect and submit at least 30 qualified contributions, from at least 30 unique contributors, of at least ten dollars (\$10), for a total dollar amount of at least five-hundred dollars (\$500).

a) Each qualified contribution shall be acknowledged by a receipt to the contributor, with a copy retained by the candidate. The receipt shall include the contributor's signature, printed name, home address, and telephone number, if any, and the name of the candidate on whose behalf the contribution is made. In addition, the receipt shall indicate by the contributor's signature that the contributor understands that the purpose of the qualified contribution is to help the candidate qualify for Fair Elections campaign funding and that the contribution is made without coercion or reimbursement.

b) A contribution for which a candidate has not obtained a signed and fully completed receipt shall not be counted as a qualified contribution.

- 4) Maintain such records of receipts and expenditures as required by the Commission;
- 5) Obtain and furnish to the Commission any information it may request relating to his or her campaign expenditures or contributions and furnish such documentation and other proof of compliance with this chapter as may be requested by such Commission;
- 6) Not make expenditures from or use his or her personal funds or funds jointly held with his or her spouse, domestic partner, or unemancipated children in connection with his or her election except as a qualified monetary or non-monetary contribution to his or her controlled committee of \$250 or less. Contributions from a participating candidate to his or her own controlled committee are not eligible for matching funds.~~A Participating Candidate may make non-monetary contributions to his or her controlled committee. However, the aggregate amount of a Participating Candidate's monetary and non-monetary contributions to his or her controlled committee must not be greater than fifty dollars (\$50);~~
- 7) Not accept contributions in connection with the election for which Fair Elections funds are sought other than qualified contributions, contributions not greater than fifty dollars (\$50) made by a natural person non-resident of Berkeley, or non-monetary contributions with a fair market value not greater than fifty dollars (\$50). The aggregate value of all contributions from any individual must not be greater than fifty dollars (\$50);
- 8) Not solicit or direct contributions in connection with any election during the election cycle in which Fair Elections funds are sought other than qualified contributions, contributions not greater than fifty dollars (\$50) made by a natural person non-resident of Berkeley, or non-monetary contributions with fair market value not greater than fifty dollars (\$50) to such candidate's controlled committee.
- 9) Not accept loans from any source.
- (10) The Commission has the authority to approve a candidate's application for public financing, despite a violation by the candidate related to participation and qualification in the public financing program, if the violation is minor in scope and the candidate demonstrates a timely, good-faith effort to remedy the violation. The Commission may adopt regulations setting forth guidelines for what constitutes a minor violation under this provision.

Section 2. That Berkeley Municipal Code Section 2.12.505 is amended to read as follows:

**2.12.505 Fair Elections fund payments.**

A. A candidate who is certified as an eligible participating candidate shall receive payment of Fair Elections funds equal to six-hundred percent (600 percent) of the amount of qualified contributions received by the candidate during the election cycle with respect to a single election subject to the aggregate limit on the total amount of Fair Elections funds payments to a candidate specified in Section 2.12.505.B.

B. The aggregate amount of Fair Elections funds payments that may be made to a participating candidate during an election cycle may not exceed:

- 1) \$120,000 for a candidate running for the office of Mayor;
- 2) \$40,000 for a candidate running for the office of City Council.

C. A participating candidate's application for Fair Elections funds, including an initial request submitted with an application for certification as a participating candidate, shall be made using a form prescribed by the Commission and shall be accompanied by qualified contribution receipts and any other information the Commission deems necessary. This application shall be accompanied by a signed statement from the candidate indicating that all information on the qualified contribution receipts is complete and accurate to the best of the candidate's knowledge.

1) All Qualified Contributions, of any dollar amount, eligible for matching Fair Elections funds must be publically disclosed with the contributor information required under Sections 2.12.280 and 2.12.283.

2) All campaign filings must be current in order for a Participating Candidate to receive a disbursement of Fair Elections funds and the Participating Candidate and a Participating Candidate's controlled committee must not have any outstanding fines related to campaign filings or violations of municipal, state or federal election law. All applications for Fair Elections funds shall include a certification by the Participating Candidate that the Participating Candidate or his or her controlled committee does not have any outstanding fines or penalties related to campaign filings. Upon submission of outstanding campaign filings and payment of any outstanding fines, withheld Fair Elections funds will be disbursed at the next regularly scheduled distribution for that election cycle.

D. The ~~Commission-City~~ shall verify that a candidate's qualified contributions meet all of the requirements and restrictions of this Act prior to the disbursement of Fair Elections funds to the candidate. A participating candidate who receives a qualified contribution that is not from the person listed on the qualified contribution receipt shall be liable to pay the Fair Elections Fund the entire amount of the inaccurately identified contribution, in addition to any penalties.

E. The ~~Commission-City~~ shall make an initial payment of Fair Elections funds within seven business days of the Commission's certification of a participating candidate's eligibility, or as soon thereafter as is practicable.

F. The Commission shall establish a schedule for the submission of Fair Elections funds payment requests, permitting a candidate to submit a Fair Elections funds payment request at least once per month. However, the Commission shall schedule

a minimum of three payment request submission dates within the thirty days prior to an election.

G. The ~~Commission-City~~ shall provide each participating candidate with a written determination specifying the basis for any non-payment of Fair Elections funds. The Commission shall provide participating candidates with a process by which they may immediately upon receipt of such determination petition the Commission for reconsideration of any such non-payment and such reconsideration shall occur within seven business days of the filing of such petition. In the event that the Commission denies such petition then it shall immediately notify the candidate of his or her right to seek judicial review of the Commission's denial pursuant to Section 2.12.235.

H. Unspent funds of any Participating Candidate who does not remain a candidate until the election for which they were distributed, or such funds that remain unspent by a Participating Candidate following the date of the election for which they were distributed shall be deposited into the Fair Elections Fund. A Participating Candidate shall deposit all unspent funds into the Fair Elections Fund, up to the total amount of funds that the Participating Candidate received as Fair Elections Fund distributions in that election cycle, within sixty (60) days after the date of the election.

Section 3. That Berkeley Municipal Code Section 2.12.530 is amended to read as follows:

**2.12.530 Use of Fair Elections funds.**

- A. A participating candidate shall use Fair Elections funds and contributions only for direct campaign purposes.
- B. A participating candidate shall not use Fair Elections funds or contributions for:
  - 1) Costs of legal defense in any campaign law enforcement proceeding under this Act, or penalties arising from violations of any local, state, or federal campaign laws;
  - 2) The candidate's personal support or compensation to the candidate or the candidate's family;
  - 3) Indirect campaign purposes, including but not limited to:
    - ~~a) The candidate's personal support or compensation to the candidate or the candidate's family;~~
    - ba) Any expense that provides a direct personal benefit to the candidate, including** Clothing and other items related to the candidate's personal appearance;
    - eb) Capital assets having a value in excess of five hundred dollars (\$500) and useful life extending beyond the end of the current election period determined in accordance with generally accepted accounting principles;**
    - ec) A contribution or loan to the campaign committee of another candidate or to a party committee or other political committee;**
    - ed) An independent expenditure as defined in Berkeley Municipal Code Section 2.12.142 as may be amended;**
    - fe) Any payment or transfer for which compensating value is not received;**
- C. The term "Contribution" is defined in 2.12.100 and includes "Qualified Contributions" as defined in 2.12.167 and contributions from non-residents of Berkeley as described in 2.12.500.A.7.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**AMENDMENTS TO THE BERKELEY ELECTION REFORM ACT**

The Fair Campaign Practices Commission is proposing amendments to the Berkeley Election Reform Act related to the public financing program for campaigns.

The hearing will be held on July 23, 2019 at 6:00 p.m. in the School District Board Room, 1231 Addison Street.

A copy of the agenda material for this hearing will be available on the City’s website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **July 11, 2019**.

For further information, please contact Emma Soichet, Commission Secretary at 981-6998.

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

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

**Published:** July 12, 2019 – The Berkeley Voice  
Pursuant to Berkeley Municipal Code Section 2.12.051

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on July 11, 2019.

\_\_\_\_\_  
Mark Numainville, City Clerk



Office of the City Manager

PUBLIC HEARING  
July 23, 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 Department

Subject: Substantial Amendments to the PY2018 and PY2019 HUD Annual Action Plans for Use of ESG Funds

RECOMMENDATION

Conduct a Public Hearing on substantial amendments to the PY2018 and PY2019 Annual Action Plans for use of Emergency Solutions Grant (ESG) funds, allocating the maximum allowable amount towards shelter and street outreach, and away from rapid rehousing, and adopt a Resolution authorizing the City Manager to submit the Substantial Amendments to the PY2018 and PY2019 Annual Action Plans to the U.S. Department of Housing and Urban Development (HUD).

FISCAL IMPACTS OF RECOMMENDATION

There are no immediate fiscal impacts of this recommendation. Approving the recommendation would have the effect of spending existing and future federal ESG allocations in different ways (i.e., more on shelter and street outreach, and less on rapid rehousing). Existing General Fund allocations will be used to cover rapid rehousing activities as needed.

CURRENT SITUATION AND ITS EFFECTS

Each year, the City of Berkeley receives a direct allocation of federal Emergency Solutions Grant (ESG) funds for homeless services. Council voted on April 23 to allocate current and future annual ESG allocations through FY23 to the Coordinated Entry contract recipient (Bay Area Community Services).

ESG funds are subject to regulations in 24 CFR § 576, which implements changes to the ESG program passed in the 2009 HEARTH Act. These regulations stipulate that ESG may be used for five program components: street outreach, emergency shelter, homelessness prevention, rapid rehousing assistance, and the Homeless Management Information System (HMIS). However, expenditure limits are placed on the street outreach and emergency shelter components, such that the total amount of a recipient's grant that can be used for these activities cannot exceed the greater of:

1. 60 percent of the recipient's fiscal year grant; or

2. The amount of Fiscal Year 2010 grant funds committed for homeless assistance activities.

The City of Berkeley currently allocates \$6,676 annually to HMIS, and after withholding the 7.5% administrative allowance, allocates the remainder of the grant to rapid rehousing (RRH). In PY18 (FY19), this was \$196,343 and in PY19 (FY20), it is slated to increase to \$203,667. ESG funds must be spent within two years of award or they are subject to recapture by HUD.

The regulations governing use of ESG for temporary rental assistance (24 CFR § 576.104 and 24 CFR § 576.403) are restrictive and include compliance with HUD Fair Market Rent (FMR, which is the maximum allowable rent under the program), unit habitability standards, and utility allowances. These must be thoroughly documented to demonstrate compliance in the event of an audit. In a 2018 Information Report to the Council, City staff noted the challenges associated with using rapid rehousing for single adults—namely, asking rents that exceed FMRs (and clients’ ability to pay).<sup>1</sup> These challenges are evidenced by unspent ESG rapid rehousing funds: last year, for example, the Berkeley Food and Housing Project returned \$214,298 in unspent ESG RRH funds. (Council authorized moving these funds to the BACS STAIR Center contract instead on March 12, 2019<sup>2</sup>). HUD recently lowered the FMR for Berkeley on April 15, 2019 from a maximum of \$2,040 to a maximum of \$1,876 for a one-bedroom apartment. Staff believe that this drop in rent ceilings will make the use of ESG for RRH even more challenging in the years to come.

To address this, staff are recommending reallocating Berkeley’s ESG award away from RRH and towards the Emergency Shelter and Street Outreach components.

To stay within the expenditure limits identified in the regulations, RRH funding cannot be eliminated altogether, but it can be minimized. To accomplish this, staff propose the amendment detailed below. This re-arrangement of braided funding creates no immediate fiscal impacts to the City, but it would have the effect of strategically influencing other uses of funds in the future, and it helps minimize the likelihood of ongoing unspent ESG funding.

	Awarded PY18 (FY19)	Proposed PY18 (FY19)	Awarded PY19 (FY20)	Proposed PY19 (FY20)
<b>REVENUES</b>				
ESG Award	\$219,480		\$227,398	
<b>EXPENDITURES</b>				

<sup>1</sup> See: [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)

<sup>2</sup> See: [https://www.cityofberkeley.info/Clerk/City\\_Council/2019/03\\_Mar/Documents/2019-03-12\\_Item\\_07\\_Contract\\_No\\_10904\\_Amendment.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/03_Mar/Documents/2019-03-12_Item_07_Contract_No_10904_Amendment.aspx)



Rapid Rehousing	\$196,343	\$64,655	\$203,667	\$67,228
Street Outreach/ Emergency Shelter		\$131,688		\$136,439
Homeless Management Information System	\$6,676	\$6,676	\$6,676	\$6,676
Administration (7.5%)	\$16,461	\$16,461	\$17,055	\$17,055
<b>Total</b>	<b>\$219,480</b>	<b>\$219,480</b>	<b>\$227,398</b>	<b>\$227,398</b>

### BACKGROUND

The City of Berkeley receives an annual allocation of federal funding through the federal Department of Housing and Urban Development (HUD). Council allocates this federal funding to specific projects each year in April and authorizes the submission of an Annual Action Plan to HUD which outlines how funds will be spent.

HUD regulations require that the City of Berkeley follow a Citizen Participation Process in allocating federal funding, which requires that the City enlist input from the general public when developing the spending plan and when any major changes to the spending plan are proposed. Major changes to the spending require the submission of a "Substantial Amendment" to the Annual Action Plan. These changes must be accompanied by a public hearing.

This recommendation also requires approval from the Housing Advisory Commission (HAC). At the time this report was published and distributed, the HAC had not yet met to consider the item, but met on July 11. The action taken by HAC with respect to this recommendation will be communicated to the Council in a supplemental item.

### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental impacts associated with this report.

### RATIONALE FOR RECOMMENDATION

Approving this recommendation would allow existing programs funded by ESG (STAIR and the Coordinated Entry contract) to continue using ESG for critical community needs for the homeless (shelter and outreach), but would simultaneously free up general funds in those contracts to be used for flexible funding to assist clients in overcoming housing barriers (possibly including RRH for clients who would benefit from it). Staff recently identified flexible funding as a successful best practice in serving people experiencing

homelessness<sup>3</sup>, but ESG regulations do not allow the same flexibility that general fund does.

ALTERNATIVE ACTIONS CONSIDERED

Council could take no action and continue current allocations of ESG to rapid rehousing. Staff believe that this creates an administrative burden that is increasingly difficult to bear in the current housing market, and would risk ongoing problems with unspent ESG funds.

CONTACT PERSON

Peter Radu, Homeless Services Coordinator, HHCS, (510) 981-5435.

Attachments:

1: Resolution

Exhibit A: Community Development Block Grant (CDBG) PY2018 Allocations

Exhibit B: Community Development Block Grant (CDBG) PY2019 Allocations

2: City of Berkeley PY2018 Annual Action Plan Substantial Amendment

3: City of Berkeley PY2019 Annual Action Plan Substantial Amendment

4: Public Hearing Notice

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<sup>3</sup> See: [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/10\\_Oct/Documents/2018-10-09\\_WS\\_Item\\_01\\_An\\_Evaluation\\_of\\_the\\_Pathways.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/10_Oct/Documents/2018-10-09_WS_Item_01_An_Evaluation_of_the_Pathways.aspx)

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

SUBMISSION OF A SUBSTANTIAL AMENDMENT TO THE PY2018 AND PY2019 ANNUAL ACTION PLANS, APPROVING REVISED ESG FUNDING RECOMMENDATIONS FOR CITY OF BERKELEY PROGRAMS

WHEREAS, the submission of an Annual Action Plan is a requirement the City must meet in order to receive its allocation of CDBG, ESG and HOME funds, available for the period; and

WHEREAS, the City was awarded \$219,480 in ESG funds in PY2018 and \$227,398 in PY2019; and

WHEREAS, the City previously adopted that ESG funds from PY2018 and PY2019 allocated the allowable 7.5% of the annual ESG funds to Administration, \$6,676 annually to the HMIS system and the remaining amount to Rapid Rehousing; and

WHEREAS, Street Outreach and Shelter are allowable expenditures under ESG regulations, so long as it does not exceed the greater of 1) 60 percent of the recipient's fiscal year grant; or the amount of Fiscal Year 2010 grant funds committed for homeless assistance activities; and

WHEREAS, shifting ESG expenditures to the maximum allowable for Street Outreach and Shelter will maximize efficient use of these funds and enhance the City's ability to flexibly respond to the homeless crisis; and

WHEREAS, the City's Citizen Participation Plan requires that the City conduct a public hearing when major changes constituting a "Substantial Amendment" to the spending plan are proposed.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or her designee, is authorized to:

1. Revise funding amounts for ESG-funded projects as contained in Exhibits A and B; and
2. Submit a Substantial Amendment to the PY2018 Annual Action Plan to HUD which includes these revised funding amounts.
3. Submit a Substantial Amendment to the PY2019 Annual Action Plan to HUD which includes these revised funding amounts.

Attachments:

- Exhibit A: Community Development Block Grant (CDBG) PY2018 Allocations
- Exhibit B: Community Development Block Grant (CDBG) PY2019 Allocations

## Community Development Block Grant (CDBG) PY2018 Allocations

REVENUES	Allocated FY18	Awarded FY19
<b>CDBG Award</b>	2,438,062	2,679,928
Program Income	250,000	180,000
Earlier Unused Funds	910,000	474,010
<b>SUBTOTAL CDBG</b>	<b>3,598,062</b>	<b>3,333,938</b>
<b>GF Funding Available</b>	<b>238,479</b>	<b>238,479</b>

EXPENDITURES - By Category	Allocated FY18	Allocated FY19
I. Housing Services	\$ 1,542,796	1,542,796
II. Public Services (17.83%)	\$ 453,853	453,853
III. Public Facility Improvements	\$ 1,063,800	765,303
IV. Planning & Administration (20%)	\$ 537,612	571,986
V. Housing Trust Fund	\$ -	0
<b>Total CDBG Funds Allocated/Requested</b>	<b>\$ 3,598,061</b>	<b>3,333,938</b>

## CDBG Project Details

I. CDBG - HOUSING SERVICES PROJECTS	Allocated FY18	Allocated FY19
<b>CDBG</b>		
1 Center for Independent Living: Residential Access Project for Disabled	\$ 140,000	140,000
2 Community Energy Services Corp.: Home Safety & Repair Program	\$ 282,334	282,334
3 Rebuilding Together Safe Homes Project	\$ 98,279	98,279
4 COB HHCS D: Loan Services	\$ 66,174	66,174
5 COB HHCS D: Senior and Disabled Rehab Program	\$ 340,976	340,976
	Rehab Loans	\$ 150,000
6 COB HHCS D: Affordable Housing Development and Rehab	\$ 465,033	465,033
<b>SUBTOTAL Housing Projects -- CDBG</b>	<b>\$ 1,542,796</b>	<b>1,542,796</b>
<b>General Fund</b>		
7 Bay Area Community Land Trust (GF)	\$ 4,991	4,991
<b>II. PUBLIC SERVICES PROJECTS</b>	<b>Allocated FY18</b>	<b>Allocated FY19</b>
<b>CDBG</b>		
8 Homeless Services (Berkeley Food & Housing Project)*	\$ 418,921	418,921
9 EBCLC: Fair Housing Counseling	\$ 34,932	34,932
Total CDBG Public Services	\$ <b>453,853</b>	<b>453,853</b>
CDBG Public Services Cap	\$ 479,281	509,925
<b>General Fund</b>		
10 The Bread Project: Culinary Job Readiness Training	\$ 41,165	41,165
11 Center for Independent Living: Employment Services	\$ 36,607	36,607
12 Inter-City Services: Employment, Education and Training	\$ 95,036	95,036
13 Resources for Community Development: Social Svcs. at Special Needs Housing	\$ 9,828	9,828
14 Rising Sun Energy Center: Green Energy Training Services	\$ 50,852	50,852
<b>Subtotal GF Public Services:</b>	<b>\$ 233,488</b>	<b>233,488</b>

\* These projects are shown here for CDBG budgeting purposes, but are reviewed by other Commissions whose recommended funding level is reflected here.

III. CDBG - PUBLIC/COMMUNITY FACILITIES IMPROVEMENTS: Allocations or recommended funding is one-time only.

	Funded FY18	Allocated FY19
15 Public Facilities 2018 - Mental Health Clinic	\$ 893,333	\$ 594,836
16 COB HHCSD: Public Facilities Improvements	\$ 145,892	\$ 145,892
17 Rebuilding Together: Community Facilities	\$ 24,575	\$ 24,575
<b>Subtotal Public Facilities Improvements:</b>	<b>\$ 1,063,800</b>	<b>\$ 765,303</b>

IV. CDBG - PLANNING AND ADMINISTRATION\*\*

	Funded FY18	Allocated FY19
18 COB HHCSD: CDBG Planning & Administration	\$ 537,612	571,986
COB City Manager's Office: Support Costs	\$ -	
<b>CDBG Planning &amp; Administration TOTAL</b>	<b>537,612</b>	<b>571,986</b>

\*\*Set-aside. Planning and Administration is a capped category of CDBG funding. The City of Berkeley City Manager and Housing & Community Services Departments will utilize the maximum amount of funding available under this category.

V. HOUSING TRUST FUND

	Funded FY2018	Estimated FY2019
City of Berkeley Housing Trust Fund	\$ -	\$ -

HOME Investment Partnership Program (HOME) Allocations

REVENUES	Actual FY2018	Awarded FY19
HOME Award	\$ 583,860	793,509
Program Income (projected)	\$ 20,000	20,000
<b>SUBTOTAL HOME Funds Available</b>	<b>\$ 603,860</b>	<b>813,509</b>

EXPENDITURES	Allocated FY18	Allocated FY19
Administration (10%)	\$ 60,386	81,351
CHDO Operating Funds (5%)	\$ 28,115	28,115
Available for HTF Projects	\$ 495,359	684,043
<b>Total</b>	<b>\$ 583,860</b>	<b>793,509</b>

Emergency Solutions Grant (ESG) Allocation SUMMARY

REVENUES	Actual FY2018	Awarded FY19
ESG Award	\$ 222,915	219,480

EXPENDITURES	Allocated FY2017	Substantial Amendment - Allocated FY19
Rapid Rehousing*	\$ 199,520	64,655
Emergency Shelter and Street Outreach*	\$ -	131,688
Homeless Management Information System	\$ 6,676	6,676
Administration (7.5%)	\$ 16,719	16,461
<b>Total</b>	<b>\$ 222,915</b>	<b>219,480</b>

\* Funding will be allocated to the Coordinated Entry System to carry out the program.

## Community Development Block Grant (CDBG) PY2019 Allocations

REVENUES	Allocated FY19	Awarded FY20
CDBG Award	\$ 2,679,928	\$ 2,667,120
Program Income	\$ 381,150	\$ 250,531
Earlier Unused Funds	\$ 474,010	\$ 788,029
<b>SUBTOTAL CDBG</b>	<b>\$ 3,535,088</b>	<b>\$ 3,705,680</b>
<b>GF Funding Available</b>	<b>\$ 238,479</b>	<b>\$ 232,229</b>

EXPENDITURES - By Category	Allocated FY19	Actual FY20
I. Housing Services	\$ 1,542,796	\$ 1,476,057
II. Public Services (17.83%)	\$ 453,853	\$ 453,921
III. Public Facility Improvements	\$ 765,303	\$ 1,202,278
IV. Planning & Administration (20%)	\$ 571,986	\$ 573,424
V. Housing Trust Fund	\$ -	\$ -
<b>Total CDBG Funds Allocated/Requested</b>	<b>\$ 3,333,938</b>	<b>\$ 3,705,680</b>

## CDBG Project Details

I. CDBG - HOUSING SERVICES PROJECTS	Allocated FY19	Adopted FY20
<b>CDBG</b>		
1 Center for Independent Living: Residential Access Project for Disabled	\$ 140,000	\$ 159,660
2 Community Energy Services Corp.: Home Safety & Repair Program	\$ 282,334	\$ -
3 Rebuilding Together Safe Homes Project	\$ 98,279	\$ -
4 Habitat for Humanity East Bay - Housing Rehabilitation Grant Program	\$ -	\$ 250,000
5 COB HHCS: Loan Services	\$ 66,174	\$ 70,008
6 COB HHCS: Senior and Disabled Rehab Program	\$ 340,976	\$ 358,048
Rehab Loans	\$ 150,000	\$ 150,000
7 COB HHCS: Affordable Housing Development and Rehab	\$ 465,033	\$ 488,341
<b>SUBTOTAL Housing Projects -- CDBG</b>	<b>\$ 1,542,796</b>	<b>\$ 1,476,057</b>

**General Fund**

8 Bay Area Community Land Trust (GF)	\$ 4,991	\$ 5,200
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II. PUBLIC SERVICES PROJECTS	Allocated FY19	Adopted FY20
<b>CDBG</b>		
9 Homeless Services (Berkeley Food & Housing Project)*	\$ 418,921	\$ 170,502
10 Homeless Services (Bay Area Community Services)*		\$ 248,419
11 EBCLC: Fair Housing Counseling	\$ 34,932	\$ -
12 EDEN Housing: Fair Housing Services		\$ 35,000
Total CDBG Public Services	\$ 453,853	\$ 453,921
CDBG Public Services Cap	\$ 545,790	\$ 520,217

\* These projects are for CDBG budgeting, but are reviewed by other Commissions whose funding recommendation is reflected here.

**General Fund**

13 The Bread Project: Culinary Job Readiness Training	\$ 56,165	\$ 57,850
14 Inter-City Services: Employment, Education and Training	\$ 101,643	\$ 101,351
15 Resources for Community Development: Social Svcs. at Special Needs Housing	\$ 9,828	\$ -
16 Rising Sun Energy Center: Green Energy Training Services	\$ 65,852	\$ 67,828
<b>Subtotal GF Public Services:</b>	<b>\$ 233,488</b>	<b>\$ 227,029</b>

III. CDBG - PUBLIC/COMMUNITY FACILITIES IMPROVEMENTS: Allocations or recommended funding is one-time only.

	Allocated FY19	Adopted FY20
17 Public Facilities 2018 - Mental Health Clinic	\$ 594,836	\$ -
18 Public Facilities FY2020		\$ 1,049,370
19 COB HHCS D: Public Facilities Improvements	\$ 145,892	\$ 152,908
20 Rebuilding Together: Community Facilities	\$ 24,575	
<b>Subtotal Public Facilities Improvements:</b>	<b>\$ 765,303</b>	<b>\$ 1,202,278</b>

IV. CDBG - PLANNING AND ADMINISTRATION\*\*

	Allocated FY19	Adopted FY20
21 COB HHCS D: CDBG Planning & Administration	\$ 571,986	\$ 573,424
<b>CDBG Planning &amp; Administration TOTAL</b>	<b>\$ 571,986</b>	<b>\$ 573,424</b>

\*\*Set-aside. Planning and Administration is a capped category of CDBG funding. The City of Berkeley City Manager and Housing & Community Services Departments will utilize the maximum amount of funding available under this category.

V. HOUSING TRUST FUND

	Allocated FY19	Adopted FY20
22 City of Berkeley Housing Trust Fund	\$ -	\$ -

HOME Investment Partnership Program (HOME) Allocations

REVENUES	Awarded FY19	Awarded FY20
HOME Award	\$ 793,509	\$ 737,273
Program Income (projected)	\$ 20,000	\$ 20,000
<b>SUBTOTAL HOME Funds Available</b>	<b>\$ 813,509</b>	<b>\$ 757,273</b>

EXPENDITURES	Allocated FY19	Actual FY20
Administration (10%)	\$ 81,351	\$ 75,727
CHDO Operating Funds (5%)	\$ 28,115	\$ 28,115
Available for HTF Projects	\$ 684,043	\$ 633,431
<b>Total</b>	<b>\$ 793,509</b>	<b>\$ 737,273</b>

Emergency Solutions Grant (ESG) Allocation SUMMARY

REVENUES	Awarded FY19	Awarded FY20
ESG Award	\$ 219,480	\$ 227,398

EXPENDITURES	Amended Allocation FY19	Substantial Amendment - Actual FY20
Rapid Rehousing*	\$ 64,655	\$ 67,228
Emergency Shelter and Street Outreach*	\$ 131,688	\$ 136,439
Homeless Management Information System	\$ 6,676	\$ 6,676
Administration (7.5%)	\$ 16,461	\$ 17,055
<b>Total</b>	<b>\$ 219,480</b>	<b>\$ 227,398</b>

\* Funding will be allocated to the Coordinated Entry System to carry out the program.

# CITY OF BERKELEY

## SUBSTANTIAL AMENDMENT

### ANNUAL ACTION PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT

JULY 1, 2018 – JUNE 30, 2019 (PY 2018)

For the U.S. Department of Housing and Urban  
Development

San Francisco Field Office of Community  
Planning and Development

June, 2018



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**Attachment 1:** City of Berkeley CDBG, ESG, and HOME Projects

**Attachment 2:** EveryOne Home Systemwide Outcomes and Efficiency Measures

**Attachment 3:** Public Notice and Community Participation Summary

## Executive Summary

### AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

#### 1. Introduction

This Annual Action Plan is the 4th Annual Action Plan for the current Consolidated Planning period.

#### 2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The City of Berkeley (COB) has ambitious objectives for spending its federal entitlement grant funding. Berkeley allocates these and other state and local funds to maximize assistance for its low and moderate-income households through:

- Housing acquisition, rehabilitation, repair, and accessibility improvements,
- Assisting homeless adults and families including those with disabilities and other special needs, through emergency shelter, transitional housing, and service-enriched affordable, supportive housing; and
- Funding public facilities improvements to protect and sustain the infrastructure critical to community services and economic vitality in Berkeley.

The COB has long placed a high priority on affordable housing and community services because they reflect important community values. The City now invests more General Fund dollars into related programs than it receives in federal funding for these activities. The City is committed to maintaining high-quality programs for those in need but faces challenges due to uncertainty in future federal funds available. At the same time, ESG, HOME, Consolidated Plan, and Annual Action Plan requirements have substantially increased. Uncertain funding and increased administrative burden will impact the City's ability to address all of the many needs identified.

**Approved Allocations.** As summarized in **AP-38** and detailed in **Attachment 1**, the COB plans to allocate \$2,679,928 in Community Development Block Grant (CDBG) funds together with \$474,010 in prior years' carryover and \$180,000 (projected) in CDBG program income to fund:

- \$1,542,796 in housing projects and programs;
- \$453,853 in public services;
- \$765,303 for community and public facilities activities; and
- \$571,986 to administer all facets of the City's CDBG program.

The COB will utilize its PY18 ESG allocation of \$219,480 to: serve literally homeless people through its new Coordinated Entry System (\$196,343), support the County-wide Homeless Management Information System, (\$6,676), and support its program planning and administration activities (\$16,461).

The COB will utilize its PY18 HOME allocation of \$793,509 and \$20,000 (projected) in program income for program administration (\$81,351), Community Housing Development Organization (CHDO) operations (\$28,115) and will allocate the remaining balance to its Housing Trust Fund (\$704,043).

### **3. Evaluation of past performance**

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The City reviews and evaluates its performance through its annual submission of the Consolidated Annual Performance and Evaluation Report. The City tracks single family and multi-family housing rehabilitation efforts and housing development efforts.

The City's Single Family Rehabilitation (SFR) program comprised of the City's Senior and/or Disabled Rehab Home Loan Program (SDRLP), Center for Independent Living, Community Energy Services Corporation and Rebuilding Together is evaluated on an ongoing basis to ensure that the most significant health and safety improvements are prioritized and that sufficient outreach is occurring to increase the number of unduplicated households served overtime.

In PY17, the City restructured its community facility RFP process. The RFP process was lengthy and not responsive to emergent agency needs. It started with the RFP release in early December with applications due the following January. HHCS staff and the Housing Advisory Commission would review the applications in February and March and make recommendations to Council for approval in April with contracts beginning the following fiscal year in July. The application-to-contract process created duplicate work for agencies in obtaining bid proposals. Agencies were required to obtain three bids as an attachment to their application for an accurate estimate of costs. These bids had a limited shelf-life, and if an agency was awarded funding, it had to obtain fresh bids (no older than 90 days) a second time to maintain compliant with HUD regulations.

In order to streamline the application process and prioritize more significant health and safety rehabilitation the City shifted its RFP process to a rolling application period with a minimum grant amount of \$100,000. The program continues to focus on CDBG priorities for substantial rehabilitation for health and safety, ADA, and/or energy efficiency improvements. CDBG funds were allocated for renovations to the City's Adult Mental Health Clinic in PY2017 and PY2018.

Outcomes for all public services community agency programs funded with federal funds are tracked, and prior outcomes are used to inform funding decisions. The City also uses countywide Homeless Count and program outcome data to inform its goals on homelessness.

#### **4. Summary of Citizen Participation Process and consultation process**

Summary from citizen participation section of plan.

A public hearing on community needs was held on December 7, 2017 before members of the Housing Advisory Commission (HAC). The draft plan was posted on the City's website, and a copy was presented to the HAC at its February 1, 2018 and March 1, 2018 meetings. At its March 1, 2018 meeting, the HAC approved the Annual Action Plan. A Public Hearing on the Final Draft Plan was held on April 24, 2018 before the Berkeley City Council. Outreach was accomplished via mailings to interested parties, including Alameda County Homeless Continuum of Care, community agencies serving low-income people, and public buildings such as recreation centers, senior centers, libraries and other government buildings.

#### **5. Summary of public comments**

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

At the December 7, 2017 public hearing, Berkeley residents provided testimony regarding the need for affordable housing for all populations including transition age youth, assistance in finding affordable housing and help to build and repair credit, childcare, legal services, small facility improvement grants, and a bike share program that serves people with physical disabilities.

There were no public comments at Housing Advisory Commission meeting on March 1, 2018.

Public comment at the April 24, 2018 City Council Public Hearing included testimony from two non-profit agencies about the importance of public services and the funding that supports them. Prior to the meeting, a resident submitted comments via a phone call, requesting that the City fund youth and senior intergenerational activities.

#### **6. Summary of comments or views not accepted and the reasons for not accepting them**

All comments were accepted.

**PR-05 Lead & Responsible Agencies – 91.200(b)**

**1. Agency/entity responsible for preparing/administering the Consolidated Plan**

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	BERKELEY	Health, Housing & Community Services Department
HOME Administrator	BERKELEY	Health, Housing & Community Services Department
ESG Administrator	BERKELEY	Health, Housing & Community Services Department

**Table 1 – Responsible Agencies**

**Narrative (optional)**

The City of Berkeley’s Health, Housing & Community Services Department (HHCS) is the lead agency for overseeing the development of the plan. The Department coordinates the City’s funding allocation and monitoring for community based organizations, administration of the Housing Trust Fund, and operation of other housing and community services programs such as the Shelter Plus Care program, and Senior and Disabled Home Rehabilitation Loan Program. The Department also includes the Mental Health, Public Health, and Aging Services divisions, which provide direct services to the community, and it includes the Environmental Health division.

**Consolidated Plan Public Contact Information**

Rhianna Babka  
 Community Services Specialist III  
 2180 Milvia Street, 2nd Floor  
 Berkeley, CA 94704  
 510-981-5410  
 rbabka@cityofberkeley.info

## **AP-10 Consultation – 91.100, 91.200(b), 91.215(I)**

### **1. Introduction**

During the next year, the City of Berkeley will continue to coordinate the housing and community services activities within the department through regular senior staff meetings, such as a monthly Homeless Team meeting, and will continue to coordinate with other City Departments on specific topics. It will also consult with EveryOne Home, the countywide coordinating body and plan to end homelessness, and its partners at Alameda County Behavioral Health Care Services and Social Services Agency as well as community stakeholders in Berkeley.

### **Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))**

City staff continue to participate in the implementation of EveryOne Home. EveryOne Home spearheads Alameda County’s Homeless Continuum of Care. Staff will continue to participate in the initiative’s Leadership Board, which includes most public funders of housing and homeless services in the county, as well as leadership from key community based organizations, including those which develop affordable housing. Leadership Board membership helps coordinate efforts across the county. In PY18, City will continue to work with EveryOne Home, Alameda County Behavioral Health Care Services and Social Service Agency to continue to implement the Countywide Coordinated Entry System (CES) for homeless services and will participate in EveryOne Home’s implementation of multiple CES sites throughout the county. Other recent countywide collaboration efforts include Alameda County’s 2017 Point in Time Homeless Count and report and the ongoing implementation of the Home Stretch registry, an initiative targeting people who are chronically homeless and highly vulnerable.

### **Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness**

In PY18, the City will continue to work with EveryOne Home, Alameda County Behavioral Health Care Services and Social Service Agency to implement the Berkeley Coordinated Entry System (CES) for homeless services and will participate in EveryOne Home’s implementation efforts to add multiple CES sites throughout the county. These efforts will lead to the standardization of screening, intake and assessments protocols across the Continuum of Care to better match people who are homeless with the best fit available housing solution.

**Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS**

Consultation with EveryOne Home, the Alameda-Countywide Continuum of Care, City of Berkeley, the City of Oakland, and the Alameda County Housing and Community Services Department was initiated in 2012. The discussion focused on how to implement the new ESG requirements in a way that would be consistent countywide and would continue the collaboration launched in 2009 with American Recovery and Reinvestment Act (ARRA) Homelessness Prevention and Rapid Re-housing (HPRP) funds. The group held several meetings in PY12, resulting in the development of a policies and procedures manual that was used to implement the Priority Home Partnership Program. The most recent version was attached to the 2015 Consolidated Plan.

**2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities**

1	<b>Agency/Group/Organization</b>	EveryOne Home
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-Children Services-Persons with Disabilities Services-homeless Services-Employment
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City of Berkeley adopted EveryOne Home's plan to end homelessness in 2006 and the City continues to participate in the implementation of the plan. See above coordination with EveryOne Home, Alameda County Behavioral Health Care Services and SSA.

2	<b>Agency/Group/Organization</b>	ALAMEDA COUNTY HOUSING & COMMUNITY DEVELOPMENT
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-Children Services-Persons with Disabilities Services-Employment
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	See above coordination with Alameda County.

**Table 2 – Agencies, groups, organizations who participated**

**Identify any Agency Types not consulted and provide rationale for not consulting**

Not applicable.

**Other local/regional/state/federal planning efforts considered when preparing the Plan**

<b>Name of Plan</b>	<b>Lead Organization</b>	<b>How do the goals of your Strategic Plan overlap with the goals of each plan?</b>
Continuum of Care	EveryOne Home	The City of Berkeley adopted EveryOne Home's plan to end homelessness in 2006 and the City continues to participate in the implementation of the plan.

**Table 3 – Other local / regional / federal planning efforts**

**Narrative (optional)**

Not applicable.



## **AP-12 Participation – 91.105, 91.200(c)**

### **1. Summary of citizen participation process/Efforts made to broaden citizen participation**

#### **Summarize citizen participation process and how it impacted goal-setting**

The City published a public hearing notice in the Berkeley Voice in accordance with its citizen participation plan for a October 19, 2016 Public Hearing at a joint meeting of the Housing Advisory, Homeless, Human Welfare and Community Agency and Children, Youth and Recreation Commissions. It also sent the notification to residents of public and assisted housing, users of community and senior centers, libraries, and residents being served by 56 community based agencies funded by the City of Berkeley. The City published a public hearing notice in the Berkeley Voice on March 24, 2017 for its April 25, 2017 Public Hearing at the Berkeley City Council meeting.

The City published a public hearing notice in the Berkeley Voice in accordance with its citizen participation plan for a July 23, 2019 Public Hearing at the City's Council Meeting. It also sent the notification users of community and senior centers, libraries, and persons being served by over 50 community based agencies funded by the City of Berkeley. The City published a public hearing notice in the Berkeley Voice on June 28, 2019 for its July 23,2019 Public Hearing at the Berkeley City Council meeting.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
1	Public Hearing	<p>Minorities</p> <p>Non-English Speaking - Specify other language: Spanish and Mandarin</p> <p>Persons with disabilities</p> <p>Residents of Public and Assisted Housing</p> <p>Berkeley Residents</p>	<p>19 community members attended the December 7, 2017 Public Hearing and 15 people provided testimony. In addition, one email and two written comments were received.</p>	<p>Berkeley residents provided testimony regarding the need for the need for affordable housing for all populations including transition age youth, assistance in finding affordable housing and help to build and repair credit, childcare, legal services, small facility improvement grants, and a bike share program that serves people with physical disabilities.</p>	<p>All comments were accepted. Many of the priorities mentioned are funded by the City through local, state and federal funds.</p>	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
2	Public Meeting	Housing Advisory Commission (HAC) representatives	February 1, members of the HAC discussed the Annual Action Plan.	HAC members reviewed and discussed the AAP at its February 1, 2018 meeting. Comments and questions pertaining to the AAP focused on clarification of the budget as compared to last year's budget. Two additional comments addressed CDBG spending distribution by Council district and one regarding additional considerations given to diverse housing models.	All comments were accepted. Distribution maps were included during in the 2015-2020 Consolidated Plan.	<a href="https://www.cityofberkeley.info/Housing_Advisory_Commission/">https://www.cityofberkeley.info/Housing_Advisory_Commission/</a>
3	Public Meeting	Housing Advisory Commission (HAC) representatives	March 1, members of the HAC discussed the Annual Action Plan.	No comments.	N/A	<a href="https://www.cityofberkeley.info/Housing_Advisory_Commission/">https://www.cityofberkeley.info/Housing_Advisory_Commission/</a>

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
4	Public Hearing	<p>Minorities</p> <p>Non-English Speaking - Specify other language: Spanish and Mandarin</p> <p>Persons with disabilities</p> <p>Residents of Public and Assisted Housing</p> <p>Low income Berkeley Residents</p>	<p>This Public Hearing was held at the April 24, 2018, City of Berkeley Council Meeting. See Item # 31</p>	<p>One phone call in support of providing youth and senior intergenerational activities. Two Berkeley non-profit agencies provided testimony at the Public Hearing regarding the value of their programs and the funding that supports them.</p>	N/A	<p><a href="https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx">https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx</a></p>
<u>5.</u>	<u>Public Meeting</u>	<p><u>Housing Advisory Commission (HAC) representatives</u></p>	<p><u>July 11, members of the HAC discussed the Amendment to the Annual Action Plan.</u></p>	TBD		

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
6.	Public Hearing	<u>Minorities</u>  <u>Non-English Speaking - Specify other language: Spanish and Mandarin</u>  <u>Persons with disabilities</u>  <u>Residents of Public and Assisted Housing</u>  <u>Berkeley Residents</u>	<u>July 23 Council Public Hearing to discuss the Amendment to the Annual Action Plan</u>	TBD		

Table 4 – Citizen Participation Outreach

## Expected Resources

### AP-15 Expected Resources – 91.220(c)(1,2)

#### Introduction

The City will receive \$ 3,692,917 in federal Housing and Urban Development Department (HUD) funds comprised of \$ 2,679,928 in CDBG, \$793,509 in HOME and \$219,480 in ESG funds. Additionally, the City will add \$180,000 (projected) in CDBG Program Income and \$474,010 in unused CDBG carry over and \$20,000 (projected) in HOME Program Income to these amounts.

#### Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	2,679,928	180,000	474,010	3,333,938	5,359,856	CDBG funds are allocated to public services, housing services and rehabilitation, and public facility improvements. The City of Berkeley does not currently use CDBG funds for economic development.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	793,509	20,000	0	813,509	7,587,018	The City allocates 10% of the HOME allocation to administration, 5% for CHDO operating costs, and 85% to the City Housing Trust Fund.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing  <u>Emergency Shelter and Street Outreach</u>	219,480	0	0	219,480	438,960	The City of Berkeley uses ESG funds for Rapid Rehousing, <u>Emergency Shelter and Street Outreach</u> for literally homeless individuals and families. A small portion of the ESG funds are used to support the County-wide HMIS system. The City allocates 7.5% of the allocation to Planning and Admin.

Table 5 - Expected Resources – Priority Table

**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

Most of the housing and community services programs described in the Consolidated Plan will continue to be delivered by nonprofit community based organizations. The City contracts with a wide range of housing and service providers using CDBG, HOME, ESG, Community Services



Block Grant (CSBG), General Fund, and other sources of funding. These organizations leverage significant financial and in-kind support from individual community members, foundations, and private organizations that help meet the needs identified in this plan. In addition to leveraging at the individual agency level, the City has historically matched the investment of CDBG, HOME, and ESG dollars with the investment of General Funds. Typically, over two-thirds of the funding for community agency programs comes from General Funds. The City meets the HOME 25 percent match requirement and has accumulated over \$4 million in excess match by investing local funds in HOME eligible affordable housing projects. The City meets the dollar for dollar match requirements for the ESG program by allocating General Funds to various homeless services providers. These programs received a total of over \$290,000 in City General Funds each year.

**If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

The City has long-term leases of City-owned property with non-profit organizations that address the needs identified. Programs operating in leased City-owned properties include:

- Berkeley Food and Housing Project's Men's Overnight Homeless Shelter;
- BOSS' Harrison House Shelter for Homeless men, women and families;
- BOSS' MASC – a homeless daytime Drop-In Center;
- BOSS' Sankofa House – transitional housing for homeless families; and
- Women's Daytime Drop-In Center– Drop-in services for homeless families.

In November 2015, the City transferred a City-owned vacant lot, formerly the site of the proposed Prince Hall Arms development, to Harper Crossing LP for its development of the Harper Crossing affordable housing project. The City sold the land, which was valued at \$1.95 million, for \$500 under a Disposition and Development Agreement. The City also provided a Housing Trust Fund loan of \$1.8 million to support the new construction of this 42-unit affordable senior housing development by Satellite Affordable Housing Associates. The development leased up in September 2017 and the loan activities will be completely finalized in early 2018.

The City is also exploring the use of the City-owned Berkeley Way parking lot as a site for permanent supportive housing, replacement emergency shelter, permanent affordable housing, and public parking. The Berkeley Way parking lot is nearly one acre in size and in a central location in close proximity to the Downtown Berkeley BART station. In mid-2016, the City entered into a Disposition and Development Agreement for BRIDGE Housing to develop the site in partnership with the Berkeley Food and Housing Project. In September 2016, the City committed just over \$835,000 in local funds to support predevelopment activities for the site, and BRIDGE Housing is currently working on applying for permit and assembling financing. In 2017, the City reserved another \$3.1M in local funds to support predevelopment activities at this

site, and staff continue to work closely with the development team.

**Discussion**

Not applicable.

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives

#### Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing Supply and Quality	2015	2019	Affordable Housing	BERKELEY	Affordable Housing	CDBG: \$1,542,796 HOME: \$704,043	Rental units constructed: 23 Household Housing Unit Homeowner Housing Rehabilitated: 121 Household Housing Unit

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
2	Improve Public Facilities and Public Services	2015	2019	Non-Housing Community Development	BERKELEY	Non-Housing Community Development Homelessness	CDBG: \$1,219,156	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2219 Persons Assisted Public service activities other than Low/Moderate Income Housing Benefit: 1060 Persons Assisted Homeless Person Overnight Shelter: 78 Persons Assisted
3	Homeless Prevention and Rapid Re-Housing	2015	2019	Homeless	BERKELEY	Homelessness	ESG: \$219,480	Tenant-based rental assistance / Rapid Rehousing: 25 Households Assisted  <u>Emergency Shelter and Street Outreach:</u>  <u>155 Persons Assisted in Emergency Shelter</u>

Table 6 – Goals Summary

## Goal Descriptions

1	<b>Goal Name</b>	Affordable Housing Supply and Quality
	<b>Goal Description</b>	CDBG and HOME funds are used to support new affordable housing, rehabilitating existing affordable housing, funding single family rehabilitation for seniors and the disabled, and other housing services, such as loan servicing.
2	<b>Goal Name</b>	Improve Public Facilities and Public Services
	<b>Goal Description</b>	Programs funded under this project serve people who are homeless and people facing housing discrimination. These projects will assist approximately 1078 people who are homeless and 60 low-income households facing housing discrimination. Additionally, funding is allocated to community facility improvements facilitated by Rebuilding Together and the City of Berkeley. The City will allocate \$594,836 to the City's Adult Mental Health Clinic for an emergent substantial rehabilitation project.
3	<b>Goal Name</b>	Homeless Prevention and Rapid Re-Housing
	<b>Goal Description</b>	ESG funds will be used for Rapid-Rehousing financial assistance, <u>Emergency Shelter, Street Outreach</u> , and to support the county-wide Homeless Management Information System (HMIS). Additionally, the COB will utilize the maximum amount for administration activities.

**Table 7 – Goal Descriptions**

**Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):** During PY18, Satellite Affordable Housing Associates will have the Grayson project in construction. Occupancy is expected by July 2019. Grayson will include 22 affordable units and one unrestricted manager's unit. Six of the 22 units will be reserved for households earning up to 60% AMI (low), four at up to 50% AMI (very low), three at up to 40% AMI (very low), and nine at up to 30% AMI (extremely low). Of the total, 9 are supported by the HOME funds.

## Projects

### AP-35 Projects – 91.220(d)

#### Introduction

With its CDBG, HOME, and ESG funds, the City of Berkeley will fund eligible projects in the following categories: housing development, rehabilitation and services projects, public services, public/community facility improvement projects, emergency shelter grant programs, program planning and administration, and the Housing Trust Fund.

#### Projects

#	Project Name
1	City of Berkeley Planning and Administration
2	Single Family Rehabilitation Programs
3	Public Services
4	Housing Services
5	Community Facility Rehabilitation
6	Housing Trust Fund
7	ESG18 - City of Berkeley Rapid Rehousing, <u>Emergency Shelter, Street Outreach</u> and HMIS

**Table 8 - Project Information**

#### **Describe the reasons for allocation priorities and any obstacles to addressing underserved needs**

The City continues to fund activities that have been identified as a need.

## AP-38 Project Summary

### Project Summary Information

1	<b>Project Name</b>	City of Berkeley Planning and Administration
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Affordable Housing Supply and Quality Improve Public Facilities and Public Services Homeless Prevention and Rapid Re-Housing
	<b>Needs Addressed</b>	Affordable Housing Homelessness Non-Housing Community Development
	<b>Funding</b>	CDBG: \$571,986 HOME: \$81,351
	<b>Description</b>	The project will fund City staff to plan and administer CDBG and HOME projects.
	<b>Target Date</b>	N/A
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	N/A
	<b>Location Description</b>	
	<b>Planned Activities</b>	Information about the planned activities is included in Section AP-38 Project Summaries.
2	<b>Project Name</b>	Single Family Rehabilitation Programs
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Affordable Housing Supply and Quality
	<b>Needs Addressed</b>	Affordable Housing
	<b>Funding</b>	CDBG: \$861,589
	<b>Description</b>	Activities related to single family rehabilitation efforts will be funded under this project. These projects will cover health and safety improvements as well as accessibility improvements such as the installation of ramps/lifts for low income homeowners and renters.

	<b>Target Date</b>	6/30/2019
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	121 Households.
	<b>Location Description</b>	Various locations within the City of Berkeley.
	<b>Planned Activities</b>	Activities include health and safety, accessibility, and energy efficiency improvements.
<b>3</b>	<b>Project Name</b>	Public Services
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Homeless Prevention and Rapid Re-Housing
	<b>Needs Addressed</b>	Homelessness
	<b>Funding</b>	CDBG: \$453,853
	<b>Description</b>	Funds will be used to provide 1) housing navigation services to chronically homeless individuals through Berkeley's Coordinated Entry system, 2) emergency shelter, and 3) fair housing services.
	<b>Target Date</b>	6/30/2019
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	1,138 households are expected to be served through these activities.
	<b>Location Description</b>	Berkeley
	<b>Planned Activities</b>	The Berkeley Food and Housing Project (BFHP) operates Berkeley's Coordinated Entry System which will screen, conduct intakes, and provide housing navigation services to approximately 1000 people. BFHP will also provide emergency shelter to approximately 78 adult homeless men. East Bay Community Law Center will provide outreach, training, fair housing counseling services to up to 60 households, investigation of 20 fair housing complaints, tenant/landlord mediation, and at least two fair housing testing/audits with follow-up training for non-compliant property owners.
<b>4</b>	<b>Project Name</b>	Housing Services
	<b>Target Area</b>	BERKELEY



	<b>Goals Supported</b>	Affordable Housing Supply and Quality
	<b>Needs Addressed</b>	Affordable Housing
	<b>Funding</b>	CDBG: \$66,174
	<b>Description</b>	City staff provide loan services to support single family rehabilitation, housing trust fund projects, and other federally funded housing related activities.
	<b>Target Date</b>	6/30/2019
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	The project will serve approximately 118 active housing rehabilitation loans.
	<b>Location Description</b>	Various locations within the City of Berkeley.
	<b>Planned Activities</b>	Services provided under this project will include accounting, processing loan payments and loan payoff demands, deeds of reconveyance, lien releases and loan subordination requests, collections, personal financial analysis and structuring of temporary repayment agreements.
5	<b>Project Name</b>	Community Facility Rehabilitation
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Improve Public Facilities and Public Services
	<b>Needs Addressed</b>	Non-Housing Community Development
	<b>Funding</b>	CDBG: \$765,986
	<b>Description</b>	Activities that fund the rehabilitation of public facilities are funded under this project.
	<b>Target Date</b>	6/30/2019
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	It is projected that improved community facility improvements provided by Rebuilding Together East Bay North and the Berkeley Mental Health Clinic will benefit a minimum of 2,219 people. The number of beneficiaries is expected to increase with the addition of new community facility projects to be identified through the upcoming RFP.
	<b>Location Description</b>	Various locations within the City of Berkeley.

	<b>Planned Activities</b>	Activities include supporting our non-profit rehabilitation partner organization to improve community facilities, funding substantial rehabilitation to the City of Berkeley's Adult Mental Health Clinic to serve some of the City's lowest income and most vulnerable populations.
6	<b>Project Name</b>	Housing Trust Fund
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Affordable Housing Supply and Quality
	<b>Needs Addressed</b>	Affordable Housing
	<b>Funding</b>	CDBG: \$465,033 HOME: \$732,158
	<b>Description</b>	Activities that provide funding for City staff in support of projects funded with City of Berkeley Housing Trust Fund dollars, includes funding for projects and CHDO operating funds.
	<b>Target Date</b>	6/30/2019
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	During PY18, Grayson Street Apartments (23 units, 9 of which are supported by HOME funds) will be under construction. This project will likely be completed in PY19.
	<b>Location Description</b>	Citywide
	<b>Planned Activities</b>	City staff actively facilitate development, rehabilitation and/or preservation of affordable housing through working with developers, other city staff, lenders and other public agencies for the acquisition and rehabilitation of multi-family housing.
7	<b>Project Name</b>	ESG18 - City of Berkeley Rapid Rehousing and HMIS
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Homeless Prevention and Rapid Re-Housing
	<b>Needs Addressed</b>	Homelessness
	<b>Funding</b>	ESG: \$219,480
	<b>Description</b>	ESG funds will be used for Rapid Re-Housing, <a href="#">Emergency Shelter, Street Outreach</a> , HMIS and City staff to plan and administer the program.
	<b>Target Date</b>	6/30/2019

<p><b>Estimate the number and type of families that will benefit from the proposed activities</b></p>	<p>25 households will be served with rapid rehousing financial assistance.  <u>-155 persons will be assisted with emergency overnight shelter.</u></p>
<p><b>Location Description</b></p>	<p>Various locations.</p>
<p><b>Planned Activities</b></p>	<p>ESG funds will be used to provide financial assistance and housing relocation and stabilization services to rapidly re-house approximately 25 households, <u>support 155 people in Emergency Shelter.</u></p>

**Table 8 – Project Summary Information**

**AP-50 Geographic Distribution – 91.220(f)**

**Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed**

As discussed in MA-50 the City does not have areas of low-income or minority concentrations and therefore does not allocate federal funds geographically.

**Geographic Distribution**

Target Area	Percentage of Funds
BERKELEY	100

Table 9 - Geographic Distribution

**Rationale for the priorities for allocating investments geographically**

Not applicable.

**Discussion**

Not applicable.

## Affordable Housing

### AP-55 Affordable Housing – 91.220(g)

#### Introduction

This section includes HOME-funded units only. Unit counts are broken out two ways: by population served and by type of housing provided. The table below includes information for Grayson Street Apartments, which will be funded with HOME funds in PY2018. The total number of units will equal 23.

<b>One Year Goals for the Number of Households to be Supported</b>	
Homeless	0
Non-Homeless	0
Special-Needs	9
Total	9

**Table 10 - One Year Goals for Affordable Housing by Support Requirement**

<b>One Year Goals for the Number of Households Supported Through</b>	
Rental Assistance	0
The Production of New Units	9
Rehab of Existing Units	0
Acquisition of Existing Units	0
Total	9

**Table 11 - One Year Goals for Affordable Housing by Support Type**

#### Discussion

Harper Crossing's construction was completed and the building leased up in September 2017. The City anticipates reporting its completion in PY17.

## **AP-60 Public Housing – 91.220(h)**

### **Introduction**

The Berkeley Housing Authority (BHA) is not a department of the City of Berkeley. BHA Board members are appointed by the Mayor and confirmed by the City Council. The Berkeley Housing Authority does not have any public housing.

### **Actions planned during the next year to address the needs to public housing**

Not applicable.

### **Actions to encourage public housing residents to become more involved in management and participate in homeownership**

Not applicable.

### **If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance**

Not applicable.

### **Discussion**

Not applicable.

## **AP-65 Homeless and Other Special Needs Activities – 91.220(i)**

### **Introduction**

#### **Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

The City will continue to operate six Shelter Plus Care (S+C) grants and the locally-funded Square One program, providing rental assistance to a minimum of 235 households annually. This includes the City's Housing for Older Adults Project (HOAP) S+C program which provides rental subsidies through the City's Aging Services Division and the COACH grant, which provides rental subsidies and targets people who are chronically homeless. New S+C households continue to be prioritized through Alameda County's Home Stretch registry, a County-wide centralized system which prioritizes people who are chronically homeless and high need with permanent supportive housing opportunities.

During PY18, the City will continue to work on the implementation of its Coordinated Entry System (CES). It will also participate in EveryOne Home's implementation process of expanding the CES countywide. Outreach and assessing individual needs are important components of the CES and will be expanded in PY18.

In PY17, the City was awarded a three year grant from the County of Alameda to increase services to literally homeless people. The City subcontracted the housing navigation and placement services to Berkeley Food and Housing Project, the CES operator for the northern part of Alameda County. The City also partnered with the cities of Albany and Emeryville. The project is expected to screen over 1,000 people and serve with intensive housing navigation and support a minimum of 170 people.

#### **Addressing the emergency shelter and transitional housing needs of homeless persons**

The City will continue to provide funding for shelter and transitional housing. In PY17, the City expanded the number of year-round shelter beds from 118 to 148 year-round by increasing its funding to the YEAH! shelter which serves 18-24 year olds. The year-round beds are accessed through the City of Berkeley's Coordinated Entry System that operates 9 a.m. - noon and 1-4 p.m. Monday through Friday. A second shelter reservation period occurs from 7-8 p.m. to fill available BOSS and BFHP shelter beds that are unoccupied.

In addition to the year-round shelter beds, the City funds a winter shelter program. In the past, the winter shelter was activated when inclement weather was forecast (temperature expected to reach 40 or below or rain). The past two seasons, the City has funded a nightly shelter from

December to mid-April adding approximately 75-90 beds.

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

The City of Berkeley has encouraged its network of providers of services to the homeless to focus their efforts on rapidly re-housing their clients. The City has centralized its funded case management services at the CES to allow for ongoing case management regardless of the person's housing status or enrollment at a particular shelter.

In addition, the City is funding Housing Specialist positions whose only role is to identify, cultivate and maintain partnerships with property owners. These case management and housing opportunities will assist all literally homeless clients in Berkeley but will be primarily targeted at individuals and families who are chronically homeless and have multiple barriers.

In PY17, to better serve its homeless families, the City partnered with the City of Oakland and Oakland homeless service providers to expand its Family Front Door, to include homeless families from Berkeley, Albany and Emeryville. Because families often have different service and housing needs than homeless people who are single, this partnership with family focused providers has improved access to resources for families including shelter and transitional housing opportunities.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.**

The Coordinated Entry System will provide people who are at imminent risk of becoming homeless (HUD Homeless definition (Category 2) with problem solving support to retain current housing or to locate another housing placement. This will include mediation with family members and friends to keep individuals and families from entering the shelter system. Additionally, the City has allocated \$832,500 to assist permanently and temporarily housed Berkeley residents from being evicted, which includes rental assistance and eviction



defense.

Alameda County has mental health, foster youth, health care, and corrections discharge policies intended to prevent discharges of individuals from these systems into homelessness, described in detail in the Consolidated Plan. The City will continue to participate in countywide efforts to reduce discharges into homelessness.

## **Discussion**

The City of Berkeley's CES provides a single point of entry for people who are homeless to be screened and assessed for a range of City funded homeless programs, including emergency shelters, transitional housing, permanent supportive housing, and rapid rehousing services. All contracted service providers report outcomes based on the countywide outcome standards developed by Everyone Home, in order to inform future adjustments to the service system.

## **AP-75 Barriers to affordable housing – 91.220(j)**

### **Introduction:**

**Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment**

City Council adopted a Housing Action Plan in November 2017 that contains a set of actions that are targeted at preserving existing affordable housing, eliminating barriers and increasing affordable housing production. For example, the Plan requires staff to “examine and eliminate barriers to developing student housing and senior housing” and “create specific per acre density standards, including standards for projects include density bonus units”.

In the past, accessory dwelling unit (ADU) requirements were considered a barrier to affordable housing. In July 2015, City Council adopted regulations to make it easier for homeowners to legally create ADUs as-of-right in most circumstances, no longer requiring a lengthy zoning review and approval process and also relaxing the parking requirements in cases when the ADUs are within a half-mile of BART or a major AC Transit bus line. The City has also changed Zoning regulations to allow more “by-right” Accessory Dwelling Units. The relaxed ADU requirements are designed to increase the supply and range of housing options in Berkeley.

The permit process in Berkeley may be considered a constraint to housing production, although based on the amount of affordable and market-rate development that has been approved and the density of those projects, it does not appear to have deterred new development and the City met most of the previous California Regional Housing Needs Assessment (RHNA) targets. However, Policy H-34 (from the City’s Housing Element[1]) calls for the City to continue to improve and streamline the development review process and to evaluate regulations to identify and reduce unnecessary impediments to housing development and affordable housing projects.

Additionally, while the zoning ordinance includes five multi-family zoning districts and the City has seen a number multi-family development projects, Housing Policy H-34 encourages the review of infill development regulations in residential districts to identify and change possible constraints.

The City has also begun a comprehensive review and revision process for the City Zoning Ordinance. Results will be improved transparency, leading to an easier and more predictable development application processes.

### **Discussion**

Not applicable.

## AP-85 Other Actions – 91.220(k)

### Introduction:

The City of Berkeley uses a range of strategies to address the housing, homeless, and community development goals identified in the Consolidated Plan. This section discusses actions planned to foster and maintain affordable housing, to reduce lead-based paint hazards, to reduce the number of poverty-level families in Berkeley, and to coordinate activities in these areas with other entities.

### Actions planned to address obstacles to meeting underserved needs

One of Berkeley's major obstacles to meeting underserved needs is the limited amount of federal, state, and local resources available given the diversity of needs in the community and high cost of housing in the Bay Area. The City of Berkeley will continue to pursue new State and Federal resources as available to meet underserved needs.

### Actions planned to foster and maintain affordable housing

The City has several programs which foster and maintain affordable housing in Berkeley:

- Rent Stabilization Program. In 1980, Berkeley residents passed the Rent Stabilization and Eviction for Good Cause Ordinance. The Ordinance regulates rent levels for approximately 26,000 residential rental units in Berkeley and provides tenants in more than 26,000 units protection against unwarranted evictions helping to maintain affordable housing and preserve community diversity.
- Affordable Housing Mitigation Fee (AHMF). The City requires developers of new market rate rental housing to pay a fee of \$34,000 per unit or to provide 20% as many income and rent restricted units—split evenly between those affordable to households earning 50% or less or 80% or less of the area median income—in lieu of the fee. Fee income goes into the City's Housing Trust Fund to support affordable housing development. In 2016, the City adopted an ordinance requiring that certain units provided under this program are reserved for tenants with Section 8 and Shelter Plus Care.
- Condominium Conversion Ordinance (CCO). The CCO governs the conversion of rental apartments and tenancy-in-common buildings to condominiums, and other types of mutual or cooperative housing. It requires owners to pay a mitigation fee. Fee revenue goes into the City's Housing Trust Fund.
- Commercial Linkage Fee. The Affordable Housing Mitigation Program was approved on April 20, 1993. It imposed fees on commercial new construction in which the newly constructed gross floor area is over 7,500 square feet.
- Housing Trust Fund (HTF). The City of Berkeley created its HTF in 1990 to help develop and preserve below-market-rate housing. The HTF pools funds for affordable housing construction from a variety of sources with different requirements, makes them available

through one single application process to local developers, then monitors development and operation of the funded housing.

- Inclusionary Housing Ordinance for ownership housing. The ordinance requires developers of market rate ownership housing to include affordable ownership units or pay a fee.
- Mortgage Credit Certificate. MCC is a federal income tax credit that provides qualified low-income homebuyers a tax credit worth up to 15 percent of their annual mortgage interest paid on their home loan. MCC recipients adjust their federal income tax withholding, which increases their take-home pay, making monthly mortgage payments more affordable. The City participates in the Alameda County MCC program.
- Senior and Disabled Loan Rehab Program. HHCS administers the program as an effort to preserve the City's housing stock and to assist low- and moderate-income senior and disabled homeowners, funded by CDBG and CalHOME. The applicants receive a zero interest loan, secured by a deed of trust on their home, which is repaid when title to the property changes hands, normally as a result of the sale of the property or inheritance by the owner's heirs.

### **Actions planned to reduce lead-based paint hazards**

The City will continue to comply with the Environmental Protection Agency's Renovation, Repair, and Painting Program in its Senior and Disabled Rehabilitation Loan Program.

The City of Berkeley Public Health Division and the Alameda County Lead Poisoning Prevention Program will work together to increase awareness and knowledge about lead poisoning prevention in Berkeley including providing lead-safe painting classes, in-home consultations, garden soil lead testing kits, presentations, educational materials, and other services. Rebuilding Together will work with the City of Berkeley and Alameda County Lead Poisoning Prevention Programs to increase awareness of lead issues among their clients and volunteers and to incorporate lead safe work practices into their activities.

The City of Berkeley Childhood Lead Poisoning Prevention Program collaborates with the Berkeley Health, Housing & Community Services Department's State lead-certified Risk Assessor/Inspector, Project Designer, and Project Monitor. The Alameda County Healthy Homes Department also has a HUD Lead Hazard Control grant to remediate lead hazards in approximately 4 qualifying Berkeley housing units that are vacant, or occupied by a low-income household with either a child under 6, a pregnant woman, or a child under 6 years who regularly visits. Berkeley's program also provides case management services to families with children who have elevated blood lead levels. Services range from Public Health Nursing case management for children with blood lead levels above 15  $\mu\text{g}/\text{dL}$  to health education for children

with levels between 5-14  $\mu\text{g/dL}$ .

### **Actions planned to reduce the number of poverty-level families**

The City funds a wide variety of social service programs designed to assist households with poverty level incomes. These programs include childcare and a range of services for special needs populations, which are outlined in other sections of this Consolidated Plan. This section will highlight the City's strategies to increase livable wage employment opportunities by supporting related community services and working with public and private regional partners. Strategies include:

- Funding and refinement of anti-poverty programs provided by community-based organizations and by the City.
- Community agency contracts are outlined in the Annual Action Plan.
- Collaborate actively with CalWORKS (TANF) and Workforce Investment Act programs.
- Continue implementation of the City of Berkeley's Living Wage Ordinance. Foster regional coordination on economic development to benefit low income Berkeley residents.
- Linking homelessness and homelessness prevention programs to employment training and placement opportunities.
- Proposed amendments to the Minimum Wage Ordinance to incrementally raise Berkeley's minimum wage so that it would be \$15 an hour by October 1, 2018 for large employers and \$15 an hour by October 1, 2020 for small employers and non-profits and the adoption of a Paid Sick leave Ordinance that will provide enhanced paid sick leave entitlements beyond what is required by state law.

The City has contracted with the local workforce development programs to provide training, education and job placement for low income, under-employed, and unemployed residents:

- Inter-City Services provides employment, training, and education and continues to serve veterans as funded under the Governor's 15 percent Discretionary pool of Workforce Investment Opportunity Act (WIOA) funds.
- Biotech Partners operates the Biotech Academy at Berkeley High School, targeting youth from under-represented populations in the fields of science and biotechnology (African American, Latino, South East Asian, female and low-income youth) and who may be at risk of not graduating from high school.
- The Bread Project provides training in culinary arts and bakery production, and includes the formerly incarcerated and refugees as their target population. They operate a social enterprise (wholesale bakery) that creates opportunities for trainees to obtain crucial on-the-job experience.
- Rising Sun Energy Center's Green Energy Training Services (GETS) provides pre-apprenticeship training for the building and construction trades and careers in green and

clean technologies, including solar installation, through classroom and hands-on training. Their training calendar includes women-only cohorts in order to increase the number of women in the building and construction trades. Rising Sun also operates the California Youth Energy Services (CYES) program funded by the CA Public Utilities Commission, providing summer jobs for young people conducting residential energy audits.

- The City's anti-poverty strategy continues to be closely tied to the funding of over 50 community agencies to provide services as described above to enable people in poverty to attain self-sufficiency, support at-risk youth to succeed in school and graduate, and protect the health and safety of low income people.

### **Actions planned to develop institutional structure**

During the next year, the City of Berkeley will continue to coordinate the housing and community services activities within the department through regular senior staff meetings and coordination on specific topics.

### **Actions planned to enhance coordination between public and private housing and social service agencies**

City staff will also continue to participate in the implementation of Everyone Home, the countywide plan to end homelessness. Everyone Home spearheads Alameda County's Continuum of Care. Staff will continue to participate in the initiative's Leadership Board, which includes most public funders of housing and homeless services in the county, as well as leadership from key community based organizations. Leadership Board membership helps coordination efforts across the county. Staff also participates in other committees composed of other funders (such as Alameda County Behavioral Health Care Services and the Social Services Agency) as well as many community based organizations.

Recent countywide collaboration efforts include the 2017 Point in Time homeless survey, count and report and the countywide implementation of CES.

### **Discussion:**

The majority of Berkeley's activities furthering the goals of the Annual Action Plan are provided by community agency partners. This will continue to be the case in PY18.

## Program Specific Requirements

### AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

#### Introduction:

#### Community Development Block Grant Program (CDBG)

##### Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	180,000
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
<b>Total Program Income:</b>	<b>180,000</b>

#### Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	98.00%

#### HOME Investment Partnership Program (HOME)

##### Reference 24 CFR 91.220(I)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The City of Berkeley uses no forms of investment other than ones described in §92.205(b),

which describes eligible activities for HOME funds.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

No homeownership activities are anticipated for PY 2018.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

No homeownership activities are anticipated for PY 2018.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The City's policy is not to use HOME funds to pay off outstanding debt on single family or multifamily housing development projects. The City may commit HOME funds to projects that include refinancing with other sources of funds.

### **Emergency Solutions Grant (ESG) Reference 91.220(l)(4)**

1. Include written standards for providing ESG assistance (may include as attachment)

The City, Everyone Home and Countywide representatives are in the process of updating the ESG manual. The most recent version was attached to the 2015 Consolidated Plan.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The Alameda County Continuum of Care has initiated its planning process to establish its coordinated assessment system. The countywide system is now being implemented through five regional Housing Resource Centers.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

The City of Berkeley was allocated \$219,480 in ESG funding for PY18. The City of Berkeley will utilize the maximum amount possible for administration (7.5 percent of the grant) and allocate funds to support the County-wide Homeless Management Information System. The remaining \$196,343 will be allocated to ~~Berkeley Food and Housing Project~~, the operator of



the City of Berkeley's Coordinated Entry System (CES). The CES staff will screen, assess and prioritize homeless clients for rapid rehousing assistance with supporting housing retention services. ESG funds will also support Emergency Shelter and Street Outreach through the CES. –

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

The policy-making entity for the City of Berkeley which makes decisions regarding the facilities, services, and other programs to receive funding under the Emergency Solutions Grant (ESG) is the Berkeley City Council. The Berkeley City Council is elected by the citizens of Berkeley. The City cannot mandate that a homeless or formerly homeless individual be on the City Council. Therefore, the City must develop and implement a plan to consult with homeless or formerly homeless individuals in making policies and decisions regarding programs that receiving funding under ESG.

City staff are planning, in conjunction with Everyone Home, to host a forum each year for homeless clients, in order to involve them in policy-making and decisions regarding ESG-funded services. The details have yet to be determined. Formerly homeless people also hold seats on various EveryOne Home Committees.

5. Describe performance standards for evaluating ESG.

The performance standards to be applied to ESG activities is attached as an image labeled Outcome Measures. These standards were developed in 2009-2010 through the leadership of Everyone Home (the Continuum of Care) and partially funded by City of Berkeley General Funds. This matrix presents outcome standards for each type of program in the Continuum of Care. Most were established as a percentage of the average outcomes achieved by all County programs (for example, the average permanent housing placement rate of all emergency shelters) and will be adjusted over time to ensure continued improvement.

## Attachments

<b>Attachment 1</b>			
<b>Substantial Amendment #1 - Annual Action Plan for PY18</b>			
<b>City of Berkeley CDBG, ESG and HOME Projects for 7/1/2018 - 6/30/2019</b>			
<b>Proj. #</b>	<b>Agency</b>	<b>Project Name</b>	<b>PY18 Amended Allocation</b>
<b>CDBG</b>			
1	Community Energy Services Corp.	Home Safety & Repair Program	\$ 282,334
2	Rebuilding Together	Safe Home Project	\$ 98,279
3	Center for Independent Living	Residential Access	\$ 140,000
4	HHCS*	Loan Services	\$ 66,174
5	HHCS	Senior and Disabled Rehab Program	\$ 340,976
6	HHCS	Rehab Loans	\$ 150,000
7	HHCS	Housing Development: M/F Rehab	\$ 465,033
8	HHCS	Housing Trust Fund	\$ -
		<b>Subtotal Housing Projects</b>	<b>\$ 1,542,796</b>
9	Berkeley Food and Housing Project	Coordinated Entry System	\$ 253,385
10	Berkeley Food and Housing Project	Men's Overnight Shelter	\$ 165,536
11	East Bay Community Law Center	Fair Housing	\$ 34,932
		<b>Subtotal Public Services Projects</b>	<b>\$ 453,853</b>
12	Rebuilding Together	Community Facility Improvements	\$ 24,575
13	HHCS	Community Facility Improvements	\$ 145,892
14	HHCS	2018 Community Facility Improvement Project Mental Health Clinic	\$ 594,836
		<b>Subtotal Public Facilities Projects</b>	<b>\$ 765,303</b>
15	HHCS	CDBG Planning and Administration	\$ 571,986
		<b>Subtotal Planning &amp; Admin Projects</b>	<b>\$ 571,986</b>
		<b>**GRAND TOTAL ALL CDBG PROJECTS</b>	<b>\$ 3,333,938</b>
<b>ESG</b>			
16	Berkeley CES Provider	Rapid Re-Housing Project	\$ 64,665
17	Berkeley CES Provider	Emergency Shelter and Street Outreach	\$ 131,688
18	HHCS	Homeless Management Information System	\$ 6,676
19	HHCS	Program Planning and Administration	\$ 16,461
		<b>GRAND TOTAL ALL ESG PROJECTS</b>	<b>\$ 219,490</b>
<b>HOME</b>			
20	HHCS	HOME Administration	\$ 81,351
21	CHDO Operating Funds	CHDO Operating Funds	\$ 28,115
22	HHCS	Housing Trust Fund	\$ 704,043
		<b>***GRAND TOTAL ALL HOME PROJECTS</b>	<b>\$ 813,509</b>
<b>Notes:</b>	* HHCS = City of Berkeley Health, Housing & Community Services Department		
	**Assumes \$180,000 in Program Income and \$474,010 in unused carry over funds.		
	***Assumes \$20,000 in Program Income		

## Attachment 2

## Systemwide Performance Targets for Rapid Re-Housing Services

Rapid Re-Housing		Target
How Much?	Service Population: Unduplicated count of individuals served (HUD Element, APR Q5a)	observe
	Service Population: Proportion of chronically homeless individuals served (HUD Element, APR Q5a)	observe
	Service Population: Unduplicated count of households served (HUD Element, Annual Performance Report/APR Q8a)	observe
	Service Population: Proportion of chronically homeless households served (HUD Element, APR Q26a)	observe
How Well?	Data Quality: Data entry within 3 days (HUD Element, APR Q6e)	100%
	Data Quality: Completion. Adult participants with income info. recorded in HUD Element at entry and annual or exit assessments (HUD Element, APR Q18)	90%
	Average length of time from enrollment to move in (HUD Element, Apr Q22c)	60% within 2 months
With What Impact?	Are participants growing their income? (HUD Element, APR Q19a3)	50%
	Are participants accessing mainstream benefits? (HUD Element, APR Q20b)	85%
	Are participants enrolled in health insurance?(HUD Element, APR Q21)	85%
	Are we successfully moving people into permanent housing? (HUD Element, APR Q23a&b)	80%
	Exits to Homelessness: What proportion of people exit to homeless destinations? (HUD Element APR Q23a&b)	<5%

## Attachment 3

**Berkeley Voice**

510.723.2850

Legal No. 0006124046

3235630

BERKELEY, CITY OF  
HEALTH, HOUSING & COMMUNITY SVS  
2180 MILVA ST, 2ND FLOOR  
BERKELEY, CA 94704

**PROOF OF PUBLICATION**  
**FILE NO. Annual Action Plan PY 2018**

In the matter of

**Berkeley Voice**

I am a citizen of the United States; I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the Berkeley Voice, a newspaper published in the English language in the City of Berkeley, County of Alameda, State of California.

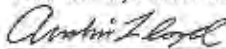
I declare that the Berkeley Voice is a newspaper of general circulation as defined by the laws of the State of California, as determined by the order of the Superior Court of the County of Alameda, dated September 3, 1991, in the action entitled "In the Matter of the Petition of the Berkeley Voice to Have the Standing of the Berkeley Voice as a Newspaper of General Circulation Ascertained and Established," Case Number 588221-2. Said order provides that: "Petitioner's prayer for an order ascertaining and establishing The Berkeley Voice as a newspaper of general circulation, within the City of Berkeley, County of Alameda, State of California, is granted." Said order has not been revoked.

I declare that the notice, a printed copy of which is annexed hereto, has been published in each regular and entire issue of the Berkeley Voice and not in any supplement thereof on the following dates, to-wit:

03/23/2018

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California  
On this 23th day of March, 2018



Signature

METRO OF PUBLIC HEARING  
BERKELEY CITY COUNCIL


The Health, Housing & Community Services Department is proposing a Public Hearing and issuing the proposed Annual Action Plan for Program Year (PY) 2018 (FY 2017-18) which includes the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME) funds.

The hearing will be held on Tuesday, April 24, 2018, at 6:00 PM, in the City Council Chambers, 2150 Marin Luther King Way, Berkeley, CA 94704.

The proposed PY2018 Annual Action Plan includes the City's Department of Housing and Urban Development, including the City's housing and community development program for the period July 1, 2018 through June 30, 2019. The plan also includes the allocation of \$2,012,011 (estimate) in Community Development Block Grant (CDBG) funds available for housing, decent housing, development of public facilities, public services and planning and administration. In addition, the plan includes the proposed use of approximately \$222,015 for support of activities such as rent assistance, financial counseling for people with low incomes in Berkeley, and the Emergency Solutions Grant (ESG), and the use of approximately \$965,000 for the HOME program activities for housing development and rehabilitation.

A copy of the agenda material for the hearing will be available on the City's website at [www.cityofberkeley.info](http://www.cityofberkeley.info) on April 15, 2018.

**Public Hearing Location:** The public hearing will be held on Tuesday, April 24, 2018, at 6:00 PM in the Council Chambers on the 2150 Marin Luther King Way. A full list of locations available for public hearing will be available on the City's website at [www.cityofberkeley.info](http://www.cityofberkeley.info) on April 15, 2018. The hearing will be held in the Council Chambers, 2150 Marin Luther King Way, Berkeley, CA 94704. The hearing will be held in the Council Chambers, 2150 Marin Luther King Way, Berkeley, CA 94704. The hearing will be held in the Council Chambers, 2150 Marin Luther King Way, Berkeley, CA 94704. For more information or to make a reservation, please contact Planning & Community Development at (510) 861-1411.

 The meeting is being held in an accessible location.

Accommodations: Planned Access Request: If you need a disability-related accommodation to participate in the meeting, including auxiliary aids or services, please contact the Health, Housing and Community Services Department at (510) 861-1411 at least three business days before the meeting date. Providing at least three working days' notice will help in making accommodations for you.

El Departamento de Servicios de Salud, Vivienda y Servicios Comunitarios propone una acción plan para el año 2018 (Plan de Acción Anual) para el periodo julio 1, 2018 hasta junio 30, 2019. El plan incluye la asignación de fondos de \$2,012,011 (estimación) en el Programa de Subsidios de Vivienda y Desarrollo Comunitario (CDBG), el Programa de Soluciones de Emergencia (ESG) y el Programa de Inversión de Vivienda (HOME).

La audiencia pública se llevará a cabo el martes 24 de abril del 2018 a las 6:00 P.M. en el sitio de: Consejo Municipal de la Ciudad de Berkeley, ubicado en el 2150 Way de Marin, San Francisco, CA 94704.

El Plan de Acción Anual PY 2018 incluye el uso de fondos a corto plazo de julio de 2018 hasta el 30 de junio de 2019. El plan incluye la asignación de \$2,012,011 (estimación) en el Programa de Subsidios de Vivienda y Desarrollo Comunitario (CDBG) para vivienda, vivienda decente, desarrollo de servicios públicos y administración. Además, el plan incluye el uso de aproximadamente \$222,015 para el apoyo de actividades como asistencia de alquiler para personas con bajos ingresos en Berkeley, y el Programa de Soluciones de Emergencia (ESG), y el uso de aproximadamente \$965,000 para el programa HOME para actividades de desarrollo de vivienda y rehabilitación.

A partir del 15 de abril de 2018, la Agenda de esta Audiencia Pública estará disponible en la página electrónica de la Ciudad de Berkeley [www.cityofberkeley.info](http://www.cityofberkeley.info).

**Public Hearing Location:** The public hearing will be held on Tuesday, April 24, 2018, at 6:00 PM in the Council Chambers on the 2150 Marin Luther King Way. A full list of locations available for public hearing will be available on the City's website at [www.cityofberkeley.info](http://www.cityofberkeley.info) on April 15, 2018. The hearing will be held in the Council Chambers, 2150 Marin Luther King Way, Berkeley, CA 94704. The hearing will be held in the Council Chambers, 2150 Marin Luther King Way, Berkeley, CA 94704. The hearing will be held in the Council Chambers, 2150 Marin Luther King Way, Berkeley, CA 94704. For more information or to make a reservation, please contact Planning & Community Development at (510) 861-1411.

通告

柏克萊市議會將舉行公眾聽證會，討論聯邦經費分配、計劃建議書，及市民參與計劃。

時間：二零一八年，四月二十五日，星期二，下午六時。

地點：柏克萊市議會 2154 Martin Luther King Jr. Way

經費包括：社區發展經費(CDBG)，緊急庇護經費(ESG)，及房屋投資經費(HOME)並討論計劃建議書。

公眾建議書可在二零一八年三月二十三日(星期二)四月二十四日提交。

詳情請電：(510) 861-4928 鄭女士查詢

Published March 21, 2018 7:52:06 AM PST 2018

PY18 City of Berkeley Annual Action Plan – Citizen Participation Outreach

Mode of Outreach	Target of Outreach	Summary of Response/Attendance	Summary of Comments Received	Summary of Comments Not Accepted and Reasons
Email	EveryOne Home – Alameda County Homeless Continuum of Care	N/A	N/A	N/A
Email	Local Businesses	N/A	N/A	N/A
Email	Local Affordable Housing Developers	N/A	N/A	N/A
Email	Faith-based Organizations	N/A	N/A	N/A
Mailer to BHA residents	Public Housing Residents	One phone call.	In support of providing youth and senior intergenerational activities.	N/A
Flyers at Recreation Centers	South & West Berkeley (NSA)	Attendance at 4/24/17 City Council Public Hearing.	Two Berkeley non-profit agencies provided testimony regarding the value of their programs and the funding that supports them.	
Flyers at Affordable Housing Development	Residents of Affordable Housing			
Flyers distributed to over 50 non-profit agencies serving low-income people	Low-income Population, including seniors and persons with disabilities			
Flyers at two Berkeley Senior Centers	Seniors			

# CITY OF BERKELEY

## SUBSTANTIAL AMENDMENT

### ANNUAL ACTION PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT

JULY 1, 2019 – JUNE 30, 2020 (PY 2019)

For the U.S. Department of Housing and Urban  
Development

San Francisco Field Office of Community  
Planning and Development

June, 2019

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**Attachment 1:** City of Berkeley CDBG, ESG, and HOME Projects

**Attachment 2:** Systemwide Performance Targets for *Rapid Re-Housing Services*

**Attachment 3:** Public Notice and Community Participation Summary



## Executive Summary

### AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

#### 1. Introduction

This Annual Action Plan is the 5th Annual Action Plan for the current Consolidated Planning period.

#### 2. Summarize the objectives and outcomes identified in the Plan

The City of Berkeley (COB) has ambitious objectives for spending its federal entitlement grant funding. Berkeley allocates these and other state and local funds to maximize assistance for its low and moderate-income households through:

- Housing acquisition, rehabilitation, repair, and accessibility improvements,
- Assisting homeless adults and families including those with disabilities and other special needs, through emergency shelter, transitional housing, and service-enriched affordable, supportive housing; and
- Funding public facilities improvements to protect and sustain the infrastructure critical to community services and economic vitality in Berkeley.

The COB has long placed a high priority on affordable housing and community services because they reflect important community values. The City now invests more General Fund dollars into related programs than it receives in federal funding for these activities. The City is committed to maintaining high-quality programs for those in need but faces challenges due to uncertainty in future federal funds available. At the same time, ESG, HOME, Consolidated Plan, and Annual Action Plan requirements have substantially increased. Uncertain funding and increased administrative burden will impact the City's ability to address all of the many needs identified.

**Approved Allocations.** As summarized in **AP-38** and detailed in **Attachment 1**, the COB plans to allocate \$2,667,120 in Community Development Block Grant (CDBG) funds together with \$788,029 in prior years' carryover and \$250,531 in CDBG program income to fund:

- \$1,476,057 in housing projects and programs;
- \$453,921 in public services;
- \$1,202,278 for community and public facilities activities; and
- \$573,424 to administer all facets of the City's CDBG program.

The COB will utilize its PY19 ESG allocation of \$227,398 to: serve literally homeless people through the Coordinated Entry System (\$203,667), support the County-wide Homeless

Management Information System, (\$6,676), and support its program planning and administration activities (\$17,055).

The COB will utilize its PY19 HOME allocation of \$737,273 and \$20,000 (projected) in program income for program administration (\$75,727), Community Housing Development Organization (CHDO) operations (\$28,115) and will allocate the remaining balance to its Housing Trust Fund (\$633,431).

### **3. Evaluation of past performance**

The City reviews and evaluates its performance through its annual submission of the Consolidated Annual Performance and Evaluation Report. The City tracks single family and multi-family housing rehabilitation efforts and housing development efforts.

The City's Single Family Rehabilitation (SFR) program comprised of the City's Senior and/or Disabled Rehab Home Loan Program (SDRLP), Center for Independent Living, Community Energy Services Corporation and Rebuilding Together is evaluated on an ongoing basis to ensure that the most significant health and safety improvements are prioritized and that sufficient outreach is occurring to increase the number of unduplicated households served overtime.

In PY17, the City restructured its community facility RFP process to be more responsive to emergent agency needs. The City shifted its RFP process to a rolling application period with a minimum grant amount of \$100,000. The program will continue to focus on CDBG priorities for substantial rehabilitation for health and safety, ADA, and/or energy efficiency improvements. CDBG funds were allocated for renovations to the City's Adult Mental Health Clinic in PY2017 and PY2018.

Outcomes for all public services community agency programs funded with federal funds are tracked, and prior outcomes are used to inform funding decisions. The City also uses countywide Homeless Count and program outcome data to inform its goals on homelessness.

### **4. Summary of Citizen Participation Process and consultation process**

A public hearing on community needs was held on October 17, 2018 before members of the Human Welfare and Community Action Commission (HWCAC), and the Children Youth and Recreation Commission (CYRC). Members from the Housing Advisory Commission (HAC) and the Homeless Commission were unable to attend the Public Hearing. The draft plan was posted on the City's website, and a copy was presented to the HAC at its February 7, 2019 and March 7, 2019 meetings. At its March 7, 2019 meeting, the HAC approved the Annual Action Plan. A Public Hearing on the Final Draft Plan was held on April 23, 2019 before the Berkeley City Council. Outreach was accomplished via mailings to interested parties, including Alameda County Homeless Continuum of Care, community agencies serving low-income people, and

public buildings such as recreation centers, senior centers, libraries and other government buildings.

## **5. Summary of public comments**

At the October 17, 2018 public hearing, twenty Berkeley residents were present and provided testimony related to improving the homeless services website, strategies and solutions for vehicular dwellers, Section 8 (Berkeley Housing Authority) customer services and assistance with landlord communications, partnerships with health and housing providers, welcoming ex-offenders back into the community, pedestrian safety and fair housing/housing discrimination education. There was an additional written comment submitted suggesting that services for affordable housing should include help or assistance for property taxes for low-income people, especially for older, single homeowners without enough space to rent rooms or part of their houses.

There were seventeen public comments at Housing Advisory Commission meetings on February 7<sup>th</sup> and March 7<sup>th</sup> and 13<sup>th</sup>, 2019. Public comments addressed concerns related to recommendations to fund organizations located in south Berkeley, particularly Inter-City Services and Rebuilding Together East Bay North. These two organizations provide workforce development and housing rehabilitation services, respectively.

Public comment at the April 23, 2019 City Council Public Hearing included testimony from twenty seven individuals concerned about services for low-income persons including: housing rehabilitation for homeowners, deaf and disability related services especially for homeless persons, health care and supportive services for formerly homeless persons, general homeless services, legal services for survivors of domestic violence, programming for youth graduating from Berkeley High School, and more transparency around monitoring agencies and the City's budget process.

## **6. Summary of comments or views not accepted and the reasons for not accepting them**

All comments were accepted.

**PR-05 Lead & Responsible Agencies – 91.200(b)**

**1. Agency/entity responsible for preparing/administering the Consolidated Plan**

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	BERKELEY	Health, Housing & Community Services Department
HOME Administrator	BERKELEY	Health, Housing & Community Services Department
ESG Administrator	BERKELEY	Health, Housing & Community Services Department

**Table 1 – Responsible Agencies**

**Narrative (optional)**

The City of Berkeley’s Health, Housing & Community Services Department (HHCS) is the lead agency for overseeing the development of the plan. The Department coordinates the City’s funding allocation and monitoring for community based organizations, administration of the Housing Trust Fund, and operation of other housing and community services programs such as the Shelter Plus Care program, and Senior and Disabled Home Rehabilitation Loan Program. The Department also includes the Mental Health, Public Health, and Aging Services divisions, which provide direct services to the community, and it includes the Environmental Health division.

**Consolidated Plan Public Contact Information**

Rhianna Babka  
 Community Services Specialist III  
 2180 Milvia Street, 2nd Floor  
 Berkeley, CA 94704  
 510-981-5410  
 rbabka@cityofberkeley.info

## **AP-10 Consultation – 91.100, 91.200(b), 91.215(I)**

### **1. Introduction**

During the next year, the City of Berkeley will continue to coordinate the housing and community services activities within the department through regular senior staff meetings, such as a monthly Homeless Team meeting, and will continue to coordinate with other City Departments on specific topics. It will also consult with EveryOne Home, the countywide coordinating body and plan to end homelessness, and its partners at Alameda County Behavioral Health Care Services and Social Services Agency as well as community stakeholders in Berkeley.

### **Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))**

City staff continue to participate in the implementation of EveryOne Home. EveryOne Home spearheads Alameda County’s Homeless Continuum of Care. Staff will continue to participate in the initiative’s various committees and/or Leadership Board, which includes most public funders of housing and homeless services in the county, as well as leadership from key community based organizations, including those which develop affordable housing. Leadership Board membership helps coordinate efforts across the county. In PY19, City will continue to work with EveryOne Home, Alameda County Behavioral Health Care Services and Social Service Agency to continue to implement the Countywide Coordinated Entry System (CES) for homeless services and will participate in EveryOne Home’s ongoing implementation of multiple CES sites throughout the county. Other recent countywide collaboration efforts include Alameda County’s 2019 Point in Time Homeless Count and report and the ongoing implementation of the Home Stretch registry, an initiative targeting people who are chronically homeless and highly vulnerable.

### **Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness**

In PY19, the City will continue to work with EveryOne Home, Alameda County Behavioral Health Care Services and Social Service Agency to implement the Berkeley Coordinated Entry System (CES) for homeless services and will participate in EveryOne Home’s ongoing implementation of its he Coordinated Entry System throughout the county. These efforts have led to the standardization of screening, intake and assessments protocols across the Continuum of Care to better match people who are homeless with the best fit available housing solution.

**Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS**

Consultation with EveryOne Home, the Alameda-Countywide Continuum of Care, City of Berkeley, the City of Oakland, and the Alameda County Housing and Community Services Department was initiated in 2012. The discussion focused on how to implement the new ESG requirements in a way that would be consistent countywide and would continue the collaboration launched in 2009 with American Recovery and Reinvestment Act (ARRA) Homelessness Prevention and Rapid Re-housing (HPRP) funds. The group held several meetings in PY12, resulting in the development of a policies and procedures manual that was used to implement the Priority Home Partnership Program. The most recent version was attached to the 2015 Consolidated Plan.

**2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction’s consultations with housing, social service agencies and other entities**

1	<b>Agency/Group/Organization</b>	EveryOne Home
	<b>Agency/Group/Organization Type</b>	Services - Housing Services - Children Services - Persons with Disabilities Services - Homeless Services - Employment
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City of Berkeley adopted EveryOne Home's plan to end homelessness in 2006 and the City continues to participate in the implementation of the plan. See above coordination with EveryOne Home, Alameda County Behavioral Health Care Services and SSA.

2	<b>Agency/Group/Organization</b>	ALAMEDA COUNTY HOUSING & COMMUNITY DEVELOPMENT
	<b>Agency/Group/Organization Type</b>	Services - Housing Services - Children Services - Persons with Disabilities Services - Employment
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	See above coordination with Alameda County.

**Table 2 – Agencies, groups, organizations who participated**

**Identify any Agency Types not consulted and provide rationale for not consulting**

Not applicable.

**Other local/regional/state/federal planning efforts considered when preparing the Plan**

<b>Name of Plan</b>	<b>Lead Organization</b>	<b>How do the goals of your Strategic Plan overlap with the goals of each plan?</b>
Continuum of Care	EveryOne Home	The City of Berkeley adopted EveryOne Home's plan to end homelessness in 2006 and the City continues to participate in the implementation of the plan.

**Table 3 – Other local / regional / federal planning efforts**

**Narrative (optional)**

Not applicable.

## **AP-12 Participation – 91.105, 91.200(c)**

### **1. Summary of citizen participation process/Efforts made to broaden citizen participation**

#### **Summarize citizen participation process and how it impacted goal-setting**

The City published a public hearing notice on September 28, 2018 in the Berkeley Voice in accordance with its citizen participation plan for a October 17, 2018 Public Hearing at a joint meeting of the Human Welfare and Community Agency and Children (HWCAC), Youth and Recreation Commission (CYRC), Housing Advisory Commission (HAC) and the Homeless Commission. It also sent the notification to residents of public and assisted housing, users of community and senior centers, libraries, and residents being served by over 50 community based agencies funded by the City of Berkeley. The City published a public hearing notice in the Berkeley Voice on March 22, 2019 for its April 23, 2019 Public Hearing at the Berkeley City Council meeting. This notification was also sent to residents of public and assisted housing, users of community and senior centers, libraries, and residents being served by over 50 community based agencies funded by the City of Berkeley.

The City published a public hearing notice in the Berkeley Voice in accordance with its citizen participation plan for a July 23, 2019 Public Hearing at the City's Council Meeting. It also sent the notification users of community and senior centers, libraries, and persons being served by over 50 community based agencies funded by the City of Berkeley. The City published a public hearing notice in the Berkeley Voice on June 28, 2019 for its July 23, 2019 Public Hearing at the Berkeley City Council meeting.



## Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Hearing	<p>Minorities</p> <p>Non-English Speaking - Specify other language: Spanish and Mandarin</p> <p>Persons with disabilities</p> <p>Residents of Public and Assisted Housing</p> <p>Berkeley Residents</p>	<p>20 community members attended the October 17, 2018 Public Hearing and 14 people provided testimony. In addition, 1 written comment was received.</p>	<p>Berkeley residents provided testimony regarding the need for improving the homeless services website, strategies and solutions for vehicular dwellers, Section 8 (Berkeley Housing Authority) customer services and assistance with landlord communications, partnerships with health and housing providers, welcoming ex-offenders back into the community, pedestrian safety fair housing/housing discrimination education and services for property taxes assistance for low-income people especially for older, single homeowners.</p>	<p>All comments were accepted. Many of the priorities mentioned are underway and/or are already funded by the City through local, state and federal funds. The City website is currently being redesigned and Section 8 comments were referred to the Housing Authority.</p>	<p><a href="https://www.cityofberkeley.info/Clerk/Commissions/Archive/Pages/Housing_Advisory_Commission_Archive_Page.aspx">https://www.cityofberkeley.info/Clerk/Commissions/Archive/Pages/Housing_Advisory_Commission_Archive_Page.aspx</a></p>

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Public Meeting	Housing Advisory Commission (HAC) representatives	February 7, members of the HAC discussed the Annual Action Plan.	HAC members reviewed and discussed the AAP at its February 7, 2019 meeting. No comments were received.	N/A	<a href="https://www.cityofberkeley.info/Housing_Advisory_Commission/">https://www.cityofberkeley.info/Housing_Advisory_Commission/</a>
3	Public Meeting	Housing Advisory Commission (HAC) representatives	March 7 & 13, members of the HAC discussed the Annual Action Plan.	HAC members reviewed and discussed the AAP at its March 7, 2019 meeting. Comments and questions pertaining to the AAP focused on the process and understanding draft recommendations . At the subsequent special meeting seventeen members of the public spoke. Community concerns included funding organizations located in south Berkeley, particularly two organizations providing workforce development and housing rehabilitation services.	N/A.	<a href="https://www.cityofberkeley.info/Housing_Advisory_Commission/">https://www.cityofberkeley.info/Housing_Advisory_Commission/</a>

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
4	Public Hearing	<p>Minorities</p> <p>Non-English Speaking - Specify other language: Spanish and Mandarin</p> <p>Persons with disabilities</p> <p>Residents of Public and Assisted Housing</p> <p>Low income Berkeley Residents</p>	<p>This Public Hearing was held at the April 23, 2019, City of Berkeley Council Special Meeting.</p>	<p>Public comment included testimony from twenty seven individuals concerned about services for low-income persons including: housing rehabilitation for homeowners, deaf and disability related services especially for homeless persons, health care and supportive services for formerly homeless persons, general homeless services, legal services for survivors of domestic violence, programming for youth graduating from Berkeley High School, and more transparency around monitoring agencies and the City's budget process.</p>	<p>N/A.</p>	<p><a href="https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx">https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx</a></p>

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
5.	Public Meeting	<u>Housing Advisory Commission (HAC) representatives</u>	<u>July 11, members of the HAC discussed the Amendment to the Annual Action Plan.</u>	TBD		
6.	Public Hearing	<u>Minorities</u> <u>Non-English Speaking - Specify other language: Spanish and Mandarin</u> <u>Persons with disabilities</u> <u>Residents of Public and Assisted Housing</u> <u>Berkeley Residents</u>	<u>July 23 Council Public Hearing to discuss the Amendment to the Annual Action Plan</u>	TBD		

Table 4 – Citizen Participation Outreach

## Expected Resources

### AP-15 Expected Resources – 91.220(c)(1,2)

#### Introduction

The City will receive \$3,631,791 in federal Housing and Urban Development Department (HUD) funds comprised of \$2,667,120 in CDBG, \$737,273 in HOME and \$227,398 in ESG funds. Additionally, the City will add \$250,531 in CDBG Program Income and \$788,029 in unused CDBG carry over and \$20,000 (projected) in HOME Program Income to these amounts.

#### Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	\$2,667,120	\$250,531	\$788,029	\$3,705,680	\$3,705,680	CDBG funds are allocated to public services, housing services and rehabilitation, and public facility improvements. The City of Berkeley does not currently use CDBG funds for economic development.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	\$737,273	\$20,000  (projected)	\$0	\$757,273	\$757,273	The City allocates 10% of the HOME allocation to administration, up to 5% for CHDO operating costs, and 85% to the City Housing Trust Fund.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid rehousing (rental assistance) Rental Assistance Services Transitional housing  <u>Emergency Shelter and Street Outreach</u>	227,398	0	0	227,398	227,398	The City of Berkeley uses ESG funds for Rapid Rehousing, <u>Emergency Shelter and Street Outreach</u> for literally homeless individuals and families. A small portion of the ESG funds are used to support the County-wide HMIS system. The City allocates 7.5% of the allocation to Planning and Admin.

Table 5 - Expected Resources – Priority Table

**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

Most of the housing and community services programs described in the Consolidated Plan will continue to be delivered by nonprofit community based organizations. The City contracts with a wide range of housing and service providers using CDBG, HOME, ESG, Community Services



Block Grant (CSBG), General Fund, and other sources of funding. These organizations leverage significant financial and in-kind support from individual community members, foundations, and private organizations that help meet the needs identified in this plan. In addition to leveraging at the individual agency level, the City has historically matched the investment of CDBG, HOME, and ESG dollars with the investment of General Funds. Typically, over two-thirds of the funding for community agency programs comes from General Funds. The City meets the HOME 25 percent match requirement and has accumulated over \$4 million in excess match by investing local funds in HOME eligible affordable housing projects. The City meets the dollar for dollar match requirements for the ESG program by allocating General Funds to various homeless services providers. In PY17 and PY18 two shelter programs received a total of approximately \$600,000 in City General Funds.

**If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

The City has long-term leases of City-owned property with non-profit organizations that address the needs identified. Programs currently operating in leased City-owned properties include:

- Dorothy Day House Homeless Shelter;
- BOSS' Harrison House Shelter for Homeless men, women and families;
- BOSS' MASC – a homeless daytime Drop-In Center;
- BOSS' Sankofa House – transitional housing for homeless families; and
- Women's Daytime Drop-In Center– Drop-in services for homeless families.

The City has entered into a Disposition and Development Agreement with the BRIDGE Housing Corporation for the development of City-owned Berkeley Way parking lot as a site for permanent supportive housing, replacement emergency shelter, and permanent affordable housing. BRIDGE is working in collaboration with the Berkeley Food and Housing Project, a local homeless serving organization. The Berkeley Way parking lot is nearly one acre in size and in a central location near the Downtown Berkeley BART station and many nearby amenities. The City has provided \$3.9M in predevelopment funding and has reserved an additional \$23.5M for the project's development. In 2017, the project received its land use entitlements for 89 units of affordable housing, 53 units of permanent supportive housing, and 44 shelter/transitional beds. The City continues to work closely with the development team to secure full financing for this project.

**Discussion**

Not applicable.

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives

#### Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing Supply and Quality	2015	2019	Affordable Housing	BERKELEY	Affordable Housing	CDBG: \$1,476,057  HOME: \$633,431	Rental units constructed: 23  Household Housing Unit Homeowner Housing Rehabilitated: 45

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
2	Improve Public Facilities and Public Services	2015	2019	Non-Housing Community Development	BERKELEY	Non-Housing Community Development & Homelessness	CDBG: \$1,656,199	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 11,613  <b>Persons Assisted</b>  Public service activities other than Low/Moderate Income Housing Benefit: 1,042 Persons Assisted  Homeless Person Overnight Shelter: 115 Persons Assisted
3	Homeless Prevention and Rapid Re-Housing	2015	2019	Homeless	BERKELEY	Homelessness	ESG: \$227,398	Tenant-based rental assistance / Rapid Rehousing: 25 Households Assisted  <u>Emergency Shelter and Street Outreach:</u>  <u>972 Persons Assisted</u>

Table 6 – Goals Summary

## Goal Descriptions

1	<b>Goal Name</b>	Affordable Housing Supply and Quality
	<b>Goal Description</b>	CDBG and HOME funds are used to support new affordable housing, rehabilitating existing affordable housing, funding single family rehabilitation for seniors and the disabled, and other housing services, such as loan servicing.
2	<b>Goal Name</b>	Improve Public Facilities and Public Services
	<b>Goal Description</b>	Programs funded under this project serve people who are homeless and people facing housing discrimination. These projects will assist approximately 1,575 people who are homeless and 70 low-income households facing housing discrimination. Additionally, funding is allocated to community facility improvements facilitated the City of Berkeley. The City will allocate \$1,049,370 to the Community Facility NOFA and expects to receive a minimum of 2-6 applications ranging from \$100,000 - \$250,000 in funding requests. The City will continue supporting renovations to the Berkeley Adult Mental Health Clinic and the Berkeley Public Health Clinic in PY19, but no PY19 funds have been allocated to these facility projects.
3	<b>Goal Name</b>	Homeless Prevention and Rapid Re-Housing
	<b>Goal Description</b>	ESG funds will be used for Rapid-Rehousing financial assistance, <a href="#">Emergency Shelter</a> , <a href="#">Street Outreach</a> and to support the county-wide Homeless Management Information System (HMIS). Additionally, the COB will utilize the maximum amount for administration activities.

**Table 7 – Goal Descriptions**

**Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):** During PY19, Satellite Affordable Housing Associates will have the Grayson project in construction. Occupancy is expected by July 2019. Grayson will include 22 affordable units and one unrestricted manager’s unit. Six of the 22 units will be reserved for households earning up to 60% AMI (low), four at up to 50% AMI (very low), three at up to 40% AMI (very low), and nine at up to 30% AMI (extremely low). Of the total, 9 are supported by the HOME funds.

Depending the outcome of funding applications during the winter and spring of 2019, BRIDGE Housing Corporation and the Berkeley Food and Housing Project’s Berkeley Way project (53 extremely low income and 89 low income units) and Satellite Affordable

Housing Associate's Oxford Senior Apartments (7 extremely low income and 27 low income units) may go into construction as soon as December 2019.

## Projects

### AP-35 Projects – 91.220(d)

#### Introduction

With its CDBG, HOME, and ESG funds, the City of Berkeley will fund eligible projects in the following categories: housing development, rehabilitation and services projects, public services, public/community facility improvement projects, emergency shelter grant programs, program planning and administration, and the Housing Trust Fund.

#### Projects

#	Project Name
1	City of Berkeley Planning and Administration
2	Single Family Rehabilitation Programs
3	Public Services
4	Housing Services
5	Community Facility Rehabilitation
6	Housing Trust Fund
7	ESG19 - City of Berkeley Rapid Rehousing , <u>Emergency Shelter, Street Outreach</u> and HMIS

**Table 8 - Project Information**

#### **Describe the reasons for allocation priorities and any obstacles to addressing underserved needs**

The City continues to fund activities that have been identified as a need.

## AP-38 Project Summary

### Project Summary Information

1	<b>Project Name</b>	City of Berkeley Planning and Administration
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Affordable Housing Supply and Quality Improve Public Facilities and Public Services Homeless Prevention and Rapid Re-Housing
	<b>Needs Addressed</b>	Affordable Housing Homelessness Non-Housing Community Development
	<b>Funding</b>	CDBG: \$573,424 HOME: \$75,727
	<b>Description</b>	The project will fund City staff to plan and administer CDBG and HOME projects.
	<b>Target Date</b>	N/A
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	N/A
	<b>Location Description</b>	N/A
	<b>Planned Activities</b>	Information about the planned activities is included in Section AP-38 Project Summaries.
2	<b>Project Name</b>	Single Family Rehabilitation Programs
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Affordable Housing Supply and Quality
	<b>Needs Addressed</b>	Affordable Housing
	<b>Funding</b>	CDBG: \$767,708
	<b>Description</b>	Activities related to single family rehabilitation efforts will be funded under this project. These projects will cover health and safety improvements as well as accessibility improvements such as the installation of ramps/lifts for low income homeowners and renters.

	<b>Target Date</b>	6/30/2020
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	45 Households.
	<b>Location Description</b>	Various locations within the City of Berkeley.
	<b>Planned Activities</b>	Activities include health and safety, accessibility, and energy efficiency improvements.
<b>3</b>	<b>Project Name</b>	Public Services
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Homeless Prevention and Rapid Re-Housing
	<b>Needs Addressed</b>	Homelessness
	<b>Funding</b>	CDBG: \$453,921
	<b>Description</b>	Funds will be used to provide 1) housing navigation services to chronically homeless individuals through Berkeley's Coordinated Entry system, 2) emergency shelter, and 3) fair housing services.
	<b>Target Date</b>	6/30/2020
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	1,157 households are expected to be served through these activities.
	<b>Location Description</b>	Berkeley
	<b>Planned Activities</b>	Bay Area Community Services will operate Berkeley's Coordinated Entry System which will screen, conduct intakes, and provide housing navigation services to approximately 972 people. Berkeley Food and Housing Program will provide emergency shelter to approximately 115 adult homeless men. Eden Council for Hope and Opportunity will provide outreach, training, fair housing counseling services to up to 70 households, investigation of an estimated 25 fair housing complaints, 10 tenant/landlord mediations, and 10 fair housing testing/audits with follow-up training for non-compliant property owners.
	<b>Project Name</b>	Housing Services



4	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Affordable Housing Supply and Quality
	<b>Needs Addressed</b>	Affordable Housing
	<b>Funding</b>	CDBG: \$70,008
	<b>Description</b>	City staff provide loan services to support single family rehabilitation, housing trust fund projects, and other federally funded housing related activities.
	<b>Target Date</b>	6/30/2020
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	The project will serve approximately 106 active housing rehabilitation loans.
	<b>Location Description</b>	Various locations within the City of Berkeley.
	<b>Planned Activities</b>	Services provided under this project will include accounting, processing loan payments and loan payoff demands, deeds of reconveyance, lien releases and loan subordination requests, collections, personal financial analysis and structuring of temporary repayment agreements.
5	<b>Project Name</b>	Community Facility Rehabilitation
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Improve Public Facilities and Public Services
	<b>Needs Addressed</b>	Non-Housing Community Development
	<b>Funding</b>	CDBG: \$1,202,278
	<b>Description</b>	Activities that fund the rehabilitation of public facilities are funded under this project.
	<b>Target Date</b>	6/30/2020
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	It is projected that improved community facility improvements provided by the City of Berkeley administered program will benefit a minimum of 11,613 people. The number of beneficiaries is expected to increase with the completion of both the Mental and Public Health Clinics and the addition of new community facility projects to be identified through the upcoming NOFA.
	<b>Location Description</b>	Various locations within the City of Berkeley.

	<b>Planned Activities</b>	Activities include improving community facilities by funding substantial rehabilitation to applicants of the City administered Community Facility Improvement Program. Additionally, the City of Berkeley's Adult Mental Health Clinic and the City's Public Health Clinic will come to completion to serve some of the City's lowest income and most vulnerable populations.
6	<b>Project Name</b>	Housing Trust Fund
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Affordable Housing Supply and Quality
	<b>Needs Addressed</b>	Affordable Housing
	<b>Funding</b>	CDBG: \$488,341 HOME: \$681,546
	<b>Description</b>	Activities that provide funding for City staff in support of projects funded with City of Berkeley Housing Trust Fund dollars, includes funding for projects and CHDO operating funds.
	<b>Target Date</b>	6/30/2020
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	During PY19, Grayson Street Apartments (23 units, 9 of which are supported by HOME funds) will be under construction. This project will likely be completed in PY19.
	<b>Location Description</b>	Citywide
	<b>Planned Activities</b>	City staff actively facilitate development, rehabilitation and/or preservation of affordable housing through working with developers, other city staff, lenders and other public agencies for the acquisition and rehabilitation of multi-family housing.
7	<b>Project Name</b>	ESG19 - City of Berkeley Rapid Rehousing, <a href="#">Emergency Shelter, Street Outreach</a> and HMIS
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Homeless Prevention and Rapid Re-Housing
	<b>Needs Addressed</b>	Homelessness
	<b>Funding</b>	ESG: \$227,398
	<b>Description</b>	ESG funds will be used for Rapid Re-Housing, <a href="#">Emergency Shelter, Street Outreach</a> , HMIS and City staff to plan and administer the program.
	<b>Target Date</b>	6/30/2020

<p><b>Estimate the number and type of families that will benefit from the proposed activities</b></p>	<p><u>10</u> households will be served with rapid rehousing financial assistance. <u>972 persons will be assisted with Emergency Shelter/Street Outreach.</u></p>
<p><b>Location Description</b></p>	<p>Various locations.</p>
<p><b>Planned Activities</b></p>	<p>ESG funds will be used to provide financial assistance and housing relocation and stabilization services to rapidly re-house approximately <u>10</u> households, <u>support 972 people in Emergency Shelter/Street Outreach activities.</u></p>

Table 8.1 – Project Summary Information

**AP-50 Geographic Distribution – 91.220(f)**

**Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed**

As discussed in section MA-50 of the City’s current Consolidated Plan the City does not have areas of low-income or minority concentrations and therefore does not allocate federal funds geographically.

**Geographic Distribution**

Target Area	Percentage of Funds
BERKELEY	100

Table 9 - Geographic Distribution

**Rationale for the priorities for allocating investments geographically**

Not applicable.

**Discussion**

Not applicable.

## Affordable Housing

### AP-55 Affordable Housing – 91.220(g)

#### Introduction

This section includes HOME-funded units only. Unit counts are broken out two ways: by population served and by type of housing provided. The table below includes information for Grayson Street Apartments, which will be funded with HOME funds in PY19. The City's contract containing HOME funds was executed in November 2017 and construction completion is expected in 2019. The total number of units will equal 23.

<b>One Year Goals for the Number of Households to be Supported</b>	
Homeless	0
Non-Homeless	0
Special-Needs	9
Total	9

**Table 10 - One Year Goals for Affordable Housing by Support Requirement**

<b>One Year Goals for the Number of Households Supported Through</b>	
Rental Assistance	0
The Production of New Units	9
Rehab of Existing Units	0
Acquisition of Existing Units	0
Total	9

**Table 11 - One Year Goals for Affordable Housing by Support Type**

#### Discussion

Not applicable.

## **AP-60 Public Housing – 91.220(h)**

### **Introduction**

The Berkeley Housing Authority (BHA) is not a department of the City of Berkeley. BHA Board members are appointed by the Mayor and confirmed by the City Council. The Berkeley Housing Authority does not have any public housing.

### **Actions planned during the next year to address the needs to public housing**

Not applicable.

### **Actions to encourage public housing residents to become more involved in management and participate in homeownership**

Not applicable.

### **If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance**

Not applicable.

### **Discussion**

Not applicable.

## **AP-65 Homeless and Other Special Needs Activities – 91.220(i)**

### **Introduction**

#### **Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

The City will continue to operate six Shelter Plus Care (S+C) grants and the locally-funded Square One program, providing rental assistance to a minimum of 235 households annually. This includes the City's Housing for Older Adults Project (HOAP) S+C program which provides rental subsidies through the City's Aging Services Division and the COACH grant, which provides rental subsidies and targets people who are chronically homeless. The COACH grant will be expanded in PY19 to serve an additional 53 households. New S+C households continue to be prioritized through Alameda County's Home Stretch registry, a County-wide centralized system which prioritizes people who are chronically homeless and high need with permanent supportive housing opportunities.

During PY19, the City will continue to implement its Coordinated Entry System (CES). It will also participate in EveryOne Home's implementation process of expanding the CES countywide. Outreach and assessing individual needs are important components of the CES and will be expanded in PY19.

In PY17, the City was awarded a three year grant from the County of Alameda to increase services to literally homeless people. The City subcontracted the housing navigation and placement services to Berkeley Food and Housing Project, the CES operator for the northern part of Alameda County. The City also partnered with the cities of Albany and Emeryville. The project is expected to screen and assess over 1,000 people and serve with intensive housing navigation and support a minimum of 170 people.

#### **Addressing the emergency shelter and transitional housing needs of homeless persons**

The City will continue to provide funding for shelter and transitional housing. In PY17, the City expanded the number of year-round shelter beds from 118 to 148 year-round by increasing its funding to the YEAH! shelter which serves 18-24 year olds. The year-round beds are accessed through the City of Berkeley's Coordinated Entry System that operates 9 a.m. - noon and 1-4 p.m. Monday through Friday. A second shelter reservation period occurs from 7-8 p.m. to fill available BOSS and BFHP shelter beds that are unoccupied.

In addition to the year-round shelter beds, the City funds a winter shelter program. In the past, the winter shelter was activated when inclement weather was forecast (temperature expected to reach 40 or below or rain). The past two seasons, the City has funded a nightly shelter from December to mid-April adding approximately 75-90 beds. In PY18, the expanded winter shelter

continued its operations as a nightly shelter serving 56 each night. Depending on funding it may continue to operate as a year round shelter to expand the number of year-round shelter beds to more than 200.

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

The City of Berkeley has encouraged its network of providers of services to the homeless to focus their efforts on rapidly re-housing their clients. The City has centralized its funded case management services at the CES to allow for ongoing case management regardless of the person's housing status or enrollment at a particular shelter.

In addition, the City is funding Housing Specialist positions whose only role is to identify, cultivate and maintain partnerships with property owners. These case management and housing opportunities will assist all literally homeless clients in Berkeley but will be primarily targeted at individuals and families who are chronically homeless and have multiple barriers.

In PY17, to better serve its homeless families, the City partnered with the City of Oakland and Oakland homeless service providers to expand its Family Front Door, to include homeless families from Berkeley, Albany and Emeryville. Because families often have different service and housing needs than homeless people who are single, this partnership with family focused providers has improved access to resources for families including shelter and transitional housing opportunities.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.**

The Coordinated Entry System will provide people who are at imminent risk of becoming homeless (HUD Homeless definition (Category 2) with problem solving support to retain current housing or to locate another housing placement. This will include mediation with family members and friends to keep individuals and families from entering the shelter system. Additionally, in PY17 and PY18 the City allocated \$832,500 to assist permanently and



temporarily housed Berkeley residents from being evicted, which includes rental assistance and eviction defense.

Alameda County has mental health, foster youth, health care, and corrections discharge policies intended to prevent discharges of individuals from these systems into homelessness, described in detail in the Consolidated Plan. The City will continue to participate in countywide efforts to reduce discharges into homelessness.

## **Discussion**

The City of Berkeley's CES provides a single point of entry for people who are homeless to be screened and assessed for a range of City funded homeless programs, including emergency shelters, transitional housing, permanent supportive housing, and rapid rehousing services. All contracted service providers report outcomes based on the countywide outcome standards developed by Everyone Home, in order to inform future adjustments to the service system.

## AP-75 Barriers to affordable housing – 91.220(j)

### Introduction:

**Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment**

In November 2018, Berkeley voters passed a \$135M bond measure (Measure O) to support affordable housing. The measure as written allows flexibility in identifying priorities. The City is working to determine how this new source of local funds will be used, which will be a major activity during PY19.

The City of Berkeley continues to work on implementation of numerous facets of the Council-adopted Housing Action Plan, which contains a set of actions targeted at preserving existing affordable housing, eliminating barriers, and increasing affordable housing production. For example, the Plan requires staff to “examine and eliminate barriers to developing student housing and senior housing” and “create specific per acre density standards, including standards for projects include density bonus units”.

During the last year, the City made progress in reducing barriers to building Accessory Dwelling Units (ADUs), so-called “granny flats” designed to fit into back yards of parcels with existing single-family homes, to increase housing density. Specifically, Berkeley:

- Updated its ordinance to conform to state law easing ADU development restrictions.
- Went beyond minimum state requirements by removing off-street parking requirements
- Removed restrictions around the relationship of the size between existing primary dwelling units and proposed new ADUs
- Removed development standards which limited the allowed locations for ADU entrances
- Allowed average height calculations for ADUs in the Hillside Overlay district
- Increase allowed height limits for ADUs with flat roofs from 10 feet to 14 feet

Another change to promote affordable housing production removed barriers in the R1-A multifamily housing district, to provide certainty on the size of a second “primary” unit proposed for a parcel with an existing unit.

Beyond the above, the City continues to progress in its Zoning Ordinance Revision Project, which will create new baseline zoning which is easier to understand and administer. A large part of this project involves eliminating code inconsistencies which currently present added challenges to proposed new development. The City also initiated modifications to the Density Bonus section of the Zoning ordinance, which are proposed for City Council adoption in January 2019. These changes will bring the City’s density bonus regulations into conformity with state

law meant to ease development restrictions, and to clarify City requirements in order to provide developers greater certainty, with resulting time/cost savings for development proposals.

**Discussion**

Not applicable.

## **AP-85 Other Actions – 91.220(k)**

### **Introduction:**

The City of Berkeley uses a range of strategies to address the housing, homeless, and community development goals identified in the Consolidated Plan. This section discusses actions planned to foster and maintain affordable housing, to reduce lead-based paint hazards, to reduce the number of poverty-level families in Berkeley, and to coordinate activities in these areas with other entities.

### **Actions planned to address obstacles to meeting underserved needs**

One of Berkeley's major obstacles to meeting underserved needs is the limited amount of federal, state, and local resources available given the diversity of needs in the community and high cost of housing in the Bay Area. The City of Berkeley will continue to pursue new State and Federal resources as available to meet underserved needs.

### **Actions planned to foster and maintain affordable housing**

The City has several programs which foster and maintain affordable housing in Berkeley:

- **Rent Stabilization Program.** In 1980, Berkeley residents passed the Rent Stabilization and Eviction for Good Cause Ordinance. The Ordinance regulates rent levels for approximately 21,000 residential rental units in Berkeley and provides tenants, in more than 26,000 units, protection against unwarranted evictions helping to maintain affordable housing and preserve community diversity.
- **Affordable Housing Mitigation Fee (AHMF).** The City requires developers of new market rate rental housing to pay a fee per unit or to provide 20% as many income and rent restricted units—split evenly between those affordable to households earning 50% or less or 80% or less of the area median income—in lieu of the fee. Fee income goes into the City's Housing Trust Fund to support affordable housing development. In 2016, the City adopted an ordinance requiring that certain units provided under this program are reserved for tenants with Section 8 and Shelter Plus Care.
- **Condominium Conversion Ordinance (CCO).** The CCO governs the conversion of rental apartments and tenancy-in-common buildings to condominiums, and other types of mutual or cooperative housing. It requires owners to pay a mitigation fee. Fee revenue goes into the City's Housing Trust Fund.
- **Commercial Linkage Fee.** The Affordable Housing Mitigation Program was approved on April 20, 1993. It imposed fees on commercial new construction in which the newly constructed gross floor area is over 7,500 square feet.
- **Housing Trust Fund (HTF).** The City of Berkeley created its HTF in 1990 to help develop and preserve below-market-rate housing. The HTF pools funds for affordable housing construction from a variety of sources with different requirements, makes them available

through one single application process to local developers, then monitors development and operation of the funded housing.

- Inclusionary Housing Ordinance for ownership housing. The ordinance requires developers of market rate ownership housing to include affordable ownership units or pay a fee.
- Mortgage Credit Certificate. MCC is a federal income tax credit that provides qualified low-income homebuyers a tax credit worth up to 15 percent of their annual mortgage interest paid on their home loan. MCC recipients adjust their federal income tax withholding, which increases their take-home pay, making monthly mortgage payments more affordable. The City participates in the Alameda County MCC program.
- Senior and Disabled Loan Rehab Program. HHCS administers the program as an effort to preserve the City's housing stock and to assist low- and moderate-income senior and disabled homeowners, funded by CDBG and CalHOME. The applicants receive a zero interest loan, secured by a deed of trust on their home, which is repaid when title to the property changes hands, normally as a result of the sale of the property or inheritance by the owner's heirs.

### **Actions planned to reduce lead-based paint hazards**

The City will continue to comply with the Environmental Protection Agency's Renovation, Repair, and Painting Program in its Senior and Disabled Rehabilitation Loan Program.

The City of Berkeley Public Health Division and the Alameda County Lead Poisoning Prevention Program will work together to increase awareness and knowledge about lead poisoning prevention in Berkeley including providing lead-safe painting classes, in-home consultations, presentations, educational materials, and other services. Rebuilding Together will work with the City of Berkeley and Alameda County Lead Poisoning Prevention Programs to increase awareness of lead issues among their clients and volunteers and to incorporate lead safe work practices into their activities.

The City of Berkeley Childhood Lead Poisoning Prevention Program collaborates with the Berkeley Health, Housing & Community Services Department's State lead-certified Risk Assessor/Inspector, Project Designer, and Project Monitor. The Alameda County Healthy Homes Department also has a HUD Lead Hazard Control grant to remediate lead hazards in approximately 4 qualifying Berkeley housing units that are vacant, or occupied by a low-income household with either a child under 6, a pregnant woman, or a child under 6 years who regularly visits. Berkeley's program also provides case management services to families with children who have elevated blood lead levels. Services range from Public Health Nursing case management for children with blood lead levels above 15  $\mu\text{g}/\text{dL}$  to health education for children

with levels between 5-14  $\mu\text{g/dL}$ .

### **Actions planned to reduce the number of poverty-level families**

The City funds a wide variety of social service programs designed to assist households with poverty level incomes. These programs include childcare and a range of services for special needs populations, which are outlined in other sections of this Consolidated Plan. This section will highlight the City's strategies to increase livable wage employment opportunities by supporting related community services and working with public and private regional partners. Strategies include:

- Funding and refinement of anti-poverty programs provided by community-based organizations and by the City.
- Community agency contracts are outlined in the Annual Action Plan.
- Collaborate actively with CalWORKS (TANF) and Workforce Investment Act programs.
- Continue implementation of the City of Berkeley's Living Wage Ordinance. Foster regional coordination on economic development to benefit low income Berkeley residents.
- Linking homelessness and homelessness prevention programs to employment training and placement opportunities.
- Minimum Wage in Berkeley is currently \$15 and will increase incrementally based on Consumer Price Index (CPI) for the San Francisco Bay Area every July 1. The City's Paid Sick Leave Ordinance was adopted in 2016 and went into effect October 1, 2017 to provide enhanced paid sick leave entitlements beyond what is required by state law.

The City will contract with local workforce development programs to provide training, education and job placement for low income, under-employed, and unemployed residents:

- Inter-City Services provides employment, training, and education and continues to serve veterans as funded under the Governor's 15 percent Discretionary pool of Workforce Investment Opportunity Act (WIOA) funds.
- Biotech Partners operates the Biotech Academy at Berkeley High School, targeting youth from under-represented populations in the fields of science and biotechnology (African American, Latino, South East Asian, female and low-income youth) and who may be at risk of not graduating from high school.
- The Bread Project provides training in culinary arts and bakery production, and includes the formerly incarcerated and refugees as their target population. They operate a social enterprise (wholesale bakery) that creates opportunities for trainees to obtain crucial on-the-job experience.
- Rising Sun Energy Center's Green Energy Training Services (GETS) provides pre-apprenticeship training for the building and construction trades and careers in green and clean technologies, including solar installation, through classroom and hands-on

training. Their training calendar includes women-only cohorts in order to increase the number of women in the building and construction trades. Rising Sun also operates the California Youth Energy Services (CYES) program funded by the CA Public Utilities Commission, providing summer jobs for young people conducting residential energy audits.

- The City's anti-poverty strategy continues to be closely tied to the funding of over 50 community agencies to provide services as described above to enable people in poverty to attain self-sufficiency, support at-risk youth to succeed in school and graduate, and protect the health and safety of low income people.

### **Actions planned to develop institutional structure**

During the next year, the City of Berkeley will continue to coordinate the housing and community services activities within the department through regular senior staff meetings and coordination on specific topics.

### **Actions planned to enhance coordination between public and private housing and social service agencies**

City staff will also continue to participate in the implementation of Everyone Home, the countywide plan to end homelessness. Everyone Home spearheads Alameda County's Continuum of Care. Staff will continue to participate in the initiative's Leadership Board, which includes most public funders of housing and homeless services in the county, as well as leadership from key community based organizations. Leadership Board membership helps coordination efforts across the county. Staff also participates in other committees composed of other funders (such as Alameda County Behavioral Health Care Services and the Social Services Agency) as well as many community based organizations.

Recent countywide collaboration efforts include the 2019 Point in Time homeless survey, count and report and the countywide implementation of CES.

### **Discussion:**

The majority of Berkeley's activities furthering the goals of the Annual Action Plan are provided by community agency partners. This will continue to be the case in PY19.

## Program Specific Requirements

### AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

**Introduction:**

#### Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	\$250,531
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
<b>Total Program Income:</b>	<b>\$250,531</b>

#### Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	98.00%



**HOME Investment Partnership Program (HOME)  
Reference 24 CFR 91.220(I)(2)**

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The City of Berkeley uses no forms of investment other than ones described in §92.205(b), which describes eligible activities for HOME funds.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

No homeownership activities are anticipated for PY19.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

No homeownership activities are anticipated for PY19.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The City's policy is not to use HOME funds to pay off outstanding debt on single family or multifamily housing development projects. The City may commit HOME funds to projects that include refinancing with other sources of funds.

**Emergency Solutions Grant (ESG)  
Reference 91.220(I)(4)**

1. Include written standards for providing ESG assistance (may include as attachment)

The City, Everyone Home and Countywide representatives are in the process of updating the ESG manual. The most recent version was attached to the 2015 Consolidated Plan.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The Alameda County Continuum of Care has initiated its planning process to establish its coordinated assessment system. The countywide system is now being implemented through five regional Housing Resource Centers.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

The City of Berkeley was allocated \$227,398 in ESG funding for PY19. The City of Berkeley will utilize the maximum amount possible for administration (7.5 percent of the grant) and allocate funds to support the County-wide Homeless Management Information System. The remaining \$203,667 will be allocated to Bay Area Community Services, the operator of the City of Berkeley's Coordinated Entry System (CES). The CES staff will screen, assess and prioritize homeless clients for rapid rehousing assistance with supporting housing retention services. ESG funds will also support Emergency Shelter and Street Outreach through the CES.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

The policy-making entity for the City of Berkeley which makes decisions regarding the facilities, services, and other programs to receive funding under the Emergency Solutions Grant (ESG) is the Berkeley City Council. The Berkeley City Council is elected by the citizens of Berkeley. The City cannot mandate that a homeless or formerly homeless individual be on the City Council. Therefore, the City must develop and implement a plan to consult with homeless or formerly homeless individuals in making policies and decisions regarding programs that receiving funding under ESG.

City staff are planning, in conjunction with Everyone Home, to host a forum each year for homeless clients, in order to involve them in policy-making and decisions regarding ESG-funded services. The details have yet to be determined. Formerly homeless people also hold seats on various EveryOne Home Committees.

5. Describe performance standards for evaluating ESG.

The performance standards to be applied to ESG activities is attached as an image labeled Outcome Measures. These standards were developed in 2018-19 through the leadership of Everyone Home (the Continuum of Care)'s Results Based Accountability (RBA) Committee comprised of various representatives: Everyone Home, City of Berkeley, Alameda County Health Care Services Agency and homeless service providers in Alameda County. The matrix provides targets for HUD's System Performance Outcomes and will be reviewed and adjusted overtime to ensure continued improvement.

## Attachments

Attachment 1			
Substantial Amendment #1 - Annual Action Plan for PY19			
City of Berkeley CDBG, ESG and HOME Projects for 7/1/2019 - 6/30/2020			
Proj. #	Agency	Project Name	PY19 Amended Allocation
<b>CDBG</b>			
3	Center for Independent Living	Residential Access	\$ 159,660
	Habitat for Humanity	Housing Rehabilitation Grant Program	\$ 250,000
4	HHCS*	Loan Services	\$ 70,008
5	HHCS	Senior and Disabled Rehab Program	\$ 358,048
6	HHCS	Rehab Loans	\$ 150,000
7	HHCS	Housing Development: M/F Rehab	\$ 488,341
8	HHCS	Housing Trust Fund	\$ -
		<b>Subtotal Housing Projects</b>	<b>\$ 1,476,057</b>
9	Bay Area Community Services	Coordinated Entry System	\$ 248,419
10	Berkeley Food and Housing Project	Men's Overnight Shelter	\$ 170,502
11	Eden Housing for Hope and Opportunity	Fair Housing	\$ 35,000
		<b>Subtotal Public Services Projects</b>	<b>\$ 453,921</b>
13	HHCS	Community Facility Improvements	\$ 152,908
14	HHCS	2019 Community Facility Improvement Project	\$ 1,049,370
		<b>Subtotal Public Facilities Projects</b>	<b>\$ 1,202,278</b>
15	HHCS	CDBG Planning and Administration	\$ 573,424
		<b>Subtotal Planning &amp; Admin Projects</b>	<b>\$ 573,424</b>
		<b>**GRAND TOTAL ALL CDBG PROJECTS</b>	<b>\$ 3,705,680</b>
<b>ESG</b>			
16	Berkeley CES Provider - BACS	Rapid Re-Housing Project	\$ 67,228
17	Berkeley CES Provider - BACS	Emergency Shelter and Street Outreach	\$ 136,439
18	HHCS	Homeless Management Information System	\$ 6,676
19	HHCS	Program Planning and Administration	\$ 17,055
		<b>GRAND TOTAL ALL ESG PROJECTS</b>	<b>\$ 227,398</b>
<b>HOME</b>			
20	HHCS	HOME Administration	\$ 75,727
21	CHDO Operating Funds	CHDO Operating Funds	\$ 28,115
22	HHCS	Housing Trust Fund	\$ 653,431
		<b>***GRAND TOTAL ALL HOME PROJECTS</b>	<b>\$ 757,273</b>
<b>Notes:</b>	* HHCS = City of Berkeley Health, Housing & Community Services Department		
	** Assumes \$250,531 in Program Income and \$788,029 in unused carry over funds.		
	*** Assumes \$20,000 in Program Income		

## Attachment 2

## Systemwide Performance Targets for Rapid Re-Housing Services

Rapid Re-Housing		Target
How Much?	Service Population: Unduplicated count of individuals served (HUD Element, APR Q5a)	observe
	Service Population: Proportion of chronically homeless individuals served (HUD Element, APR Q5a)	observe
	Service Population: Unduplicated count of households served (HUD Element, Annual Performance Report/APR Q8a)	observe
	Service Population: Proportion of chronically homeless households served (HUD Element, APR Q26a)	observe
How Well?	Data Quality: Data entry within 3 days (HUD Element, APR Q6e)	100%
	Data Quality: Completion. Adult participants with income info. recorded in HUD Element at entry and annual or exit assessments (HUD Element, APR Q18)	90%
	Average length of time from enrollment to move in (HUD Element, Apr Q22c)	60% within 2 months
With What Impact?	Are participants growing their income? (HUD Element, APR Q19a3)	50%
	Are participants accessing mainstream benefits? (HUD Element, APR Q20b)	85%
	Are participants enrolled in health insurance? (HUD Element, APR Q21)	85%
	Are we successfully moving people into permanent housing? (HUD Element, APR Q23a&b)	80%
	Exits to Homelessness: What proportion of people exit to homeless destinations? (HUD Element APR Q23a&b)	<5%

Attachment 3

**Berkeley Voice**

510-723-2850

Legal No. 0006310314

3235930

BERKELEY, CITY OF  
HEALTH, HOUSING & COMMUNITY SVS  
2180 MILVIA ST, 2ND FLOOR  
BERKELEY, CA 94704

**PROOF OF PUBLICATION**

**FILE NO. PY2019 Annual Action Plan**

In the matter of

**Berkeley Voice**

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the Berkeley Voice, a newspaper published in the English language in the City of Berkeley, County of Alameda, State of California.

I declare that the Berkeley Voice is a newspaper of general circulation as defined by the laws of the State of California, as determined by the order of the Superior Court of the County of Alameda, dated September 3, 1991, in the action entitled "In the Matter of the Petition of the Berkeley Voice to Have the Standing of the Berkeley Voice as a Newspaper of General Circulation Ascertained and Established," Case Number 588221-2. Said order provides that: "Petitioner's prayer for an order ascertaining and establishing The Berkeley Voice as a newspaper of general circulation...within the City of Berkeley, County of Alameda, State of California, is granted." Said order has not been revoked.

I declare that the notice, a printed copy of which is annexed hereto, has been published in each regular and entire issue of the Berkeley Voice and not in any supplement thereof on the following dates, to-wit:

03/22/2019

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.  
On this 22th day of March, 2019.



Signature

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**


The Health, Housing & Community Services Department is proposing a Public Hearing addressing the proposed **Annual Action Plan for Program Year (PY) 2019 (7/01/19-6/30/20)** which includes recommended allocations of Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnership Program (HOME) funds.

The hearing will be held on **Tuesday, April 23, 2019, at 4:00 P.M.**, in the School District Board Room, 1231 Addison Street, Berkeley, CA 94702.

The proposed **PY 2019 Annual Action Plan** required by the U.S. Department of Housing and Urban Development, outlines the City's housing and community development program for the period July 1, 2019 through June 30, 2020. The plan also outlines the allocation of \$3,663,439 (estimate) in **Community Development Block Grant (CDBG)** funds available for housing related activities, improvement of public facilities, public services, and planning and administration. In addition, the plan outlines the proposed use of approximately \$222,480, the majority of which is used for rapid re-housing financial assistance for people who are homeless in Berkeley under the **Emergency Solutions Grant (ESG)**, and the use of approximately \$684,043 (estimate) in **HOME** funds for affordable housing development and rehabilitation.

**Access to the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of April 11, 2019.**

**PUBLIC COMMENT PERIOD:** The public also has from March 22, 2019 through April 23, 2019 to submit written comments on the PY2019 Annual Action Plan. **A draft of the Plan is available for public review** at the reference desk of the Berkeley Public Library at 2090 Kittredge Street, and at the Front Desk of the Health, Housing and Community Services Department at 2180 Milvia Street, 2nd Floor between the hours of 9 a.m. and 5 p.m. The Plans are also available on the City's website at <http://www.cityofberkeley.info/ContentDisplay.aspx?id=12160>. For more information or to provide written comments on any of these plans or funding allocations, contact Rhiana Babka at [rbabka@ci.berkeley.ca.us](mailto:rbabka@ci.berkeley.ca.us) or 981-5410.

 **This meeting is being held in a wheelchair accessible location.**

**Accommodations Provided Upon Request.** To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TD) at least three business days before the meeting date. Providing at least three working days' notice will help to ensure availability at the meeting.

El Departamento de Servicios de Salud, Vivienda y Servicios Comunitarios propone una audiencia pública para tratar el **Plan de Acción Anual para el Año (PY) 2019 (7/01/19 -6/30/20)**, el cual incluye las asignaciones recomendadas de fondos de la Beca de Desarrollo del Bloque Comunitario (Community Development Block Grant-CDBG), Beca de Soluciones de Emergencia (Emergency Solutions Grant - ESG) y la beca HOME.

La audiencia se llevará a cabo el **martes, 23 de abril del 2019 a las 4:00 P.M.** en la sala de audiencias del Distrito Escolar de Berkeley, ubicada en la Calle Addison 1231, Berkeley, CA 94702.

El **Plan de Acción Anual PY 2019** que cubre el período a partir del 1ro de Julio del 2019 hasta el 30 de Junio de 2020 es un requisito del Departamento de Vivienda y Desarrollo Urbano de los E.E. U.U.(HUD siglas en Inglés) y resume los programas de vivienda y desarrollo comunitario. El plan también enumera la distribución de aproximadamente \$3,663,439 que la Ciudad recibirá por medio de la Beca de Desarrollo del Bloque Comunitario (Community Development Block Grant - CDBG) para financiar programas de vivienda, mejoras de infraestructura de edificios públicos, servicios públicos y la administración y planificación de los mismos. Además, el plan también explica el uso propuesto de aproximadamente \$222,480 que en su gran mayoría será usado para la relocalización rápida de vivienda dando ayuda financiera a las personas desamparadas de Berkeley, estos fondos son parte de la Beca de Soluciones de Emergencia (Emergency Solutions Grant - ESG). También explica como se usarán los fondos de la Beca HOME, aproximadamente \$684,043 que se usarán para el desarrollo y rehabilitación de viviendas.

**A partir del 11 de abril de 2019, la Agenda de esta Audiencia Pública estará disponible en la página electrónica de la Ciudad de Berkeley [www.CityofBerkeley.info](http://www.CityofBerkeley.info)**

**PERIODO DE COMENTARIO PÚBLICO:** A partir del 22 de marzo del 2019 y hasta el 23 de abril del 2019, el público podrá presentar comentarios por escrito sobre el Plan de Acción Anual PY 2019. Un borrador del **Plan** está disponible al público en los escritorios de referencia en la Biblioteca Pública de Berkeley localizada en Calle Kittredge 2090, y en el escritorio de recepción del Departamento de Salud, Vivienda y Servicios Comunitarios de la ciudad de Berkeley localizado en la Calle Milvia 2180, 2do Piso, entre las 9 am hasta las 5 pm. El plan también está disponible en el Internet en la página electrónica <http://www.cityofberkeley.info/ContentDisplay.aspx?id=12160>. Si necesitan más información o si desean presentar comentarios por escrito, favor comunicarse con Roxana Andrade-Lizaraburu al 510.981.5402 o por correo electrónico a [randrade@cityofberkeley.info](mailto:randrade@cityofberkeley.info).

**通告**

柏克萊市議會為舉行公聽會，討論聯邦經費分配，計劃建議書，及市民參與計劃。

時間：二零一九年，四月二十三日，星期二，下午四時。

地點：柏克萊市聯合校區，1231 Addison Street

經費包括：社區發展經費(CDBG)，緊急庇護經費(ESG)，及房屋建設經費(HOME)。

並討論計劃建議書，公眾建議書可在二零一九年三月二十二日至二零一九年四月二十三日提交。

詳情請致電：(510) 981 4929 鄭女士查詢

BV 6310314 March 22, 2019

## PY19 City of Berkeley Annual Action Plan – Citizen Participation Outreach

Mode of Outreach	Target of Outreach	Summary of Response/ Attendance	Summary of Comments Received	Summary of Comments Not Accepted and Reasons
Email	EveryOne Home – Alameda County Homeless Continuum of Care	N/A	N/A	N/A
Email	Local Businesses	N/A	N/A	N/A
Email	Local Affordable Housing Developers	N/A	N/A	N/A
Email	Faith-based Organizations	N/A	N/A	N/A
City of Berkeley News Page	Email to list serve	One email received.	One: Services for affordable housing should include help or assistance for property taxes for low-income people, especially for older, single homeowners without enough space to rent rooms or part of their houses. Their also should be more info available for people who might need assistance with that.	
Mailer to BHA residents	Public Housing Residents	Fall 2018:  20 persons in attendance at	Attendees at the public hearing suggested improvements in the following areas: improving the homeless services website, strategies and solutions for vehicular dwellers, Section 8 (Berkeley Housing Authority) customer services and assistance with landlord communications, partnerships with health and housing providers, welcoming ex-offenders back into the	N/A
Flyers at Recreation Centers	South & West Berkeley (NSA)	10/17/2018		
Flyers at Affordable Housing Development	Residents of Affordable Housing	Commission Hosted Public		



<p>Flyers distributed to over 50 non-profit agencies serving low-income people</p>	<p>Low-income Population, including seniors and persons with disabilities</p>	<p>Hearing.</p>	<p>community, pedestrian safety and fair housing/housing discrimination education.</p>	
<p>Flyers at two Berkeley Senior Centers</p>	<p>Seniors</p>	<p>Spring 2019:  One phone call.  Seven emails received.  Large attendance at 4/23/19 City Council Public Hearing, including 27 public comments.</p>	<p>Regarding coordination with Housing and Mental health services.  Emails in support of two specific programs, one for support services for formerly homeless persons living in subsidized housing, and the second for services for the deaf and disability community.  Included testimony from twenty seven individuals concerned about services for low-income persons including: housing rehabilitation for homeowners, deaf and disability related services especially for homeless persons, health care and supportive services for formerly homeless persons, general homeless services, legal services for survivors of domestic violence, programming for youth graduating from Berkeley High School, and more transparency around monitoring agencies and the City's budget process.</p>	

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

The Health, Housing & Community Services Department is proposing a Public Hearing addressing proposed **Substantial Amendments to the Annual Action Plans for Program Years (PY) 2018 (7/01/18-6/30/19) and 2019 (7/01/19-6/30/20)** which includes recommended allocations of Emergency Solutions Grant (ESG).

The hearing will be held on **Tuesday, July 23, 2019, at 6:00 P.M.**, in the Berkeley Unified School District Board Room, 1231 Addison Street, Berkeley, CA 94702.

The proposed **Substantial Amendments to the PY2018 and PY2019 Annual Action Plans** are required by the U.S. Department of Housing and Urban Development. The Substantial Amendments to the Plans includes shifting an allowable **60% of each year's Emergency Solutions Grant (ESG) funds from the Rapid Rehousing to Emergency Shelter and Street Outreach programming**. The PY2018 ESG allocation is \$219,490 and the PY2019 allocation is \$227,398.

A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of June 28, 2019.

**PUBLIC COMMENT PERIOD:** The public also has from June 28, 2019 to July 29, 2019 to submit written comments on the **Substantial Amendments to the PY2018 and PY2019 Annual Action Plans. A draft of each of the Substantial Amendments is available for public review** at the reference desk of the Berkeley Public Library at 2090 Kittredge Street, and at the Front Desk of the Health, Housing and Community Services Department at 2180 Milvia Street, 2<sup>nd</sup> Floor between the hours of 9 a.m. and 5 p.m. The Plans are also available on the City's website at <http://www.cityofberkeley.info/ContentDisplay.aspx?id=12160>. For more information or to provide written comments on any of these plans or funding allocations, contact Rhianna Babka at [rbabka@ci.berkeley.ca.us](mailto:rbabka@ci.berkeley.ca.us) or 981-5410.



**This meeting is being held in a wheelchair accessible location.**

**Accommodations Provided Upon Request.** To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Providing at least three working days' notice will help to ensure availability at the meeting.

El Departamento de Servicios de Salud, Vivienda y Comunidad propone una audiencia pública frente a la propuesta de Modificación Sustancial al Plan Anual de Acción para los Años de Servicios **PY2018 (07/01/17 – 06/30/18)** y para el año **2019 (07/01/18 - 06/30/19)**, los cuales incluyen las asignaciones recomendadas de la Beca de Soluciones de Emergencia (Emergency Solutions Grant – ESG).

La audiencia se llevará acabo el **martes, 23 de julio del 2019 a las 6:00 P.M.** en la sala de audiencias del Distrito Escolar de Berkeley ubicada en la Calle Addison 1231, Berkeley, CA 94702. +

La propuesta de **Modificación Sustancial al Plan de Acción Anual PY2018 y PY2019** es un requisito del Departamento de Vivienda y Desarrollo Urbano de E.E. U.U. (HUD siglas en

inglés). La Modificación Sustancial a los Planes es para permitir una reasignación del 60% del presupuesto asignado al Programa de Relocalización Rápida de Vivienda y asignar estos fondos a los programas Albergue de Emergencia y el programa de Divulgación Ambulante.

La copia del material que será tratado en esta audiencia estará disponible en la página electrónica de la Ciudad a partir del 28 de junio de 2019. [www.CityofBerkeley.info](http://www.CityofBerkeley.info)

**PERIODO DE COMENTARIO PÚBLICO:** A partir del 28 de junio del 2019 y hasta el 29 de julio del 2019, el público podrá presentar comentarios por escrito sobre la Modificación Sustancial al Plan de Acción Anual de los años PY 2018 y PY 2019. Un borrador de cada **Plan están disponibles al público** en los escritorios de referencia en la Biblioteca Pública de Berkeley localizada en Calle Kittredge 2090, y en el escritorio de recepción del Departamento de Salud, Vivienda y Servicios Comunitarios de la ciudad de Berkeley localizado en la Calle Milvia 2180, 2do Piso, entre las 9 am hasta las 5 pm. Los planes también están disponibles en la página electrónica <http://www.cityofberkeley.info/ContentDisplay.aspx?id=12160>. Si necesitan más información o si desean presentar comentarios por escrito, favor comunicarse con Roxana Andrade-Lizarzaburu al 510.981.5402 o por correo electrónico a [randrade@cityofberkeley.info](mailto:randrade@cityofberkeley.info).

## 通告

柏克萊市議會將舉行公聽會，討論聯邦經費分配，計劃建議書，及市民參與計劃。

時間：二零一九年，七月二十三日，星期二，下午六時

地點：柏克萊校區議事廳，1231 Addison Street, Berkeley, CA 94702

經費包括：社區發展經費(CDBG)，緊急庇護經費(ESG)，及房屋建設經費(HOME)，並討論計劃建議書（二零一九年六月二十八日至二零一九年七月二十九日）。

詳情請致電：（510）981 4928 鄭女士查詢

Published: June 28, 2019





**Health, Life Enrichment,  
Equity & Community Committee**

ACTION CALENDAR

July 23, 2019

To: Honorable Mayor and Members of the City Council  
 From: Health, Life Enrichment, Equity & Community Committee:  
 Councilmembers Hahn, Bartlett, and Kesarwani  
 Subject: Basic Criteria for Two-Week RV Permitting Process

RECOMMENDATION

Refer to the City Manager to develop a two-week permit and system for recreational vehicle (RV) parking based on recommendations from the Health, Life Enrichment, Equity & Community Committee.

POLICY COMMITTEE RECOMMENDATION

On June 24, 2019, the Health, Life Enrichment, Equity & Community Committee adopted the following action: M/S/C (Kesarwani/Bartlett) to send basic criteria for a two-week RV permitting process to the full Council with a Positive Recommendation. Vote: All Ayes.

BACKGROUND

On March 26, 2019, the City Council referred an item to the Health, Life Enrichment, Equity & Community Committee:

*To establish basic criteria for a "permanent" standard two-week permitting process.*

*The standard two-week permit should consider the following:*

- *A limited number of permits to be issued by the City per month (or other increment).*
- *Locations to be geographically dispersed among all Council districts.*
- *A reasonable fee to cover City costs associated with the permit.*

FINANCIAL IMPLICATIONS

Staff Time

ENVIRONMENTAL SUSTAINABILITY

This recommendation supports the City of Berkeley's environmental sustainability goals.

CONTACT PERSON

Health, Life Enrichment, Equity & Community Committee members:

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

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

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

**Attachments:**

1: Proposed Basic Criteria for Two-Week RV Permitting Process, as referred on June 24, 2019, by the Health, Life Enrichment, Equity & Community Committee to the City Council

## PROPOSED BASIC CRITERIA FOR 2-WEEK PERMITTING PROCESS

On March 26, the City Council referred to the Health, Life Enrichment, Equity & Community Committee to establish “basic criteria” for a “permanent” standard two-week permitting process for RV parking in the City. Following are possible recommendations for “basic criteria.”

**The permit would be put forward as an exception to Section 14.49.120**, which prohibits parking of “recreational vehicles” and campers between the hours of two and five am. It would not address “habitation” as the permit would be for parking the vehicle:

### 14.40.120 No parking between two a.m. and five a.m.

1. A. It is unlawful for any person to park any oversize or heavy duty commercial vehicle on any street between the hours of two a.m. and five a.m. for a greater length of time than one hour, except that recreational vehicles (RVs) and campers no wider than \_\_\_\_\_ feet or longer than \_\_\_\_\_ feet may park between the hours of two a.m. and five a.m., for a period of up to two weeks, subject to a permit and fee as determined by the City of Berkeley.
2. B. For the purpose of this section, oversize or heavy duty commercial vehicle shall mean a single vehicle or combination of vehicles having more than two axles, a single vehicle or combination of vehicles 20 feet or more in length, or a 1000 single vehicle or combination of vehicles six feet six inches or more in width, and shall include, but shall not be limited to dump trucks, moving vans, tractors, pole or pipe dollies, recreational vehicles (RVs), campers. (Ord. 7643-NS § 1, 2019; Ord. 3262-NS § 10.9, 1952)

Staff would then create a permit and system for people to apply, to include the following criteria:

1. A RV or camper could park on a City of Berkeley street between two a.m. and five a.m. for one (1) period of up to two (2) weeks in every calendar year with a permit issued by the City of Berkeley to the vehicle owner.
2. The fee for such a permit would be the same as the 14-day Residential Preferential Parking (RPP) Visitor Permit (currently \$34.00).
3. The maximum number of permits issued by the City of Berkeley in any month would be 20 (total of 240 per year).
4. The RV or camper could park only in a specific RV Parking Zone, as designated by the City, geographically dispersed among areas roughly approximate to Council Districts or police “areas,” but with easy to identify borders.

5. Narrow streets (under \_\_?\_\_ feet) and any other streets not appropriate for wide or large vehicles shall be excluded (per Fire Chief and Public Works); off-limits streets and locations should be clearly marked on a map provided to the permit holder, and on an online map.
6. The 2-week permit will be operable in RPP zones, but does not supersede other parking limitations (20 minute, 2 hour, etc.) or the need to pay for parking, when and where required. Can park in all zones – C, M and R – but only in legal spaces/areas during allowed times.
7. All RVs must not be inoperable as defined at BMC Section 12.98.010.
8. Vehicle owners must pump-out only at designated pump-out stations.
9. Vehicle owners must refrain from placing objects on sidewalks or streets (except in transit) and must dispose of any refuse at the City transfer station or \_\_?\_\_ (per Public Works).
10. Noise will be limited to levels allowed in each Zone; no loud generators or equipment.
11. The vehicle for which the visitor permit is being obtained must not have any outstanding Berkeley parking violations older than 21 days.
12. Staff shall add enforcement provisions, as needed.
13. Upon issuance of permit, vehicle owner should receive a suite of informational materials, including city maps, events, amenities, and homeless services.



ACTION CALENDAR

July 23, 2019

To: Honorable Members of the City Council

From: Mayor Arreguin and Councilmembers Kesarwani and Harrison

Subject: Identifying Locations for Managed Safe Recreational Vehicle (RV) Parking on City-Owned Land, Development of a Three-Month “Grace Period” Permit Program, and Requesting that the State Lands Commission Permit a Temporary Safe Parking Site at the Berkeley Waterfront

RECOMMENDATION

1. Direct the City Manager to identify one or more locations on city-owned land, including at the Berkeley Waterfront, for the establishment of a managed safe RV parking site for individuals currently sheltering in an RV or oversized vehicle on the public right-of-way in the City of Berkeley. The site(s) shall be available specifically for individuals identified through outreach as meeting the priority populations criteria designated by City Council in its March 26, 2019 action and are therefore eligible for the city’s three-month Grace Period Permit Program.

A three-month Grace Period Permit (with possibility for renewal under limited specified circumstances) will be offered on a one-time basis to existing Berkeley RV dwellers who meet the priority populations criteria adopted by Council on March 26, 2019. The three-month Grace Period Permit will allow RV dwellers to park in a designated off-street safe location within City limits. As adopted and specified on March 26<sup>th</sup>, a safe parking location should be provided to priority populations prior to enforcement of RV parking regulations under Ordinance No. 7,643-N.S. (BMC Section 14.40.120) and shall include services to ensure health and safety, including sanitation services.

2. Once locations are identified, the City Manager should report back to the City Council on proposed locations and a proposed program model for the three-month Grace Period Permit program including a non-profit operator, service model, security measures, and sanitary facilities such as portable restrooms and hand-washing stations. The Council may at that time express its intent to allocate additional funding through Measure P tax receipts or other General Fund revenues to establish a long-term safe parking program for individuals who meet priority populations criteria and who have not previously received a three-month Grace Period Permit.

Program participants should be actively engaged with rehousing and other services, and their stay will be short-term while they are seeking permanent housing and/or a long-term off-street location to which they can relocate, such as an RV park.

3. The City Manager should explore all possible locations on city-owned land, including all vacant or partially-occupied city properties, “dead-end” streets, and the Berkeley Waterfront.

4. Direct the City Manager to submit a formal request to the California State Lands Commission for permission to establish a temporary safe parking location on City land at the Berkeley Waterfront based on the City of Berkeley's declaration of a Homeless Shelter Crisis.

#### BACKGROUND/ CURRENT SITUATION AND ITS EFFECTS

Homelessness in the Bay Area continues to rise with an increase in Alameda County of 43% over the past two years. As a result of this increase in homelessness, there has been an increase in the number of RVs parking for long periods of time within the City of Berkeley, impacting public safety, health and the parking needs for Berkeley residents and businesses. At the same time, increasing housing costs has resulted in more people losing permanent housing, including living in RVs and vehicles. The City must balance the preservation of health and safety, with helping our most vulnerable.

On February 28, 2019 City Council approved the first reading of Ordinance No. 7,643-N.S. amending BMC Chapter 14.40 regarding stopping, standing or parking restricted or of vehicles on streets between the hours of 2 am to 5 am. The Council's motion specified that the enforcement of the ordinance would be preceded by notice, outreach and identifying specific needs of RV dwellers and providing flexible funding and access to services. Additionally, Council stated that it would work with staff to identify and develop a temporary RV parking site to serve the priority/highly vulnerable populations identified through outreach.

On March 26, 2019, the City Council adopted a second reading of Ordinance No. 7,643-N.S. with additional recommendations and guidelines to ensure that enforcement would not commence until outreach is conducted and a permit system is developed. Council also allocated \$50,000 in state Homeless Emergency Aid Program (HEAP) funds for outreach to RV dwellers, and the city has amended its contract with Bay Area Community Services (BACS) to conduct targeted outreach to RVs to identify needs and determine if they meet the criteria for priority populations eligible for the one-time 3-month "Grace Period" permit program. The Council also directed the City Manager to develop a 3-month permit program for priority populations at off-street locations.

In addition, the Council reiterated its referral to identify locations for an off-street safe parking location in the City of Berkeley for priority/highly vulnerable populations and to continue to work with adjoining cities and counties to develop a regional program for RVs. Since March 26th, Mayor Arreguin has been working with the Mayors of Oakland and Emeryville and County officials on a program for North County cities.

Councilmember Kesarwani and Mayor Arreguin have identified and visited several potential locations for safe parking. With the exception of property located at the Berkeley Waterfront, there is no one parcel that is large enough to accommodate the anticipated number of identified priority/highly vulnerable RVs that are parking within City of Berkeley boundaries. In the meantime, conversations have ensued with the cities of Oakland and Emeryville on ways that North Alameda County cities could

partner on the development of a comprehensive program and policies to address the needs of people residing in RVs.

#### RATIONALE FOR RECOMMENDATION

Beginning on July 1, 2019, BACS will begin outreach to RVs to access and identify the priority/highly vulnerable population that will qualify for parking under the 3-month Grace Period and those that can qualify for flexible funds allocated at the March 12<sup>th</sup> Council meeting from State Housing Emergency Aid Program (HEAP) funds.

In the meantime, staff is completing their work on the implementation, administration and enforcement criteria for the 3-month Grace Period. However, in order to fully implement City Council direction, safe parking location(s) must be operational and should include site management, security and amenities, including but not limited to portable toilets, handwashing stations, garbage collection facilities, mobile waste pump-out and shower service.

Until a safe parking location(s) have been identified, the full implementation of the Grace Period cannot commence which results in continued impacts on public safety, health and parking needs for Berkeley residents and businesses. Time is of the essence to identify and establish a safe parking location(s).

#### FISCAL IMPACTS OF RECOMMENDATION

Outreach and flexible funds have been allocated in the FY2020/21 budget. Costs associated with a safe parking location(s) must be identified by staff and referred to the Measure P Panel of Experts or new HEAP allocation funding.

#### ENVIRONMENTAL SUSTAINABILITY

Providing safe parking locations, that include garbage collection and waste pump out services, is consistent with the goals and requirements set forth in the city's NPDES Municipal Regional Permit and has a clear benefit of reducing the possibility of human waste and garbage entering the storm drain system and consequently the Bay.

#### CONTACT PERSON

Mayor Jesse Arreguín, 510-987-7100  
Councilmember Rashi Kesarwani 510-981-7110  
Councilmember Kate Harrison, 510-981-7140

#### Attachments:

- 1: Ordinance No. 7,643-N.S. (BMC Section 14.40.120)
- 2: Annotated Agenda, Item #1 Referral Responses: Managing Recreational Vehicles (RV Parking), February 28, 2019
- 3: Annotated Agenda, Item #21 Referral Responses: Managing Recreational Vehicles (RV Parking), March 26, 2019

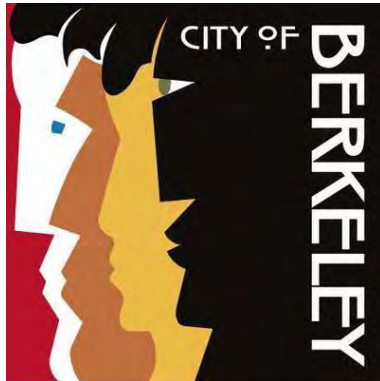


Attachments  
Not Received

These attachments have not been received from the submitting office.

**City Clerk Department**  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**The City of Berkeley, City Council's Web site:**  
<http://www.cityofberkeley.info/citycouncil/>



## Public Safety Committee

City of Berkeley  
2180 Milvia Street, 5<sup>th</sup> Floor  
Berkeley, CA 94704  
PHONE: 510-981-7130  
EMAIL: [jchang@cityofberkeley.info](mailto:jchang@cityofberkeley.info)

### ACTION CALENDAR

July 23th, 2019

To: Honorable Mayor and Members of the City Council

From: City Council Public Safety Committee:  
Councilmember Ben Bartlett  
Councilmember Rashi Kesarwani  
Councilmember Rigel Robinson

Subject: Referral Response: Update on Various Referrals and Recommendations Regarding Stop Data Collection, Data Analysis and Community Engagement

### RECOMMENDATION

That the City Council, with a qualified positive recommendation, for the Mayor to convene the task force, as outlined in Councilmember Harrison's amended referral (4/24/18), in an expeditious manner and to request that adequate budget resources be allocated to allow the task force to complete its work regarding the City Manger's Referred April 30th, 2019 item: Review and provide feedback on the Berkeley Police Department responses to inter-related Council and Police Review Commission referrals, reports and recommendations, including the Center for Policing Equity report recommendations, regarding stop data collection, data analysis, community engagement, and related topics.

### POLICY COMMITTEE RECOMMENDATION

On June 3, 2019, the Public Safety Committee adopted the following action: M/S/C (Bartlett/Robinson) to send the item back to the City Council with a qualified positive recommendation for the Mayor to convene the task force, as outlined in Councilmember Harrison's amended referral, in an expeditious manner and to request that adequate budget resources be allocated to allow the task force to complete its work.

Vote: All Ayes.



Kate Harrison  
Councilmember District 4

ACTION CALENDAR  
April 24, 2018

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison

Subject: Accept and Acknowledge Report from the Berkeley Police Review Commission, "To Achieve Fairness and Impartiality," and Refer Key Recommendations to the City Manager for Policy Development and Consideration in September 2018 Report to City Council.

RECOMMENDATION

1. Accept and acknowledge the Berkeley Police Review Commission's ("PRC") Report and Recommendations: "To Achieve Fairness and Impartiality."
2. Refer key PRC report recommendations, detailed in the Background below, to the City Manager for:
  - a. consideration in the September 2018 City Manager Report to City Council on the Berkeley Police Department's efforts to track yield, stop, citation, search and arrest rates by race, develop training programs to address any disparities found; and implement policy and practice reforms; and
  - b. development, where appropriate, of new BPD policies, or further enhancement to existing BPD policies.

BACKGROUND

The City of Berkeley and its police department are internationally recognized as having contributed to the development of modern law enforcement policies, practices and accountability measures. In the first decades of the twenty-first century, renewed community engagement in the issue of police disparities has focused attention on improving accountability in policing across departments in the Bay Area and the country.

In response to the findings from the Center for Policing Equity and the PRC, on November 14, 2017, the City Council passed a referral directing the City Manager to:

[T]rack yield, stop, citation, search and arrest rates by race, develop training programs to address any disparities found, and implement policy and practice reforms that reflect cooperation between the Berkeley Police Department ("BPD"), the Police Review Commission ("PRC") and the broader

Accept and Acknowledge Report from the Berkeley Police Review Commission, "To Achieve Fairness and Impartiality," and Refer Key Recommendations to the City Manager for Policy Development and Consideration in September 2018 Report to City Council.

ACTION CALENDAR  
April 24, 2018

Berkeley community. The City Manager will report findings in September 2018 and annually thereafter, using anonymized data.

On January 23, 2018, the PRC submitted to the Council, the final report of its Fair and Impartial Policing Subcommittee, which was formed in January 2016. The independent report, unanimously adopted by the full PRC, examined testimony from community members regarding racially-based disparate treatment of civilians by the BPD, and also offered a range of specific policy, process, and practice recommendations. Council continued consideration of the report to the April 24, 2018 meeting.

This Council item accepts the report and acknowledges the important work of the PRC.

Many of the PRC's policy, process, and practice recommendations are already incorporated in the November 14, 2017 Council referral to the City Manager. The November referral is an important step in the right direction. However, there are some key recommendations that were not included in the November referral.

The policy goals of the Council, City, and the community would be well served if these additional set of recommendations are referred to the City Manager for policy development and further consideration in the September 2018 City Manager Report to City Council on racial disparities in policing.

The following PRC policy recommendations should be referred to the City Manager:

**1. Create, Present and Execute a Departmental Action Plan**

A written departmental action plan should be an important part of the City Manager and Department's efforts to study and address racial disparities.

In November, the Council directed the City Manager to "report findings" to the Council, but it did not require an action plan. The action plan would be presented to the Council and PRC and would detail solutions to the problem, and a roadmap for how to address them.

**2. Officer Identification**

Develop a policy requiring officers to identify themselves by their full name, rank and command and provide it writing (e.g. a business card) to individuals they have stopped, as in Oakland, New York, Providence, and San Jose.

**3. Review and Update BPD Policy Surrounding Inquiries to Parole and Probation Status**

The City Manager and BPD review existing policies surrounding asking the community members whether they are on probation or parole.

#### **4. Enhance Search Consent Policies**

The City Manager and the department create a policy that officers state the reason for a stop and/or search, obtain consent before initiating a search, and explain that a person has a right to refuse consent when there is no probable cause or warrant (except when the officer has reason to believe there is an immediate safety concern and conducts a pat search). Ideally, officers should obtain written acknowledgement that they have sought consent.

The Oakland and New York City require officers to get written or audio recorded consent before searching a person without a legal basis.

The following PRC policy recommendations enhancing the utility of existing technological systems should be referred to the City Manager:

#### **5. Reporting Data on the Public Data Portal**

The City Manager should consider the PRC's recommendation that the BPD integrate existing and planned data collected by the BPD, such as that related to use of force; handcuff, frisked/pat-search use; discovery of contraband; and beat/neighborhood and unit, into the *public* data portal.

The Council's November 14, 2017 referral was internally focused and required nothing specifically to be reported into data portal. Ongoing efforts to address racial disparities will be enhanced by further public transparency and easier to use data.

#### **6. Simplifying Public Data Portal Data Structure**

Insure that data columns in the online portal include distinct data points. This would be a change from the current practice, where certain columns include multiple fields. This change would enhance the readability of the data set.

#### **7. Collect Data on Frisks and Summons**

The City Manager should consider the PRC's recommendation that the BPD collect data on all BPD detentions including, frisks and summons.



Accept and Acknowledge Report from the Berkeley Police Review Commission, "To Achieve Fairness and Impartiality," and Refer Key Recommendations to the City Manager for Policy Development and Consideration in September 2018 Report to City Council.

ACTION CALENDAR  
April 24, 2018

The Council did not require that these important data points be included in expanded data collection. However, adding these points would greatly enhance the city's understanding of the scope of racial disparities.

The following longer-term PRC technological recommendations should be referred to the City Manager:

### **8. BPD Data Dashboard**

The City Manager should explore the establishment of a data dashboard from which BPD leadership can view real-time data about racial disparities and other policing data, as well as provide accessible graphs and charts reflecting relevant data analysis.

In the last budget referral, money was appropriated by Council for a BPD data analyst. The dashboard would represent an important venue through which the Data Analyst could present their findings to department leadership.

### **9. Enhance Existing "Early Warning" Systems**

Enhance existing BPD "early warning" system to identify and mitigate issues of bias by department staff for internal performance review and intervention.

### FINANCIAL IMPLICATIONS

Staff time would be necessary for considering these additional proposals and developing new policies to satisfy their intent.

### ENVIRONMENTAL SUSTAINABILITY

No Ecological Impact

### CONTACT PERSON

Councilmember Kate Harrison, Council District 4, 510-981-7140

### ATTACHMENT

1. Chart Comparing November 14, 2017 Council Referral to City Manager to April 24, 2018 Key Recommendations to the City Manager



Kate Harrison  
Councilmember District 4

**Chart Comparing November 14, 2017 Council Referral to City Manager to April 24, 2018 Key Recommendations to the City Manager**

Council Referral to City Manager (11/14/17)	Key Recommendations to the City Manager (4/24/18)
<p><b>Action:</b> 24 speakers. M/S/C (Bartlett/Wengraf) to approve the following recommendation.</p> <p>Direct the City Manager to track yield, stop, citation, search and arrest rates by race, develop training programs to address any disparities found, and implement policy and practice reforms that reflect cooperation between the Berkeley Police Department (“BPD”), the Police Review Commission (“PRC”) and the broader Berkeley community. The City Manager will report findings in September 2018 and annually thereafter, using anonymized data.</p> <p>1. Tracking yield rates (i.e., the percentage of citations or arrests per traffic or pedestrian stop and the ratio of contraband found by search conducted) by individual officer, by patrol and by the department as a whole disaggregated by the race of the individual(s) stopped. This will include analyzing whether police actions were officer-initiated or in response to calls for service or warrants. This data will focus BPD examination of the reasons for disparate racial treatment and to identify any outliers.</p>	<p>The following PRC policy recommendations should be referred to the City Manager:</p> <p><b>1. Create, Present and Execute a Departmental Action Plan</b></p> <p>A written departmental action plan should be an important part of the City Manager and Department’s efforts to study and address racial disparities.</p> <p>In November, the Council directed the City Manager to “report findings” to the Council, but it did not require an action plan. The action plan would be presented to the Council and PRC and would detail solutions to the problem, and a roadmap for how to address them.</p> <p><b>2. Officer Identification</b></p>

<p>2. Considering any other criteria which would contribute to a better understanding of stops, searches, citations and arrests and the reasons for such actions.</p> <p>3. Developing training programs to address the organizational causes of any disparate treatment and outcomes by race uncovered in #1 above and, in accordance with the City’s body worn camera policy, through examination of footage on police body cameras (e.g., more scenario-based training on procedural justice and the roots of disparate treatment, expanded de-escalation training).</p> <p>4. Consulting and cooperating with the broader Berkeley community, especially those communities most affected by observed racial disparities, to develop and implement policy and practice reforms that reflect these shared values. Work closely with the PRC, providing the commission all legally available information that may be helpful to designing reforms.</p> <p>5. Once released, BPD should analyze the final Center for Policing Equity report and propose improvements as needed. Departmental, personnel and training issues will be easier to address with accessible and granular empirical data.</p> <p><b>Vote:</b> All Ayes.</p>	<p>Develop a policy requiring officers to identify themselves by their full name, rank and command and provide it writing (e.g. a business card) to individuals they have stopped, as in Oakland, New York, Providence, and San Jose.</p> <p><b>3. Review and Update BPD Policy Surrounding Inquiries to Parole and Probation Status</b></p> <p>The City Manager and BPD review existing policies surrounding asking the community members whether they are on probation or parole.</p> <p><b>4. Enhance Search Consent Policies</b></p> <p>The City Manager and the department create a policy that officers state the reason for a stop and/or search, obtain consent before initiating a search, and explain that a person has a right to refuse consent when there is no probable cause or warrant (except when the officer has reason to believe there is an immediate safety concern and conducts a pat search). Ideally, officers should obtain written acknowledgement that they have sought consent.</p> <p>The Oakland and New York City require officers to get written or audio recorded consent before</p>
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	<p>searching a person without a legal basis.</p> <p>The following PRC policy recommendations enhancing the utility of existing technological systems should be referred to the City Manager:</p> <p><b>5. Reporting Data on the Public Data Portal</b></p> <p>The City Manager should consider the PRC's recommendation that the BPD integrate existing and planned data collected by the BPD, such as that related to use of force; handcuff, frisked/pat-search use; discovery of contraband; and beat/neighborhood and unit, into the <i>public</i> data portal.</p> <p>The Council's November 14, 2017 referral was internally focused and required nothing specifically to be reported into data portal. Ongoing efforts to address racial disparities will be enhanced by further public transparency and easier to use data.</p> <p><b>6. Simplifying Public Data Portal Data Structure</b></p> <p>Insure that data columns in the online portal include distinct data points. This would be a change from the current practice, where certain</p>
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	<p>columns include multiple fields. This change would enhance the readability of the data set.</p> <p><b>7. Collect Data on Frisks and Summons</b></p> <p>The City Manager should consider the PRC’s recommendation that the BPD collect data on all BPD detentions including, frisks and summons.</p> <p>The Council did not require that these important data points be included in expanded data collection. However, adding these points would greatly enhance the city’s understanding of the scope of racial disparities.</p> <p>The following longer-term PRC technological recommendations should be referred to the City Manager:</p> <p><b>8. BPD Data Dashboard</b></p> <p>The City Manager should explore the establishment of a data dashboard from which BPD leadership can view real-time data about racial disparities and other policing data, as well as provide accessible graphs and charts reflecting relevant data analysis.</p> <p>In the last budget referral, money was</p>
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	<p>appropriated by Council for a BPD data analyst. The dashboard would represent an important venue through which the Data Analyst could present their findings to department leadership.</p> <p><b>9. Enhance Existing “Early Warning” Systems</b></p> <p>Enhance existing BPD “early warning” system to identify and mitigate issues of bias by department staff for internal performance review and intervention.</p>
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Office of the City Manager

ACTION CALENDAR

April 30, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Subject: Referral Response: Update on Various Referrals and Recommendations Regarding Stop Data Collection, Data Analysis and Community Engagement

RECOMMENDATION

Review and provide feedback on the Berkeley Police Department responses to inter-related Council and Police Review Commission referrals, reports and recommendations, including the Center for Policing Equity report recommendations, regarding stop data collection, data analysis, community engagement, and related topics.

INTRODUCTION

This report provides information regarding Council's November 14, 2017 Referral to "track yield rates, develop training to address disparities found through the yield rates, and implement policy and practice reforms that reflect cooperation between the Police Department and broader Berkeley community." This report further provides information on related recommendations from additional referrals and reports, from Council, the Police Review Commission, and the Center for Policing Equity.

BACKGROUND

The collection and analysis of stop data and force data has been the subject of several related Council referrals, including a report from the Police Review Commission and a report from the Center for Policing Equity. These reports have many common, related, or overlapping recommendations. A substantial list appears in Appendix A.

In 2017 and 2018, Department resources, capacity, competing priorities, and an unprecedented staffing shortage impacted progress on some of these recommendations.

Implementation of BPD's Body Worn Camera program was among the highest priorities in 2018, and the program is now fully implemented. Numerous referrals and recommendations call for implementation and/or use of camera footage to support training. Officers have recorded well over 28,000 videos since October 2018. Videos have already proven useful as learning tools, as evidence in criminal matters, and of great value in reviewing uses of force, as well as complaints of misconduct.



## CURRENT SITUATION AND ITS EFFECTS

The Department plans include several projects that will address the recommendations and referrals. These projects are further described below.

Given these recommendations primarily concern car and pedestrian stops, and are based on data up to 2016, it should be noted that Department stop activity has declined over the past two years, likely due in part to staffing shortages, fewer motorcycle officers doing traffic enforcement, and other factors. Between 2017 and 2018: overall car stops declined 31%, while pedestrian stops were down 28%. Since virtually all of the recommendations arise from older data, and are related to officers' actions during these stops, consideration of the recent data must be made in the context of more recent reduced stop activity.

Fundamentally, the Department will continue to strive to police in a manner that is respectful, fair, equitable, constitutional, and with a focus on proactive attention to safety, along with appropriate accountability. The on-going analysis of the previous stop data remains valuable, and the context of the data is equally important to consider.

Project work will be undertaken, along with planned activities included in the biannual budget planning process, throughout 2019 and beyond. While numerous factors could impact progress on these, the Department will prioritize completing the projects described below.

### **1. Collecting Additional Stop Data; Preparing for RIPA Requirements**

The Department recognizes the benefits of gathering additional data, and will soon be working on the best methods to achieve this goal of additional data collection.

BPD currently collects stop data through using a six-character data string that is attached to each Computer Aided Dispatch (CAD) incident. The resulting data is posted on the City's Open Data Portal in its raw form.

Far more impactful are the impending mandates of California's 2015 Racial and Identity Profiling Act, commonly known as RIPA. The RIPA legislation requires the collection of at least 19 (nineteen) categories of data, as compared to six currently collected by BPD. The Department's existing data collection method is not able to capture the data required by RIPA. The Department will be required to collect the RIPA-specified data set on Jan. 1, 2022. Larger agencies are already collecting RIPA data, using a variety of different solutions to meet RIPA requirements.

In an effort to position our Department to become an early adopter of the coming RIPA requirements, the Department is committed to implementing a data collection protocol that meets or exceeds RIPA requirements. To that end, a workgroup has been established to examine other agencies' methods for collecting data, and compare those solutions to the configurable software module currently possessed by BPD. This group will recommend a solution, and the Department will move forward with implementation. Ideally, this solution will not only capture RIPA data, but also any additional data that the Department may wish to collect.

The Department's currently licensed software includes a configurable module which could be used for officers to capture data, but staff is concerned that module's utility may be limited by a lack of interface with the computer aided dispatch system, resulting in challenges caused by numerous pieces of data having to be entered manually by officers. Manual entry of location data is problematic, as such data should properly be "geo-verified" and resulting data would need to be reviewed and validated prior to use for analysis.

Current data collected and the 2019 RIPA Template are included as Appendix A of this report. The difference is extremely impactful to data collection efforts.

Collecting this substantial amount of additional data for each car and pedestrian stop will impact operations, as officers will spend much more time entering data than the current practice of advising dispatch. The Department will work to mitigate these challenges to the greatest extent possible through the user interface design, including if possible integration with CAD to automatically populate fields such as date, time, officer, location, et al. A desired solution will minimize officer time, while using systems integration to increase and enhance data integrity.

## **2. Community Engagement and Data Analysis**

Several recommendations focus on data analysis and community engagement in order to build trust, increase contact, and strengthen department-community relations.

Community engagement is an organizational priority, and is seen as an opportunity to not only share information, such as the data collected during stops, but to share contextual information about police activity. Our department's mission is to safeguard our diverse community. Given that mission, and the work we do in service to that mission, the department is seeking opportunities to share and discuss the data, and also to understand the perspectives of our diverse community on the fundamental question of what makes a community feel safest in their neighborhoods.

The department seeks to secure assistance to support analysis of stop data, to create tools to facilitate data analysis, to foster creation of a task force to review and discuss the data, including discussion with the community, and to create a community engagement strategy that builds on the Department's engagement activities. This work is being done through the RFP process, and will help to address a number of recommendations.

In addition, the Department will continue to provide data to the Center for Policing Equity, and continue to engage with CPE in the challenging problem of determining best analytical frameworks. CPE's report delivered in 2018 provoked questions of how best to analyze and interpret data from stops, and these questions remain unresolved. Continued work with CPE is desired to gain understanding from the data and analytical approaches.

The Department will improve the Open Data Portal's available stop data by converting all stop data from a six character string into six individual data fields on the Open Data Portal, thereby providing data in a more useful form. The Department seeks to make available on the Portal easy-to-use tools for the examination of posted data.

**3. Force Policy Update; Data Collection; Release of Aggregated Data**

Several recommendations relate to updating the Department’s Use of Force policy, and to summarize reporting of use of force data.

To accomplish this, the Department will complete of the Use of Force policy revision, after which a new software system will be implemented for force reporting. This software will capture all use of force data. Summary Force Data will be reported to the Police Review Commission on a regular basis, and is anticipated to be placed on the Open Data Portal.

Use of Force Policy Revision; Software Implementation\*

Task	Responsible	Timelines
Reconvened workgroup completing updated language within existing policy, to incorporating Council Referral	Workgroup including Operations, Use of Force Subject Matter Experts, Information Technology, Internal Affairs, Berkeley Police Association Rep.	Mid-May
Legal review	Legal, Chief	Mid-late May
PRC review	PRC, Chief	End of May
BPA Meet and Confer (as necessary)	BPA, Chief, Legal, HR	End of May, early June
Finalize Policy	Chief	Early June
Council Report	Chief/Staff	Late June
Implementation of Use of Force software system	Internal Affairs, DoIT	Late June
Implement Use of Force Data on Open Data Portal	DoIT	Late June

\*Some tasks and timelines may overlap

**4. Policy and Trainings as needed to address disparities**

Several recommendations concern development of departmental policies and training to address disparities in policing as indicated through the data.

Any policy and training development would build upon a considerable body of current policy and previous related training.

The Berkeley Police Department has a long history of policies which reflect our commitment to constitutional policing without racial profiling, which is prohibited under Penal Code 13519(4)(f). Applicable policies include, for example:

- Policy 401, Fair and Impartial Policing (formerly General Order B-4)
- Police Regulation 282 Non-discrimination/Equal Employment;
- Police Regulation 255 Obedience – Laws and Orders
- Police Regulation 257 Enforcement of Law – Impartiality
- Police Regulation 200 Misconduct – Duty to Report
- Police Regulation 201 Misconduct –Supervisory and Command Officer Responsibilities
- General Order P-26 Personnel Complaint Procedure
- General Order H-4 Hate Crime Policy and Procedure

The Department has a long history of training to increase awareness—and thereby mitigate— the potential impacts of implicit bias, and to support policing which is based on treating people with dignity and respect, while avoiding an over-reliance of force in safeguarding our community, including, in part:

- Procedural Justice Training 2017-2018
- Fair and Impartial Policing training sessions 2010-2016
- Tactical De-escalation Training 2016
- Crisis Intervention Training 2011-present, ongoing
- POST Biased-based Policing 2014

#### ENVIRONMENTAL SUSTAINABILITY

Implementation of software and software enhancements may assist with the data sharing via electronic formats thereby reducing the need for paper, supplies, ink and staff time to compile some information requests.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

RIPA Data Collection software costs are dependent on research, evaluation and comparison to the department's existing currently licensed software. Consultant costs estimated at \$50,000. All projects require significant staff time.

#### CONTACT PERSON

Andrew Greenwood, Chief of Police, (510) 981-5700

#### ATTACHMENTS

1. Appendix A – Referrals and Recommendations, with notes
2. Appendix B – BPD Stop Data currently collected; RIPA Requirements

# Appendix A: Referrals and Recommendations

## Appendix A: Referrals and Recommendations

Notes in **(BOLD)** at the end of numerous recommendations denote ongoing or planned project work to address the recommendations. Many recommendations will be addressed through the same project, e.g. the RIPA implementation, Use of Force Policy, etc.

### Referral to Address Disparate Racial Treatment and Implement Policy and Practice Reforms

#### November 14, 2017, Item 24

1. Tracking Yield rates **(RIPA)**
  - a. Analyze whether officer-initiated or in response to calls for service or warrants
  - b. Focus on reasons for disparate racial treatment and to identify any outliers.
2. Consider any other criteria that would contribute to a better understanding of stops, searches, citations and arrests and the reasons for such actions. **(RIPA)**
3. Develop training programs to address the organizational causes of any disparate treatment and outcomes by race uncovered by yield rates above, in accordance with the City's body worn camera policy, through examination of footage on police body cameras (e.g. more scenario-based training on procedural justice and the roots of disparate treatment, expanded de-escalation training.)  
**(RIPA)(TRAINING)**
4. Consulting and cooperating with the broader Berkeley community, especially those communities most affected by observed racial disparities, to develop and implement policy and practice reforms that reflect these shared values. Work closely with the PRC, providing the commission all legally available information that may be helpful to designing reforms. **(CONSULTANT; COMMUNITY ENGAGEMENT)**
5. Once released, BPD should analyze the final Center for Policing Equity report and propose improvements as needed.

### PRC Report and Recommendations, "To Achieve Fairness and Impartiality"

#### April 24, 2018, Item 38a

##### A. Data Collection and Analysis Enhancements **(RIPA)**

1. Add specific data elements to those already tracked. Maintain and analyze demographic data. Enhance the current web display for readability.
2. Report trends regularly to PRC and City Council. Report stop data by officer (stripped of identifying information).
3. Hire a data manager/analyst. **(BUDGET)**
4. Enhance ability to correctly identify ethnicity of individuals.
5. Report every use of force. **(FORCE POLICY & REPORTING)**

##### B. Address racial disparities shown in the data **(RIPA)(ANALYSIS)**

1. Monitor stop, search, and enforcement/disposition outcomes across race.

2. Determine if disparities are generalized or reside in a subset of the department and develop effective mitigations including policy reviews, staff support, counseling and training, or other as appropriate.
  3. Work closely with PRC to develop mitigations and track progress.
  4. Develop early warning systems to minimize future problems of biased policing.
- C. Body Worn Cameras **(Program implemented)**
1. Accelerate full deployment of body cameras.
  2. Use camera footage to train officers and evaluate policies.
- D. Other departmental steps
1. Partner with academic institutions.
  2. Increase support for officer wellness and safety. **(DEPT WELLNESS PROGRAMS; GRANT SOUGHT)**
  3. Strengthen informed consent procedures for search. **(RIPA)(POLICY)**
  4. Strengthen requirements for officers to identify themselves. **(POLICY)**
- E. Community relations **(CONSULTANT; COMMUNITY ENGAGEMENT)**
1. Prepare detailed action plan to build trust in and accessibility to the department, focused on communities of color.
  2. Consult and cooperate with the broader community to develop and implement policy and practice reforms.
  3. Increase positive community contact.

**PRC Report and Recommendations, "To Achieve Fairness and Impartiality"  
Referring Key Recommendations to the City Manager**

**April 24, 2018, Item 38b, Supp. 1**

1. Departmental Action Plan **(DESCRIBED IN THIS ITEM)**
2. Officer Identification **(POLICY)**
3. Review and update BPD Policy surrounding Inquiries to Parole and Probation Status **(RIPA)(POLICY)**
4. Enhance Search Consent Policies **(RIPA)(POLICY)**
5. Reporting Data on the Public Data Portal **(ODP)**
6. Simplifying Public Data Portal Data Structure **(ODP)**
7. Collect Data on Frisks and Summons (in Berkeley: Pedestrian stops, Citations) **(RIPA)**
8. BPD Data Dashboards
9. Enhance Existing "Early Warning" Systems

**Center for Policing Equity Recommendations**

**May 9, 2018**

1. We recommend changing the use of force data capture protocol to register every use of force by BPD officers, regardless of weapon use, injury, or complaint. **(FORCE POLICY & REPORTING)**
2. We recommend that BPD monitor search and disposition outcomes across race, and arrest and disposition outcomes associated with use of force. In particular, BPD should collect and share data with respect to contraband (distinguishing

- among drugs, guns, non-gun weapons, and stolen property) found during vehicle or pedestrian searches, and that it analyze data about charges filed resulting from vehicle and pedestrian stops. **(RIPA)**
3. We recommend that BPD collect and share more detailed data with respect to use of force. In particular, we recommend that it collect and analyze data about whether the and how the person resisted arrest, and about charges filed against persons involved in use of force incidents. **(FORCE POLICY & REPORTING)**
  4. We recommend that BPD more clearly track, analyze, and share data with respect to whether law enforcement actions are officer-initiated, or responses to calls for service. **(RIPA)**
  5. We recommend that BPD continue to affirm that the egalitarian values of the department be reflected in the work its officers and employees do. **(ONGOING, MISSION, POLICY)**
  6. We recommend that BPD consult and cooperate with the broader Berkeley community, especially those communities most affected by observed racial disparities, to develop and implement policy and practice reforms that reflect these shared values. **(CONSULTANT; COMMUNITY ENGAGEMENT)**
  7. We recommend BPD track yield rates (of contraband found at searches). **(RIPA)**
  8. We recommend that BPD monitor patrol deployments, using efficient and equitable deployment as a metric of supervisory success. One way to promote equitable contact rates is to monitor racial disparities (not attributable to non-police factors such as crime) and to adjust patrol deployments accordingly.
  9. We recommend that BPD track crime trends with neighborhood demographics in order to ensure that response rates are proportional to crime rates.
  10. We recommend that BPD engage in scenario-based training on the importance of procedural justice and the psychological roots of disparate treatment in order to promote the adoption of procedural justice throughout the organization, and to protect officers from the negative consequences of concerns that they will appear racist. **(PROCEDURAL JUSTICE TRAINING COMPLETED)**
  11. We recommend that values-based evaluations of supervisors be developed to curb the possible influence of social dominance orientation on the mission of the department. CPE research has found a significant relationship between social dominance orientation and negative policing outcomes in many police departments.
  12. We recommend that BPD trainings include clear messaging that racial inequality and other invidious disparities are not consistent with the values of BPD. **(TRAININGS & POLICIES IN PLACE)**
  13. We recommend leveraging the Police Review Commission, as well as ensuring inclusion from all groups in the community, to help review relevant areas of the general orders manual and provide a more integrated set of policies with clear accountability and institutional resources. **(ONGOING PRC SUBCOMMITTEE WORK)**



**Direct the City Manager Regarding the Berkeley Police Department's Use of Force Policy**

**October 31, 2017, Item 26**

1. Enhance BPD's use of force policy statement; and
2. Create a definition of use of force; and
3. Require that all uses of force be reported; and
4. Categorize uses of force into levels for the purpose of facilitating the appropriate reporting, investigation, documentation and review requirements and
5. Require Use of Force Report to be captured in a manner that allows for analysis; and
6. Require that the Department prepare an annual analysis report relating to use of force to be submitted to the Chief of Police, Police Review Commission and Council.

**(FORCE POLICY & REPORTING)**

# Appendix B:

## BPD Data currently collected

DISPOSITION CODE (SIX DIGIT CODE)					
<p>AM3WCN</p>					
1. Race	2. Gender	3. Age	4. Reason	5. Enforcement	6. Car Search
A Asian B Black H Hispanic W White O Other	M Male F Female	1 <18 2 18-29 3 30-39 4 >40	I Investigation T Traffic R Reas. Susp. K Prob./Parole W Wanted	A Arrest C Citation W Warning O Other	S Search N No Search

# Appendix B: RIPA Reporting Requirements

**AB 953: TEMPLATE BASED ON THE FINAL REGULATIONS**

Additional data values for the stop of a student in a K-12 public school are listed in red.

1. **Originating Agency Identifier** (prepopulated field)
2. **Date, Time, and Duration of Stop**  
Date: (e.g., 01/01/19)  
Start Time (approx.): (e.g. 1530)  
Duration of Stop (approx.): (e.g. 30 min.)
3. **Location**
  - Report one (listed in order of preference): block number and street name; closest intersection; highway and closest highway exit. If none of these are available, the officer may report a road marker, landmark, or other description, except cannot report street address if location is a residence.
  - City: \_\_\_\_\_
  - Check here to indicate stop is of a student at K-12 public school: \_\_\_\_\_
    - Name of -12 Public School \_\_\_\_\_
4. **Perceived Race or Ethnicity of Person Stopped** (select all that apply)
  - Asian
  - Black/African American
  - Hispanic/Latino(a)
  - Middle Eastern or South Asian
  - Native American
  - Pacific Islander
  - White
5. **Perceived Gender of Person Stopped** (may select one from options 1-4 AND option 5, if applicable, or just option 5)
  1. Male
  2. Female
  3. Transgender man/boy
  4. Transgender woman/girl
  5. Gender nonconforming
6. **Person Stopped Perceived to be LGBT (Yes/No)** (“Yes” must be selected if “Transgender” was selected for “Perceived Gender”)
7. **Perceived Age of Person Stopped** (input the perceived, approximate age)
8. **Person Stopped Has Limited or No English Fluency (check here if Yes \_\_\_\_\_)**
9. **Perceived or Known Disability of Person Stopped** (select all that apply)
  - Deafness or difficulty hearing
  - Speech impairment or limited use of language
  - Blind or limited vision
  - Mental health condition
  - Intellectual or developmental disability, including dementia
  - Disability related to hyperactivity or impulsive behavior
  - Other disability
  - None

**AB 953: TEMPLATE BASED ON THE FINAL REGULATIONS**

Additional data values for the stop of a student in a K-12 public school are in listed in red.

**10. Reason for Stop** (select one - the primary reason for the stop only)

- Traffic violation
  - Specific code (CJIS offense table; select drop down) and
  - Type of violation (select one)
    - Moving violation
    - Equipment violation
    - Non-moving violation, including registration violation
- Reasonable suspicion that person was engaged in criminal activity
  - Specific Code (drop down; select primary if known) and
  - Basis (select all applicable)
    - Officer witnessed commission of a crime
    - Matched suspect description
    - Witness or victim identification of suspect at the scene
    - Carrying suspicious object
    - Actions indicative of casing a victim or location
    - Suspected of acting as a lookout
    - Actions indicative of a drug transaction
    - Actions indicative of engaging in a violent crime
    - Other reasonable suspicion of a crime
- Known to be on parole/probation/PRCS/mandatory supervision
- Knowledge of outstanding arrest warrant/wanted person
- Investigation to determine whether person was truant
- Consensual encounter resulting in search
- Possible conduct warranting discipline under Education Code sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7 (select specific Educ. Code section & subdivision)
- Determine whether student violated school policy

A brief explanation is required regarding the reason for the stop and must provide additional detail beyond the general data values selected (250-character maximum).

**11. Stop Made in Response to a Call for Service (Yes/No)** (Select “Yes” only if stop was made in response to call for service, radio call, or dispatch)**12A. Actions Taken by Officer(s) During Stop** (select all that apply)

- Person removed from vehicle by order
- Person removed from vehicle by physical contact
- Field sobriety test conducted
- Curbside detention
- Handcuffed or flex cuffed
- Patrol car detention
- Canine removed from vehicle or used to search
- Firearm pointed at person
- Firearm discharged or used
- Electronic control device used
- Impact projectile discharged or used (e.g. blunt impact projectile, rubber bullets or bean bags)
- Canine bit or held person
- Baton or other impact weapon used
- Chemical spray used (e.g. pepper spray, mace, tear gas, or other chemical irritants)
- Other physical or vehicle contact
- Person photographed

**AB 953: TEMPLATE BASED ON THE FINAL REGULATIONS**

Additional data values for the stop of a student in a K-12 public school are in listed in red.

- Asked for consent to search person
  - Consent given
  - Consent not given
- Search of person was conducted
- Asked for consent to search property
  - Consent given
  - Consent not given
- Search of property was conducted
- Property was seized
- Vehicle impound
- Admission or written statement obtained from student
- None

**12B. Basis for Search** (if search of person/property/both was conducted; select all that apply)

- Consent given
- Officer safety/safety of others
- Search warrant
- Condition of parole/probation/PRCS/mandatory supervision
- Suspected weapons
- Visible contraband
- Odor of contraband
- Canine detection
- Evidence of crime
- Incident to arrest
- Exigent circumstances/emergency
- Vehicle inventory (for search of property only)
- Suspected violation of school policy

A brief explanation is required regarding the basis for the search and must provide additional detail beyond the general data values selected (250-character maximum). This field is not required if basis for search is “condition of parole/probation/PRCS/mandatory supervision.”

**12C. Contraband or Evidence Discovered, if any** (during search/in plain view; select all that apply)

- None
- Firearm(s)
- Ammunition
- Weapon(s) other than a firearm
- Drugs/narcotics
- Alcohol
- Money
- Drug paraphernalia
- Suspected stolen property
- Cell phone(s) or electronic device(s)
- Other contraband or evidence

**12D. Basis for Property Seizure** (if property was seized; select all that apply)

- Safekeeping as allowed by law/statute
- Contraband
- Evidence
- Impound of vehicle

**AB 953: TEMPLATE BASED ON THE FINAL REGULATIONS**

Additional data values for the stop of a student in a K-12 public school are in listed in red.

- Abandoned property
- Suspected violation of school policy

**Type of Property Seized** (select all that apply)

- Firearm(s)
- Ammunition
- Weapon(s) other than a firearm
- Drugs/narcotics
- Alcohol
- Money
- Drug paraphernalia
- Suspected stolen property
- Cell phone(s) or electronic device(s)
- Vehicle
- Other contraband or evidence

**13. Result of Stop** (select all that apply)

- No action
- Warning (verbal or written): Code/ordinance cited (drop down)
- Citation for infraction: Code/ordinance cited (drop down)
- In-field cite and release: Code/ordinance cited (drop down)
- Custodial arrest pursuant to outstanding warrant
- Custodial arrest without warrant: Code/ordinance cited (drop down)
- Field Interview Card completed
- Noncriminal transport or caretaking transport (including transport by officer, transport by ambulance, or transport by another agency)
- Contacted parent/legal guardian or other person responsible for the minor
- Psychiatric hold (Welfare & Inst. Code, §§ 5150, 5585.20.)
- Referred to U.S. Department of Homeland Security (e.g., ICE, CBP)
- Referral to school administrator
- Referral to school counselor or other support staff

**14. Officer's Identification (I.D.) Number** (prepopulated field)

**15. Officer's Years of Experience** (total number of years worked as a peace officer)

**16. Type of Assignment of Officer** (select one)

- Patrol, traffic enforcement, field operations
- Gang enforcement
- Compliance check (e.g. parole/PRCS/probation/mandatory supervision)
- Special events (e.g. sports, concerts, protests)
- Roadblock or DUI sobriety checkpoint
- Narcotics/vice
- Task force
- K-12 public school, including school resource officer or school police officer
- Investigative/detective
- Other (manually specify type of assignment)



## 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.





Office of the City Manager

INFORMATION CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Mark Numainville, City Clerk  
 Subject: City Council Short Term Referral Process – Monthly Update

INTRODUCTION

This report is a monthly update on the status of short term (90-day) and other date-certain Council referrals.

CURRENT SITUATION AND ITS EFFECTS

In this context, tracking refers to a manually updated chart (Attachment 1). The May 15, 2018 Council referral establishing the monthly update includes both “short term” and “date-certain” referrals. Short term referrals are referrals that staff determines they will be able to complete in approximately three months. Date-certain referrals are those which contain a specified date of completion at the time they are approved by the City Council. Currently, the City only tracks short term referrals in an Excel spreadsheet.

Providing a monthly update on all short term and date-certain referrals will allow Council and the public to see the status of these referrals and any circumstances which lead to delays.

BACKGROUND

In 2016, the City Council adopted a system of Re-Weighted Range Voting (RRV) to prioritize the outstanding City Council referrals to staff. The RRV system enables City Council to provide direction to staff on which referrals are highest priority to the City Council. However, that process does not provide information on the status of short term or date-certain referrals. While many short term or date-certain referrals were “updated” through being completed and presented to Council as consent or information items, there was no comprehensive overview of this subset of referrals.

ENVIRONMENTAL SUSTAINABILITY

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

POSSIBLE FUTURE ACTION

The City Council may wish to direct staff to evaluate this process after it has been in place six months.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

No direct fiscal impact. Greater efficiencies in staff resources due to prioritization of work and alignment with budget and strategic plan goals.

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1: Short Term and Date-Certain Referrals



# Short Term Referrals [FINAL]

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2019-05-28	29	Referral to the Public Works Department and the City Manager: Finishing the installation of Sculpture Lighting into Adjacent Street Lights for the William Byron Rumford Statue on Sacramento and Julia St.	Refer to the City Manager a request to finish the installation of sculpture lighting into adjacent street lights for the William Byron Rumford statue on Sacramento and Julia Street. Refer to the Public Works Department for its installation.	Councilmembers		Ben Bartlett, Kate Harrison, Cheryl Davila, Jesse Arreguin		2019-06-13 17:00:00	Public Works	Not Started	2019-06-13 17:00:00		
2018-12-11	26	Referral to the City Manager and Planning Commission to Update the Housing Pipeline Report to Address Timeline between Planning Entitlements and Submission of Building Permit Applications and Consider Reasons for Delay	Referral to the City Manager to include in the Housing Pipeline Report an analysis of the time between planning entitlements and building permit requests for all projects of five units or greater over the past five years. On an ongoing basis, refer to the City Manager and Planning Commission to propose changes to current Planning approval process to address the causes of delays between entitlements and building permits for construction or substantial rehabilitation of five or more dwelling units.	Councilmembers		Kate Harrison		2018-12-11 17:00:00	PLANNING & DEVELOPMENT	Work in Progress	2019-07-16 16:43:23		
2019-02-19	16	Providing Requested Direction to the City Manager and Planning Department on the Number of Cannabis Retail Establishments and the Creation of an Equity Program	That the Council provides requested direction to the Planning Department on how to proceed with the Equity Program recommended by the Cannabis Commission in the October 9, 2018 staff report; with the following specifications: Recommendation of creating 1 new dispensary license for equity applicants. It is envisioned as new licenses are created, such as, delivery, manufacturing, and micro-business, permits will be reserved for equity applicants for each new category.	Councilmembers		Ben Bartlett, Kriss Worthington, Cheryl Davila		2019-05-17 17:00:00	PLANNING & DEVELOPMENT	Work in Progress	2019-07-22 12:00:00		2019-04-12 16:03:50 - Melissa McDonough (Additional comments) This will be included with the next set of Cannabis Ordinance changes, expected in summer 2019.
2019-04-02	18	Companion Report: Effective Enforcement of Safe Lead-Paint Practices - Update on Amendments	Based on the intent of the recommendation from the Community Environmental Advisory Commission (CEAC) for the City to expand enforcement of unsafe lead paint practices, refer to the City Manager to: - Coordinate with the Alameda County Healthy Homes Program to clearly identify roles and responsibilities for expanding enforcement of unsafe lead practices, and to explore options for sharing resources that can support expanded local enforcement; - Identify what resources, staff capacity, and program structure would be required to expand City enforcement of unsafe lead practices; - Continue current work to educate building permit applicants and contractors about safe lead paint practices; train and certify all City of Berkeley Building and Housing Inspectors in lead paint safety; respond to, investigate, and enforce safe lead paint practices as needed; and administer the Public Health Division's Childhood Lead Poisoning Prevention Program; and - Provide an update to City Council within one-year that identifies progress and next steps for expanding enforcement of unsafe lead practices. AMENDMENTS: Request that the City Manager return to Council as soon as possible with recommendations on staffing for robust enforcement and internal restructuring for inspections. Options for noticing and distributing disclosure information. Enforcement by the City or the County, if feasible.	Councilmembers				2019-06-28 17:00:00	CITY MANAGER'S OFFICE	Work in Progress	2019-07-23 15:28:36		

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2019-03-26	15	Ensuring the Sustainability of the Berkeley Flea Market	Short-term referral to the City Manager to provide material and strategic assistance to the Berkeley Flea Market, to sustain and enhance its ability to serve both merchant participants and the community at large.	Council member		Ben Bartlett, Sophie Hahn, Cheryl Davila		2019-05-27 17:00:00	Office of Economic Development	Work in Progress	2019-07-30 11:38:31		2019-06-06 10:40:44 - Jordan Klein (Additional comments) OED's small business retention consultant, Uptima Business Bootcamp, is working closely with the Flea Market on the development of a new strategic plan. Expected completion is July 2019. At that point, OED will submit an information report to City Council with an update and summary, with strategic plan attached. Expected for the 9/10/19 City Council regular meeting.
2018-11-13	23	Clarifying Jurisdiction of Ohlone Greenway	Refer to the City Manager to review the recommendation to place the Ohlone Greenway under park rules and policies with the intent of revising the BMC to include the Ohlone Greenway as open space and enforce park-like rules.	Councilmembers		Linda Maio, Sophie Hahn, Kate Harrison		2019-02-13 17:00:00	City Attorney	Work in Progress	2019-08-05 12:00:00		2019-04-24 10:04:24 - Mark Numainville (Additional comments) City Attorney provided legal opinion to PRW. PRW to report to Council.
2018-02-27	23	Conceptual Study for Undergrounding Utility Wires in Berkeley From: Public Works Commission, Disaster and Fire Safety Commission, and Transportation Commission	That Council approve the following items: 1. Conceptual Study for undergrounding utility wires in Berkeley (the "Undergrounding Plan"). 2. Proceed with Phase 3 of the Undergrounding Plan. We want to emphasize the importance for Berkeley to actively participate in the current California Public Utilities Commission review of the Rule 20 program.	Commission			Public Works Commission	2018-05-25 17:00:00	Public Works	Work in Progress	2020-12-31 17:00:00		2019-04-12 15:51:40 - Melissa McDonough (Additional comments) Due date: report back after Task 5 is completed  2019-02-05 15:55:07 - Melissa McDonough (Additional comments) Phase 3 funding not approved, to be reconsidered by City Council November 2018.

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2014-04-29	35	35. City Manager Referral: Policy for Companies Such as Airbnb to Pay Transient Occupancy Tax, as Currently Paid by Other Small Local Businesses	Refer to the City Manager creation of a policy for companies such as Airbnb to pay the Transient Occupancy Tax, as currently paid by other small local businesses.	Council member	City Council District 7	Kriss Worthington		2014-10-24 17:00:00	PLANNING & DEVELOPMENT	Completed	2014-10-27 08:00:00	2016-09-07 00:00:00	
2014-12-16	25	Reconcile the West Berkeley Plan and the Zoning Code as it Pertains to Medical Uses	Refer to the Planning Commission the task of revising the current zoning ordinance so that it reflects the West Berkeley Plan's goals of encouraging medical uses in West Berkeley.	Council member	City Council District 2			2015-06-12 17:00:00	PLANNING & DEVELOPMENT	Completed	2015-06-15 08:00:00	2017-01-24 00:00:00	
2015-09-15	43	Prohibit Sales of Tobacco Products to Persons Under the Age of 21	Direct the City Manager and Community Health Commission to draft an ordinance amending Berkeley Municipal Code Chapter 9.80 "Tobacco Retailers" to prohibit the sales of tobacco products and smoking paraphernalia to persons under the age of 21.	Council member		Jesse Arreguin		2016-03-11 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2016-03-11 17:00:00		
2015-09-15	55	Referral to the Community Environmental Advisory Commission to Install 1.8 GPM Showerheads in All New Housing Projects or Any Renovation Over \$50,000	Refer to the Community Environmental Advisory Commission to explore requiring a maximum of 1.8 GPM low flow showerheads in new housing projects and all housing renovations exceeding \$50,000 throughout Berkeley.	Council member		Kriss Worthington		2016-03-11 17:00:00	PLANNING & DEVELOPMENT	Completed	2016-03-14 08:00:00	2016-07-19 00:00:00	
2015-11-10	1	Proposed Amendments to the Minimum Wage Ordinance; Amending Berkeley Municipal Code Chapter 13.99 (Continued from September 15, 2015)	Review and consider information regarding the activities and costs associated with implementing and enforcing the Commission on Labor's proposed amendments to the Minimum Wage Ordinance (MWO), including the potential impact of the proposed amendments on the City's minimum wage employees, employers, non-profit organizations and community-based organizations, on-call workers and youth training program workers, and either: 1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 13.99, which includes staff-recommended revisions to the Commission's proposed Ordinance; -OR- 2. Refer the MWO back to the City Manager for further analysis and revisions.					2016-05-06 17:00:00	CITY MANAGER'S OFFICE	Completed	2016-05-09 08:00:00	2016-09-01 00:00:00	
2015-11-17	30	Fourth Ambulance Pilot Project 6-Month Update	No recommendation noted. Action: Moved to Consent Calendar and held over to January 19, 2016. Fire to report back in May 2016 for permanent program.					2016-05-13 17:00:00	FIRE & EMERGENCY SERVICES	Completed	2016-05-16 08:00:00	2018-07-01 00:00:00	
2015-12-01	22	City Manager Referral: Pilot Program to Implement Solar Trash Compactors on Telegraph Avenue and Downtown Berkeley	Refer to the City Manager to adopt a Pilot Program to implement Solar Trash Compactors on Telegraph Avenue and Downtown Berkeley.	Council member		Kriss Worthington, Linda Maio, Susan Wengraf, Lori Droste		2016-05-27 17:00:00	Public Works	Completed	2016-05-30 08:00:00	2018-07-24 00:00:00	2019-02-05 16:44:20 - Melissa McDonough (Additional comments) 6/2018 RFPs received; 2 solar compactors to be issued contracts.

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2015-12-01	33	City Manager and Planning Commission's Referral: Enable Implementation of Council Approved Floor Area Ratio in the Telegraph Commercial District between Dwight and Bancroft by Amending the Zoning Ordinance	Refer to the City Manager and Planning Commission an immediate implementation strategy to bring the City Zoning Ordinance in compliance with the policy adopted by City Council to increase Floor Area Ratio (FAR) in the Telegraph Commercial District between Dwight and Bancroft - COUNCIL DIRECTION ON COMMUNITY BENEFITS NEEDS FOLLOW UP WORK AND REPORT TO COUNCIL	Council member	City Council District 7	Kriss Worthington		2016-05-27 17:00:00	PLANNING & DEVELOPMENT	Completed	2016-05-30 08:00:00	2016-06-28 00:00:00	
2015-12-15	35	Amending Open Government Ordinance to Allow Submission of Revised/Supplemental Items	Refer to the City Manager and City Attorney to draft an ordinance amending Berkeley Municipal Code Section 2.06.070.E (Open Government Ordinance) to allow the submission of revised or supplemental agenda material for the Supplemental Communications Packet 2. The revised or supplemental material must be submitted no later than 12 noon the day of the City Council meeting at which the item is to be considered. The online version of the City Council agenda shall also contain a link to such items. If revised agenda material is submitted by this deadline, it would not require a two-thirds vote of the Council to accept the material.	Council member		Jesse Arreguin, Susan Wengraf, Lori Droste		2016-06-10 17:00:00	City Clerk	Completed	2016-06-10 17:00:00		
2015-12-15	54	Referral to City Manager: Establishment of Affordable Housing Small Sites Program Revised Version	Refer to the City Manager to: 1. Look into the feasibility of creating a Small Sites Program to allow non-profits to purchase small multi-family buildings (5-25 units) to create and preserve affordable housing, with an emphasis on properties with a high potential for conversion to cooperative homeownership. 2. Develop an inventory of City-owned land and other land owned by public agencies in the City of Berkeley which could potentially be used to create below-market rate housing.	Council member		Jesse Arreguin		2016-06-10 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2016-06-13 08:00:00	2016-12-13 00:00:00	2019-02-05 16:47:39 - Melissa McDonough (Additional comments) 2 is completed. 1 was later prioritized long term as top priority of Council's housing action plan. Plan outline complete and will bring before HAC in July 2018.
2015-12-15	30	Provide Cost Estimates to Restore the Berkeley Pier	Refer to the City Manager to determine the cost to make the appropriate repairs so that it will be safe for public use.	Council member	City Council District 2			2016-06-10 17:00:00	CITY MANAGER'S OFFICE	Completed	2016-06-13 08:00:00	2017-03-14 00:00:00	
2016-01-19	24	Tenant Buyout Agreement Ordinance	Refer to the City Manager and the Rent Stabilization Board to draft an ordinance regulating situations where a tenant agrees to vacate a rent-controlled unit in exchange for a sum of money, known as a buyout.	Council member		Jesse Arreguin		2016-07-15 17:00:00	CITY MANAGER'S OFFICE	Completed	2016-07-18 08:00:00	2016-03-31 00:00:00	
2016-02-09	26	Develop a Provision for the Landmarks Preservation Ordinance to Allow for the De-designation of a Landmark Designation for a Building that has been Legally Demolished (Continued from January 12, 2016)	Refer to the City Manager to develop a provision for the Landmarks Preservation Ordinance (LPO) that would allow a landmark designation to be de-designated for a building that has been previously landmarked but subsequently has been legally demolished.	Council member				2016-08-05 17:00:00	CITY MANAGER'S OFFICE	Completed	2016-08-08 08:00:00	2016-05-10 00:00:00	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by District	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2016-02-09	15	Budget Referral: Including BigBelly Solar Compactor Bins Allocation in the 2016 Mid-Year Budget Process	Refer to the 2016 Mid-year budget process the purchasing of BigBelly Solar Compactor Bins in order to save money, meet zero waste goals, and reduce Berkeley's greenhouse gas emissions.	Council member		Kriss Worthington, Lori Droste		2016-08-05 17:00:00	Public Works	Completed	2016-08-08 08:00:00	2018-07-24 00:00:00	2019-02-05 16:51:37 - Melissa McDonough (Additional comments) 6/2018 RFPs received; 2 solar compactors to be issued contracts.
2016-03-15	6	Prioritize Installation of Bicycle Lane on Fulton Street	Direct the City Manager and Transportation staff to prioritize and expedite the installation of a bicycle lane on Fulton Street between Bancroft Way and Channing Way.	Council member		Jesse Arreguin		2016-09-09 17:00:00	Public Works	Completed	2016-09-12 08:00:00	2016-05-10 00:00:00	
2016-04-05	10	Modify the Proposed Early Mitigation Fee Discount and Preserve Revenue Towards Units At Or Below 50% AMI and Add Sunset Clause (Continued from February 23, 2016)	That the City of Berkeley amend Council Item 10a to remove the option of paying a substantially-reduced mitigation fee at the issuance of a permit, and to preserve revenue from the mitigation fees to maintain or increase the funds designated towards units for incomes at or below 50% AMI, and add a sunset clause.	Council member		Kriss Worthington		2016-09-30 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2016-10-03 08:00:00	2016-07-19 00:00:00	
2016-04-26	31	Creation of 311 Mobile Application	Refer to the City Manager to create a mobile application for the 311 system and improve the 311 Online Service Center.	Council member		Jesse Arreguin		2016-10-24 08:00:00	Information Technology	Completed	2016-10-24 08:00:00	2016-11-15 00:00:00	
2016-05-10	21	Resolutions Consenting to Inclusion of the City of Berkeley Properties in the California Home Finance Authority PACE Programs and Associate Membership in California Home Finance Authority	ABAG has a new report and the City Council has voted twice in favor; thus, the City of Berkeley should approve and sign an agreement for collaborative services for Property Assessed Clean Energy Financing (PACE) marketplace. Also, that the City of Berkeley approve and sign acknowledgement addendum of RCSA, as executed between ABAG and RPPs.	Council member		Kriss Worthington		2016-11-04 17:00:00	City Attorney	Completed	2016-11-07 08:00:00	2016-09-20 00:00:00	
2016-05-31	22	City Manager Referral: Consider Adding Energy Efficient Equity as an Additional Property Assessed Clean Energy Program	Refer to the City Manager to consider adding Energy Efficient Equity as an additional property assessed clean energy program.	Council member		Kriss Worthington		2016-11-25 17:00:00	PLANNING & DEVELOPMENT	Completed	2016-11-28 08:00:00	2016-09-20 00:00:00	
2016-05-31	20	Requesting a Comprehensive Report on the State of Homeless Services within the City of Berkeley	Request the City Manager direct staff to prepare a report outlining the details of City funded homeless services. The purpose of this report is to help Council and the community understand the various factors related to the allocation of resources to address homelessness within the City. Once the report is complete, it is requested that city staff schedule a worksession to go over the findings.	Council member	City Council District 5			2016-11-25 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2016-11-28 08:00:00	2016-11-01 00:00:00	
2016-06-28	47	City Manager Referral: Feasibility of Acquiring a High-Capacity Scanner for Multiple City Departments	Refer to the City Manager to consider investing in a high-capacity scanner to digitize City records for the Council and multiple City departments.	Council member		Kriss Worthington		2016-12-26 08:00:00	Information Technology	Completed	2016-12-26 08:00:00	2017-12-12 00:00:00	
2016-07-12	27	Refer to City Manager to Consider Applying for \$100,000 from the Better Together Resilient Communities Grant Program	That the City Manager consider applying for the \$100,000 grant that PG&E's Better Together Resilient Communities grant program will offer in the beginning of 2017.	Council member		Kriss Worthington		2017-01-06 17:00:00	PLANNING & DEVELOPMENT	Completed	2017-01-09 08:00:00	2016-12-31 00:00:00	709

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2016-07-19	41	Companion Report: Amend Berkeley Municipal Code Creating Community Health Commission	Refer to staff to write an ordinance based on the Community Health Commission (CHC) recommendation with the changes suggested by staff.			MAYOR AND COUNCIL	2017-01-13 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2017-01-16 08:00:00	2016-11-29 00:00:00	
2016-09-20	22	Amending Council Rules Regarding Removal of Commissioners	Direct staff to return with a policy recommendation consistent with the recommendations in this report, i.e., noting that as a matter of courtesy and respect, Councilmembers are expected to set the date a commissioner is to be replaced on a commission and communicate that date to the commissioner not less than two weeks from the official date of replacement.	Council member		Commission	2017-03-17 17:00:00	City Clerk	Completed	2017-03-20 08:00:00	2018-06-12 00:00:00	2019-02-05 17:02:37 - Melissa McDonough (Additional comments) Incorporating changes from City Council.
2016-09-20	32	City Manager Referral: Implementing BigBelly Solar Compactor Bins	Refer to the City Manager to examine the feasibility of procuring BigBelly Solar Compactor Bins to save money, meet zero waste goals, and reduce Berkeley's greenhouse gas emissions.	Council member		Kriss Worthington, Lori Droste	2017-03-17 17:00:00	Public Works	Completed	2017-03-20 08:00:00	2018-07-24 00:00:00	2019-02-05 17:04:44 - Melissa McDonough (Additional comments) 6/2018 RFPs received; 2 solar compactors to be issued contracts.
2016-09-20	21	City Manager Referral: Consider the Four Recommendations Contained in the Alameda County Grand Jury Report (Continued from July 19, 2016)	Refer to the City Manager to consider the four recommendations in response to the Alameda County Grand Jury Report recommendations.	Council member		Kriss Worthington	2017-03-20 08:00:00	Information Technology	Completed	2017-03-20 08:00:00	2016-10-20 00:00:00	
2016-10-18	26	Revisions to the Public Art in Private Development Program	Request the City Manager draft a resolution to revise the Public Art in Private Development Program Guide to provide the Civic Arts Commission guidance and more flexibility in the use of the Cultural Trust Fund with the language suggested in the report.	Council member			2017-04-14 17:00:00	Office of Economic Development	Completed	2017-04-17 08:00:00	2016-12-13 00:00:00	
2016-10-18	25	Amendments to BMC 23C.23.050 to Allow a Third Option to Satisfy the Private Percent for Art Requirements	Request the City Manager draft an ordinance for Council adoption to revise BMC 23C.23.050, the One-Percent for Public Art on Private Projects Ordinance, to do the following: 1. Have 5% of the 1% requirement go directly to administration of the Public Art in Private Development program regardless of how the developer decides to satisfy the requirement;	Council member			2017-04-14 17:00:00	Office of Economic Development	Completed	2017-04-17 08:00:00	2017-01-24 00:00:00	
2016-10-18	41	City Plan for Emergency Shelter During Winter Season	Refer the following actions to the City Manager to consider in developing a plan for emergency shelter/services during the upcoming winter season. These actions will help implement Resolution No. 67,357-N.S. "Declaring a Homeless Shelter Crisis in Berkeley": 1. Allow full use of the Multi-Agency Service Center (MASC) at 1931 Center Street as a Warming Center. Direct the City Manager to study the feasibility of using the West Berkeley Senior Center as a day-time Warming Center or evening shelter. Engage in discussions with Dorothy Day House about a day-time respite center. 2. Direct staff to develop a winter shelter services program for Fall 2016-Spring 2017 with funding to increase warming centers and emergency shelter. 3. Direct staff to work with service providers and faith-based organizations who have capacity, to add shelter beds during the year. 4. Direct that all bathrooms in City-owned buildings be available to homeless people for use at the City Manager's discretion. 5. Prioritize people on the street for Housing First funds who are in frail health, disabled, or with special needs and have a source of income. Direct the City Manager to create a list of city-owned properties that could be used for a Tiny House development for the homeless, a successful and growing model for dense urban regions.	Council member		Jesse Arreguin	2017-04-14 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2017-04-17 08:00:00	2017-06-27 00:00:00	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2016-11-01	15	City Manager Referral: Increasing Transparency in City Public Record Act Responses	Approved revised recommendation to request a report from the City Manager on how the City is using the permitted exemptions in compliance with the Public Records Act.	Council member	Kriss Worthington		2017-04-28 17:00:00	City Attorney	Completed	2017-05-01 08:00:00	2016-12-13 00:00:00	
2016-12-13	29	Ordinance for Standards for Testing and Certification of DAS Antennas	Request that the City Manager draft ordinance language to amend Section 16.10.100 of the Berkeley Municipal Code to include Standards for Testing and Certification of DAS Antennas and return to the City Council within 60 days.	Council member	Susan Wengraf		2017-06-09 17:00:00	City Attorney	Completed	2017-06-12 08:00:00	2017-03-28 00:00:00	
2017-01-24	37	Berkeley BABIES Initiative	Request that the City Manager create a provision and enforcement mechanism to ensure that all publically-accessible City buildings install and maintain at least one baby diaper-changing accommodation that is accessible in both men and women's restrooms or a single diaper-changing accommodation that is accessible to all genders. In addition, request that the City Manager provide recommendations to mandate all businesses to provide changing stations in either women's and men's restrooms or gender-neutral restrooms.	Councilmembers			2017-07-24 08:00:00	CITY MANAGER'S OFFICE	Completed	2017-07-24 08:00:00	2017-07-01 00:00:00	
2017-01-24	38	Berkeley Mothers Initiative	Request that the City Manager ensure that all City buildings provide and maintain at least one private place reasonably close to an employee's workspace for breastfeeding mothers to pump.	Councilmembers	Lori Droste		2017-07-21 17:00:00	CITY MANAGER'S OFFICE	Completed	2017-07-24 08:00:00	2017-07-01 00:00:00	
2017-01-31	10	Medical Cannabis Ordinance Revisions and Cultivation Application Process	Request that the City Manager provide Council with analysis of the questions presented by Councilmember Sophie Hahn.	Council member			2017-07-28 17:00:00	PLANNING & DEVELOPMENT	Completed	2017-07-31 08:00:00	2017-11-07 00:00:00	
2017-02-14	11	Updated Information Report on Measure M	Request that the City Manager return to the City Council in April with an Information Report on Measure M implementation, expenditures, projected expenses and plans.	Council member			2017-08-11 17:00:00	Public Works	Completed	2017-08-14 08:00:00	2017-05-02 00:00:00	
2017-03-28	22	Security Camera Database	Request that the City Manager return to Council with an update on the referral to create a voluntary database of security cameras in Berkeley. With an increase in crime, residents are anxious to help the Berkeley Police Department solve cases and arrest the perpetrators - amended to include direction that guidelines protect privacy and prevent misuse of camera footage.	Council member			2017-09-25 08:00:00	Police	Completed	2017-09-25 08:00:00	2018-08-15 00:00:00	
2017-03-28	33	Referral Response: Cigarette Butt Pollution Prevention	REFER to the City Manager to enact a pilot program in downtown Berkeley with the goal of greatly reducing cigarette butt litter that accumulates on sidewalks and curbsides, in a central location. This pilot program would: a) Place a total of four receptacles for cigarette butt disposal in front of three adult schools and a bus stop where smoking behavior continues despite its prohibition. The receptacles are to be placed in front of: i. Berkeley City College, 2050 Center Street; ii. Language Studies International on 2015 Center Street; iii. Kaplan International, Berkeley, 150 Berkeley Square; and iv. a selected major bus stop in the vicinity of an entrance to the Downtown Berkeley BART station; and b) Exhibit graphics on the receptacles to remind and inform the public that tobacco litter is hazardous to the health of the Bay; and c) Enter into a partnering agreement with the Downtown Berkeley Association (DBA) for upkeep of the receptacles for the duration of the one-year pilot program, including sending collected butts to the company for recycling; and d) TerraCycle® will track the weight of butts received, and share the data with the City of Berkeley and CEAC commissioners to help track and assess the success of the pilot program; and e) Identify funding sources to expand the pilot program if successful at the end of the one year trial.	Commission		Community Environmental Advisory Commission	2017-09-22 17:00:00	Office of Economic Development	Completed	2017-09-25 08:00:00	2017-05-30 00:00:00	
2017-07-25	40	Expediting Elements of Previous Council Referral to Study Possible Scenarios of the Loss of Federal Funds	Direct the City Manager to expedite the compilation and delivery of a list of federal funds that the City of Berkeley receives and the programs and facilities supported by such funds.	Council member	Sophie Hahn, Jesse Arreguin, Cheryl Davila, Kate Harrison		2018-01-19 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2017-10-23 00:00:00	2018-12-11 12:22:40	2019-02-05 17:14:03 - Melissa McDonough (Additional comments) HHCS is updating with the latest single audit findings.

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by District	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2017-05-30	53	Eliminate the Required Affidavits of Residency for Commissioners	Eliminate the requirement for Commissioners to submit Affidavits of Residency when they are appointed, and annually thereafter, in pursuit of saving time and money for the City of Berkeley. Revised Materials - <a href="http://www.cityofberkeley.info/Clerk/City_Council/2017/05_May/Documents/2017-05-30_Item_53_Eliminate_the_Required_-_Rev.aspx">http://www.cityofberkeley.info/Clerk/City_Council/2017/05_May/Documents/2017-05-30_Item_53_Eliminate_the_Required_-_Rev.aspx</a>			Council member		2017-11-24 17:00:00	City Clerk	Completed	2017-11-27 08:00:00	2017-09-12 00:00:00	2019-02-05 17:13:07 - Melissa McDonough (Additional comments) New position approved by Personnel Board. Will bring to Council for adoption by November which will complete referral.
2017-06-27	32	Housing Inspection and Community Services Manager	Request the City Manager to create and fill the position of Housing Inspection and Community Services Manager.			Council member		2017-12-22 17:00:00	PLANNING & DEVELOPMENT	Completed	2017-12-25 08:00:00	2018-09-13 00:00:00	2019-02-05 17:15:33 - Melissa McDonough (Additional comments) Lengthy process involving 3 Commissions and many City departments. Some Ordinance changes will be at Council 9/13/18. But more will be needed. Council Worksession scheduled for 10/9/18, then adoption of more Ordinance changes expected by end of year, which will close this referral.
2017-07-25	51	Commercial Cannabis Regulations and Licensing	Refer to the City Manager and Cannabis Commission the proposed local ordinances to establish a licensing process for Commercial Cannabis operations, as permitted under Proposition 64, Adult Use of Marijuana Act. The Council requests that the City Manager and Cannabis Commission report to the City Council on its recommendations on regulations and licensing for commercial cannabis businesses before the end of 2017.			Council member		2018-01-19 17:00:00	PLANNING & DEVELOPMENT	Completed	2018-01-22 08:00:00	2018-09-13 00:00:00	2019-02-05 17:15:33 - Melissa McDonough (Additional comments) Lengthy process involving 3 Commissions and many City departments. Some Ordinance changes will be at Council 9/13/18. But more will be needed. Council Worksession scheduled for 10/9/18, then adoption of more Ordinance changes expected by end of year, which will close this referral.
2017-09-12	33	Voter Registration Forms in All City Buildings on Their Main Floors	Direct the City Manager to provide voter registration forms on the main floor of all designated city buildings that are open to the public and in all Community based organizations within the city limits. Community based organizations that are funded by the City of Berkeley will be required to pick up the voter registration forms from the City Clerk's Office and that should be clearly stated in their respective contracts.			Council member		2018-03-09 17:00:00	City Clerk	Completed	2018-03-12 08:00:00	2017-11-08 00:00:00	



Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by Council member	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2017-10-03	24	Parallel Permitting Process	Request that the City Manager in coordination with the Director of Planning and the Chief Building Official work to establish a voluntary parallel permitting process for applications to construct housing in the City of Berkeley.	Council member		Susan Wengraf, Linda Maio, Lori Droste, Jesse Arreguin		2018-03-30 17:00:00	PLANNING & DEVELOPMENT	Completed	2018-04-02 08:00:00	2017-11-01 00:00:00	2019-02-05 17:23:50 - Melissa McDonough (Additional comments) This voluntary parallel permitting option already exists. Following October 2017 referral we advised Building staff to be sure to make option known to interested applicants.
2017-10-03	21	Referral to the City Manager to Provide a Public Master List of the Legislation on which the City Council Has Taken a Position	Request that the City Manager work with the City's lobbyist to create and maintain a master list of the legislation on which the City Council has taken a formal position of support or opposition through passage of an item.	Council member		Kate Harrison, Sophie Hahn, Cheryl Davila		2018-03-30 17:00:00	City Clerk	Completed	2018-04-02 08:00:00	2018-01-23 00:00:00	
2018-01-23	27	Open the West Campus Pool All Year Round and Start the Shower Program at the West Campus Pool	Short Term Referral to City Manager to assess the feasibility to keep the West Campus Pool open all year round and to start COB Shower Program at the West Campus Pool. Keeping the West Campus Pool open all year round will provide equitable swimming options in both North Berkeley and in South/West Berkeley and provide another location available for our community to shower.	Council member				2018-07-20 17:00:00	Parks, Recreation & Waterfront	Completed	2018-04-23 00:00:00	2018-10-16 10:14:13	2019-02-05 17:38:54 - Melissa McDonough (Additional comments) a) On June 12, 2018, Council received an Off Agenda Memo that identifies the cost to establish a shower program at West Campus Pool. B) In mid-September 2018, Council will receive an Off Agenda Memo that describes the feasibility of keeping West Campus pool open year-round.
2017-10-31	30	Short-Term Referral to the City Manager, a Process for Relocation of a Permitted Cannabis Dispensary	Refer to the City Manager to approve a process for the relocation of Apothecarium, a cannabis dispensary with valid permits.	Council member				2018-04-27 17:00:00	PLANNING & DEVELOPMENT	Completed	2018-04-30 08:00:00	2018-01-23 00:00:00	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referred by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2017-12-05	18	City Manager Referral: Prioritizing New Business Before Old Business at City Council Meetings	Prioritize new business before old business at City Council Meetings by: 1. Altering the Council rules of procedure as adopted May 24, 2016 so that new business comes before old business. The reformatted section will read "The agenda for the regular business meetings shall include the following: Ceremonial; Comments from the City Manager; Comments from the Public; Consent Calendar; Action Calendar (Appeals, Public Hearings, Continued Business, New Business, Old Business); Information Reports; and Communication from the Public"; and 2. Granting explicit authorization to Agenda Committee to move new business backwards or forwards at their discretion by amending section III E of the Rules of Procedure.					2018-06-01 17:00:00	City Clerk	Completed	2018-06-04 08:00:00	2018-01-30 00:00:00	
2018-02-13	17	Referral to the City Manager to Submit a Filing to the CPUC Recommending Adjusting Electric Rule 20 to Better Serve the City of Berkeley and Other Communities with Very High Fire Hazard Severity Zones	A referral to the City Manager to submit a filing with the California Public Utilities Commission (CPUC) concerning the CPUC's current review of Electric Rule 20. The CPUC is considering, among other things, how the existing program is administered by the various utility companies operating in California and the definition of what projects are to be included in the public interest.			Susan Wengraf, Sophie Hahn, Jesse Arreguin, Lori Droste		2018-08-10 17:00:00	Public Works	Completed	2018-08-10 17:00:00		
2018-02-13	26	Referral to the City Manager on Gender Options of the General Application for City Boards and Commissions	Refer to the City Manager to add a nonbinary gender option on the General Application for appointment to Berkeley boards and commissions.			Lori Droste, Linda Maio, Susan Wengraf, Worthington		2018-08-10 17:00:00	City Clerk	Completed	2018-08-13 08:00:00	2018-03-01 00:00:00	
2018-02-27	22	Wildland Urban Interface Fire Safety and Fire Safety Education	Commission Referral #5 revised to read: 5. Refer to the Planning Commission to consider Accessory Dwelling Units (ADUs) in the Very High Hazard Fire Zone to review public safety issues especially relevant to the risk of WUI fires. Amend Section 23D.10 to incorporate greater public safety considerations to be met before issuing an Administrative Use Permit (AUP);			City Council and Mayor		2018-08-24 17:00:00	FIRE & EMERGENCY SERVICES	Completed	2018-08-24 17:00:00		
2018-03-13	17	Referral to the Arts Commission and the City Manager: Cost Estimate and Plan for Installation of Sculpture Lighting into Adjacent Street Lights for the William Byron Rumford Statue on Sacramento and Julia St	Refer to the City Manager a request to develop a cost estimate and an installation plan for installing sculpture lighting into adjacent street lights for the William Byron Rumford statue on Sacramento and Julia Street. Refer the cost estimate and plan to the Arts Commission.					2018-09-07 17:00:00	Public Works	Completed	2018-09-07 17:00:00		
2018-01-30	14	Direction and Referral to the City Manager Regarding "Premier Cru" Property	3. The Berkeley Way Affordable Housing Project is the City's top affordable housing priority. Premier Cru, as a City property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to move Premier Cru forward as a High Priority initiative: a. Based on recommendations from Health, Housing and Community Services and other Departments, the Housing Advisory Commission, and on consultation with local affordable housing providers, and taking into consideration requirements and restrictions associated with potential funding sources, create a recommendation or recommendations to Council regarding levels of affordability, unit sizes, on-site services and other features to be included in the proposed project or projects. b. Based on the above analyses and recommendations, and on Council direction, develop and issue an RFQ or RFP to affordable housing developers for proposals to develop affordable housing at the site.			Sophie Hahn, Jesse Arreguin, Linda Maio, Kate Harrison		2018-09-07 17:00:00	PLANNING & DEVELOPMENT	Completed	2018-09-10 08:00:00	2018-05-29 00:00:00	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referred by District	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2017-12-19	41	Companion Report: Public Works Commission Recommendation for the Five-Year Paving Plan	Adopt a Resolution updating the City's Five-Year Street Rehabilitation Plan for FY 2018 to FY 2022. The City Council may consider the information put forth by the Public Works Commission relevant to adoption of the recommended plan.					2018-09-21 17:00:00	Public Works	Completed	2018-09-24 08:00:00	2018-07-24 00:00:00	
2017-12-05	24	Ordinance Amending the Berkeley Municipal Code to Establish Ability to Pay Provisions Regarding Parking Fines and Fees in Accordance with Guidelines Established in Assembly Bill 503	to refer the item as written in Supplemental Reports Packet #2 to the City Manager to conduct an analysis of the item, including a review of current indigency procedures and coordination with similar efforts in the City of Oakland, and report back to the Council in 90 days.		Council member		Transportation Commission	2018-09-28 17:00:00	Finance	Completed	2018-09-28 17:00:00	2018-07-02 00:00:00	
2017-07-25	10	Authorizing City Manager Approval for Community Development Block Grant (CDBG) Community Facility Improvement Contracts Under \$200,000; Amending BMC Chapter 7.18	Adopt first reading of an Ordinance, by two-thirds vote of the Council, amending Chapter 7.18 of the Berkeley Municipal Code to authorize the City Manager to enter into and amend contracts of up to \$200,000 with applicants recommended for funding by staff and the Housing Advisory Commission under the City's Community Development Block Grant (CDBG) program for community facility improvements.					2018-10-19 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2018-10-22 08:00:00	2018-04-24 00:00:00	
2018-05-15	23	Transgender Health Access Training at City of Berkeley Clinics	Adopt a Resolution providing \$2,400 from the General Fund to support a half-day Transgender Health Access Training for City of Berkeley Public Health staff in June 2018.		Commission			2018-11-09 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2018-11-10 17:00:00	2019-02-04 10:22:57	2019-04-15 10:25:13 - Laura Schroeder (Additional comments) On February 4, 2019 staff from public health and mental health attended a training on Transgender Access to Public Health
	24	Budget Referral: Increasing Safety at San Pablo Park	Request the City Manager perform traffic assessments to gather data and refer any needed improvements to the FY 2020 – FY 2021 budget process.		Councilmembers	Cheryl Davila		2018-11-13 17:00:00	Public Works	Completed	2018-11-13 17:00:00	2019-05-16 00:00:00	
2018-05-29	14	Implementation of Secure Storage Program	1. Direct the City Manager to expedite implementation of two publicly available, secure storage facilities to accommodate as many individuals as possible, based on the parameters set in staff's March 2, 2018 RFI: Downtown Homeless Storage Pilot - Staffing and Operations and on additional parameters outlined in Program Details, below. 2. Direct the City Manager to publicize the locations, hours, and rules applicable to new storage facilities through normal outreach channels (website, press release, etc.) and through direct outreach to homeless individuals by the City, community organizations (CBOs) and other partners such as the Downtown Berkeley Association and Telegraph Avenue BID. 3. Refer \$100,000 to the budget process; an added \$25,000 for the downtown storage location and \$75,000 for storage in West Berkeley.		Council member			2018-11-23 17:00:00	HEALTH, HSG & COMMUNITY SVC	Completed	2018-11-26 08:00:00	2018-07-24 00:00:00	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by District	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2018-09-13	31	Short-Term Referral to City Manager re: Emergency Standby Officers Qualifications	Referral to the City Manager to consider the following suggestions for requirements and qualifications for Emergency Standby Officers and return to Council within 90 days with recommendations. Possible requirements may include: -Trainings in roles and responsibilities to serve as a standby officer possibly including: ethics and workplace harassment. -City government experience. -Council District residency. -Require standby officers to meet the same qualifications, including restrictions on conflict of interest, as required in the City Charter for City Councilmembers. -In addition, consider requiring Councilmembers to nominate three people in a single action.	Council member		Susan Wengraf, Jesse Arreguin, Sophie Hahn		2018-12-11 17:00:00	City Clerk	Completed	2018-12-11 17:00:00	2019-05-02 12:02:38	2019-02-05 15:21:26 - Melissa McDonough (Additional comments) Ongoing discussion with City Attorney regarding potential criteria
2018-07-10	17	Referral to City Manager to Consolidate all City Commission Workplans in One Place for Easy Access for Staff, the Public, and Elected Officials	Make a referral to the City Manager to consolidate all City Commission Workplans in one place for easy (electronic) access for staff, the public, and elected officials.	Council member				2019-01-04 17:00:00	City Clerk	Completed	2019-01-07 08:00:00	2018-09-13 00:00:00	
2018-10-30	20	Proposed Portland Loo Installations in Telegraph Commercial District	Short-Term Referral to the City Manager to identify costs for the installation of a "Portland Loo" type of bathroom facility in Telegraph Commercial District. Costs should be comprehensive and include, but not be limited to: the facility, infrastructure, design, construction, oversight and any contingencies.	Councilmembers		Jesse Arreguin, Sophie Hahn		2019-01-31 17:00:00	Public Works	Completed	2019-01-31 17:00:00	2019-02-27 00:00:00	
2017-05-02	27	Berkeley Bicycle Plan 2018	Adopt a Resolution approving the Berkeley Bicycle Plan 2017, and directing the City Manager to pursue implementation of the Plan as funding and staffing permit.					2019-02-15 17:00:00	Public Works	Completed	2019-02-15 17:00:00		
2018-11-13	24	Budget Referral: Increasing Safety at San Pablo Park	4. Develop, implement and coordinate drills for active shooter and other emergency protocol at San Pablo Park: Create protocol with input from community partners, then orient licensed daycare providers, coaches, trainers and program staff who operate out of the park, and conduct drills with City staff operating the Center and providers in order to prepare for emergencies and how to use the Center as a shelter during or following them.	Councilmembers		Cheryl Davila		2019-03-01 17:00:00	Police	Completed	2019-03-01 17:00:00	2019-03-30 15:34:27	2019-04-24 15:35:06 - Melissa McDonough (Additional comments) Training class conducted March 30
2017-12-05	17	City Manager Referral: Consider CPUC Interconnection Applications	Refer to the City Manager consideration of applying for CPUC interconnection applications.	Council member				2019-03-04 16:00:00	Public Works	Completed	2019-03-04 16:00:00	2018-04-04 00:00:00	
2018-09-13	18	Adopt a Resolution in Support of Appropriate City Enforcement Measures to Mitigate Damages Resulting from the Removal of Trees at 1698 University Avenue	Amended to be a referral to the City Manager regarding enforcement of measures to mitigate damage to the general welfare of the City and neighborhood resulting from the damage and subsequently-required removal of trees at 1698 University Avenue.	Council member		Kate Harrison		2019-03-11 17:00:00	PLANNING & DEVELOPMENT	Completed	2019-03-11 16:00:00	2018-10-01 15:56:16	
2018-09-25	22	Safe storage of firearms - Revised materials (Supp 2)	Refer to the City Manager to review draft Safe Storage of Firearms ordinance, identify and resolve issues, and return to Council within 90 days.	Council member		Susan Wengraf, Sophie Hahn		2019-03-22 17:00:00	City Attorney	Completed	2019-03-23 16:00:00	2018-12-24 16:21:16	
2018-10-02		Lobbyists Registration and Regulation Ordinance; Amendments to Existing Revolving Door Ordinance	Request an analysis from the City Manager before the November budget discussion on the administrative impacts and cost to implement the lobbyist ordinance.	Council member		MAYOR AND COUNCIL		2019-03-29 17:00:00	City Attorney	Completed	2019-03-30 16:00:00	2019-01-22 12:32:26	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by District	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2018-10-30	35	City Manager referral: Initiate a franchise agreement with FlixBus	That the Council refer to the City Manager initiation of a franchise agreement with FlixBus, requiring a permit issued by the Director of Public Works, establishing a fee for the issuance of the permit, establishing administrative penalties for failure to obtain a permit or violation of permit requirements, and providing a procedure for the assessment and collection of administrative penalties for permit violations.	Councilmembers		Kriss Worthington		2018-10-30 17:00:00	Public Works	Completed	2019-05-01 11:39:27	2019-05-23 00:00:00	2019-04-23 11:49:56 - Mark Numainville (Additional comments) Resolution of Intent adopted on 3/26/19; Public Hearing set for 4/30/19
2018-10-16	25	Welcome to Berkeley Signage	Refer to the City Manager on a short term basis to replace all the Welcome to Berkeley signs with the Option B design per the Transportation Commission recommendation, including "Ohlone Territory" but not a second motto. Also, leave space on the sign to add a policy message and consult with Ohlone leaders on the use of the word "territory."	Councilmembers	City Council District 2	Cheryl Davila		2018-10-16 17:00:00	Public Works	Completed	2019-05-03 12:00:00	2019-02-07 00:00:00	
2019-02-19	21	Refer to the Planning Commission an amendment to BMC Chapter 23C.12.020 (Inclusionary Housing Requirements - Applicability of Regulations) and the Affordable Housing Mitigation Fee Resolution to Close a Loophole for Avoiding the Mitigation Fee through Property Line Manipulation	1) Refer to the Planning Commission an amendment to BMC Section 23C.12.020 (Inclusionary Housing Requirements – Applicability of Regulations) and BMC Section 22.20.065 (Affordable Housing Mitigation Fee) to close a loophole allowing prospective project applicants to avoid inclusionary affordable housing requirements for projects by modifying property lines so that no lot is large enough to construct five or more units; the Commission should return to Council with a report by April 30, 2019. 2) Refer to the Planning Commission to consider modifying the structure of in-lieu fees for owner-occupied developments to a flat per-unit fee, as with rental developments, or a per square foot fee; the Commission should return to Council with a report. 3) Refer to the Housing Advisory Commission to assess the appropriateness of the fee level as suggested in the proposed amendments to BMC 23C.12. 4) The Planning Commission is to consider the following language from the item submitted at the meeting: It is possible that the new fee structure will be adopted prior to the Housing Advisory Commission approving the level of the fee. In this instance, those projects that opt to pay the in-lieu fee and are permitted after the new fee structure is adopted but before the new fee level is adopted shall be given the choice of paying the current fee level, or the one that is adopted.	Councilmembers		Kate Harrison, Rigel Robinson, Sophie Hahn		2019-05-21 17:00:00	PLANNING & DEVELOPMENT	Completed	2019-05-21 17:00:00	2019-06-11 09:40:07	2019-04-15 09:44:51 - James Bondi (Additional comments) Scheduled for Council 4/30/19.  2019-04-12 16:04:35 - Melissa McDonough (Additional comments) May be done at Council 4/30/19, pending recommendation from Planning Commission (special Public Hearing 4/3/19).
2019-02-19	9	Short-Term Referral: Develop Ordinance permitting Cannabis Events and designate Cesar Chavez Park as an Approved Venue	Short-Term Referral to the City Manager to develop ordinance amendments permitting up to three cannabis events per year in the first year in the City of Berkeley and designating Cesar Chavez Park as the sole approved location for cannabis events, provided such events are organized and licensed as required by the State of California. The ordinance shall: 1. reference Resolution No. 68,326-N.S., declaring that Berkeley is a sanctuary for adult use cannabis, 2. specify procedures for such events that replicate similar alcohol related event protocols. The City Council will revisit the provisions of the ordinance following the first year of implementation.	Councilmembers		Jesse Arreguin		2019-05-21 17:00:00	PLANNING & DEVELOPMENT	Completed	2019-05-22 00:00:00	2019-04-15 09:54:32	2019-04-15 09:54:26 - James Bondi (Additional comments) Council considered and opted not to adopt policy, 4/2/19.  2019-04-12 16:02:31 - Melissa McDonough (Additional comments) Pending Council adoption of Cannabis Ordinance revisions scheduled for April 2 (second reading April 23).

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by District	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2019-03-26	23	Referral to City Manager to Scope Process and Estimate Cost of New General Plan	Referral to the City Manager to return to City Council with an outline of the process for creating a new City of Berkeley General Plan. The cost for the first two years of work will be included in the report for consideration during the upcoming 2020-2021 Budget Process.	Councilmembers		Jesse Arreguin, Cheryl Davila		2019-06-21 17:00:00	PLANNING & DEVELOPMENT	Completed	2019-06-21 17:00:00	2019-06-12 09:41:11	2019-04-15 09:53:31 - James Bondi (Additional comments) Scoping has begun. Off-Agenda Memo will provide answers (date TBD)
2017-10-31	17	Expanded Criteria for the Installation of Stop Signs	1. Refer to the Transportation Commission consideration of additional or supplemental stop sign criteria which addresses the needs of vulnerable populations, the presence of bicycle boulevards, and the difficulty of crossing particular intersections. 2. Direct that staff consult with the Bicycle Subcommittee of the Transportation Commission when making decisions impacting bicycle boulevards, whenever possible. 3. Request that the City Manager provide an informational report on the particular state and federal warrants and local policies that prevent stop signs being used as traffic calming measures.	Council member		Kate Harrison, Ben Bartlett, Lori Droste	Transportation Commission	2018-01-29 17:00:00	Public Works	Past Due	2018-01-29 17:00:00		2019-02-05 16:27:28 - Melissa McDonough (Additional comments) Transportation Commission formed a subcommittee and held first meeting 6/11/18, additional meetings to be planned by subcommittee.
2017-07-25		Public Toilet Policy	Refer to the City Manager to develop the following "Neighborhood Public Toilet Policy": Develop a process in which residents can obtain a permit for a neighborhood public toilet via an official petition; Residents should contact the City via 311 to obtain an official petition form to apply for a permit; In order to obtain the permit, the petition should be signed by at least 51% of residential addresses and business owners within the nearest two block radius of the proposed public toilet site; The City shall not fund or contribute to the financing of the public toilets or their maintenance.	Council member				2018-06-29 17:00:00	CITY MANAGER'S OFFICE	Past Due	2018-06-29 17:00:00		2019-04-24 15:13:54 - Melissa McDonough (Additional comments) Still on hold as staff attention is on RV, TNC.
2018-04-24	17	Refer the Housing Advisory Commissions Questions on the Smoke-Free Residential Housing Ordinance to Staff and Berkeley Considers	The Housing Advisory Commission respectfully requests that the Council direct the City Manager to assist the HAC in its review of the Smoke-Free Residential Housing Ordinance, a regulation of tobacco use, as follows: 1. By responding to the HAC's questions enumerated in the report with any readily available responsive information. 2. By facilitating the conduct of a "Berkeley Considers" questionnaire about the Smoke-Free Residential Housing Ordinance, questions for which are proposed in the report.	Commission				2018-10-19 17:00:00	HEALTH, HSG & COMMUNITY SVC	Past Due	2018-10-19 17:00:00		2019-04-12 15:41:24 - Melissa McDonough (Additional comments) Staff transition and priority put on TNC, RV policy, and Safe Clean Streets

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referred by	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2017-07-25	37	Reviewing the GIG Car Share Pilot Program	Refer to the City Manager and Transportation Department a review of the concerns, emerging regarding some features of the recently implemented GIG Car Share pilot program, request adjustments before the two-year pilot program from staff.			Linda Maio, Susan Wengraf		2019-05-28 17:00:00	Public Works	Past Due	2019-05-28 17:00:00		2019-02-05 15:16:47 - Melissa McDonough (Additional comments) The program evaluation will be conducted in early 2019 and an action report prepared for Council to continue, modify, or discontinue the pilot.
2017-10-03	7	Request for Information Regarding Grant Writing Services from Specialized Grant Writing Firms	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.			Sophie Hahn, Kate Harrison, Cheryl Davila, Ben Bartlett		2018-01-01 17:00:00	Finance	Pending Not On Schedule	2018-01-01 17:00:00		2019-04-12 15:07:44 - Melissa McDonough (Additional comments) Issued #18-11201 Feb. 5, 2018 as an RFI (Request for information); closed March 1, 2018. Received 13 information responses for review. Next Steps: use responses to inform scope of work, then release as RFP.
2017-12-19	22	Develop Ordinance Prohibiting Companies Participating in the Construction of a Border Wall from Contracting with the City of Berkeley	Direct the City Manager to develop an ordinance prohibiting companies involved in the construction of a border wall from contracting with the City of Berkeley. Return to Council with the proposed ordinance within 90 days.			Ben Bartlett, Sophie Hahn, Cheryl Davila		2018-07-20 17:00:00	Finance	Pending Not On Schedule	2018-07-20 17:00:00		
2018-04-03	18	Supplemental Paid Family Leave	2) refer to the City Manager to draft an ordinance regarding retaliation against employees using state family leave, including a private right of action provision.					2018-09-28 17:00:00	City Attorney	Pending Not On Schedule	2018-09-28 17:00:00		

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2018-07-31	10	Direction to the City Manager Regarding the Community Service In Lieu of Parking Penalties Program	Direct the City Manager to amend the eligibility requirements of the Community Service In Lieu of Parking Penalties Program in order to allow all indigent individuals to be eligible to participate in the program (regardless of the registration status of a potential participant's vehicle).	Council member	Ben Bartlett, Cheryl Davila, Kate Harrison, Sophie Hahn		2018-10-29 17:00:00	Public Works	Pending Not On Schedule	2018-10-29 17:00:00		2019-02-05 15:38:44 - Melissa McDonough (Additional comments) Because this is a multidepartmental task assigned to Public Works, involving Finance and City Attorney, and administered by the City of Oakland, the completion date is unclear.
2018-11-13	18	Short-Term Referral to City Manager to Complete Steps Necessary to Establish Lava Mae Services in Berkeley	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; and -Identifying water source for hook ups designated to dispense water for showers, either fire hydrants (preferred) or garden hose spigots; and -Parking permits for shower trailer; and -Identifying sewage manholes designated to pump out/dump gray and black water (H2O) into the sewer system; and -Calendaring a Fire Department inspection to inspect the propane to heat up the H2O 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.	Councilmembers	Cheryl Davila, Sophie Hahn		2018-11-13 17:00:00	CITY MANAGER'S OFFICE	Pending Not On Schedule	2018-11-13 17:00:00		
2018-12-11	23	Short-term referral to City Attorney and Health Housing and Community Service to amend Berkeley Municipal Code 7,441-N.S. to expand the control of flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use	Short-term referral to City Manager to amend Berkeley Municipal Code 7,441-N.S. according to the changes made in the attached amended ordinance to prohibit the sale of flavored tobacco products and require a minimum package size for cigars and little cigars across the City of Berkeley. The primary purpose of the amendment to the ordinance is to do more to prevent youth and young adult tobacco use.	Councilmembers	Cheryl Davila		2018-12-11 17:00:00	City Attorney	Pending Not On Schedule	2018-12-11 17:00:00		



Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2017-03-14	24	Referral to Consider Caregiver Parking in Residential Shared Parking Pilot	Refer to the City Manager and Transportation Commission to consider a pilot program for caregiver parking permits in RPP zones in the goBerkeley Residential Shared Parking Pilot.	Council member			2017-06-12 17:00:00	Public Works	Pending On Schedule	2017-06-12 17:00:00		2019-04-12 14:22:07 - Melissa McDonough (Additional comments) Ongoing, part of 3-year pilot project (Spring 2018); staff will work with consultants to collect data to determine the various needs and constraints of all residential parking users, including those with childcare needs; subsequent policy proposals will balance these needs. Contract for outreach consultant has been executed and work is starting in 2019.
2018-07-10	20	Refer to City Manager to look into adopting an ordinance requiring a permit process for scooter sharing companies to operate on public streets	Refer to the City manager to look into adopting an ordinance establishing a pilot Powered Scooter Share Permit Program for 24 months, requiring a permit issued by the Director of Public Works, establishing a fee for the issuance of the permit, establishing administrative penalties for failure to obtain a permit or violation of permit requirements, providing a procedure for the assessment and collection of administrative penalties for permit violations or parking or leaving standing an unpermitted powered scooter subject to the pilot Powered Scooter Share Permit Program on a sidewalk, street, or other public right-of-way.	Council member	Kriss Worthington, Sophie Hahn	Transportation Commission	2018-11-27 17:00:00	Public Works	Pending On Schedule	2018-11-27 17:00:00		2019-02-05 15:22:21 - Melissa McDonough (Additional comments) Council adopted tentative terms for franchise agreements on December 4, 2018 based on input from the Transportation Commission and multiple other Commissions and agencies. Transportation staff has solicited proposals from various scooter sharing companies and will return to Council with recommendations for up to 3 service providers and adoption of franchise agreements for

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by District	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2015-11-17	28	Improve Conditions on Our Community Sidewalks; Amending Berkeley Municipal Code Chapters 13.36 and 14.48	Discuss and refer the following services and ordinances to the City Manager for implementation, and adopt first reading of three Ordinances: 1. Adding Section 13.36.085 to the Berkeley Municipal Code prohibiting urination and defecation in public places. 2. Amending Sections 14.48.020 and 14.48.170 of the Berkeley Municipal Code regulating use of sidewalks. 3. Adding Section 13.36.040 to the Berkeley Municipal Code prohibiting obstruction of City-owned planters and trees. Additional Services: 1. Create a secure storage facility for personal belongings; bins must be of adequate size, of reasonable number (estimate of 50 – 100 at the outset) and ensure reasonable access, with posted hours. 2. Provide additional bathrooms in the Downtown and Telegraph areas. 3. Provide mobile showers and bathrooms for public use.	Council member		Linda Maio, Lori Droste		2019-02-28 16:00:00	CITY MANAGER'S OFFICE	Pending On Schedule	2019-02-28 16:00:00		2019-04-24 15:08:11 - Melissa McDonough (Additional comments) Outreach information disseminated to people on streets; another round of personal notification starts 4/16/19 and 3 person team starts 4/23/19.  2019-04-12 14:20:27 - Melissa McDonough (Additional comments) Ordinances and AR 10.2 have been updated. Homeless storage program created in October 2018. Enforcement of 10.2 has been launched as of 2/28.

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by District	Referral District	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2019-03-26	15	Dynamex Decision Impact and Compliance on Minimum Wage Ordinance and Paid Sick Leave Ordinance	That the City Council refers to the City Manager and the Labor Commission to ensure the Berkeley Minimum Wage Ordinance (MWO) and Paid Sick Leave Ordinance are interpreted and enforced in a manner consistent with the holdings in Dynamex Operations West, Inc. v. Superior Court of Los Angeles (2018) 4 Cal.5th 903.	Councilmembers		Ben Bartlett		2019-03-26 17:00:00	City Attorney	Pending On Schedule	2019-03-26 17:00:00		2019-06-18 08:04:27 - Melissa McDonough (Additional comments) The City Attorney's Office is drafting a City Attorney opinion analyzing the holding in Dynamex Operations West, Inc. v. Superior Court of Los Angeles (2018) 4Cal.5th 903 with respect to the City's MWO and PSLO. The completed memo will be referred to the City Manager and the Labor Commission for review by June 24, 2019 and for any related action, including amending ordinances as necessary.
2018-10-02	9	Amend BMC Chapters 6.24 and 14.52 to Authorize Paid Parking on Shattuck Avenue between Carleton Street and Ward Street and add the Northside (Euclid/Hearst) Metered Parking Area to the goBerkeley Program; and Authorize Paid Parking at the City-Owned Adeline/Alcatraz Parking Lot	Request staff to perform an analysis of the parking in the Northside area during the academic year to be completed within six months.	Council member		MAYOR AND COUNCIL		2019-04-02 17:00:00	Public Works	Pending On Schedule	2019-04-02 17:00:00		2019-02-05 16:25:11 - Melissa McDonough (Additional comments) Per Council direction to conduct a study in 6 months, the due date should be April 2, 2019, which is 6 months from October 2, 2018.





Office of the City Manager

INFORMATION CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Ferris, Director, Parks, Recreation and Waterfront  
Phil Harrington, Director, Public Works

Subject: Update on Measure T1 City Infrastructure Bond Program

INTRODUCTION

This is a semi-annual update on the implementation of the \$100 million Measure T1 bond program to renovate existing City facilities and infrastructure for the period December 2018 through May 2019. The T1 program is approaching the mid-point of Phase 1. This progress report provides the City Council with an update on key issues and upcoming challenges, non-project specific milestones, and the progress of each project.

BACKGROUND

In November 2016, Berkeley voters approved [Measure T1](#)<sup>1</sup> – a \$100 million dollar general obligation bond to repair, renovate, replace or reconstruct the City’s aging existing infrastructure, including facilities, streets, sidewalks, storm drains, and parks. Measure T1 passed with 86.5% of the vote.

After the passage of Measure T1, the City Manager proposed a [three phase implementation plan](#)<sup>2</sup> and a list of possible Phase 1 projects to be considered by the Council, the City’s commissions, and the general public.

From December 2016 through June 2017, the City undertook a robust public process to gather input on the proposed projects. In addition to three Measure T1 Workshops for the general public, the Parks & Waterfront and Public Works Commissions invited and received input from the public and other City Commissions. They submitted a [joint report to Council in June 2017](#)<sup>3</sup> detailing their recommendations. The City Manager

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<sup>1</sup> See <https://www.cityofberkeley.info/MeasureT1/>

<sup>2</sup> See [https://www.cityofberkeley.info/uploadedFiles/Parks\\_Rec\\_Waterfront/Level\\_3\\_-\\_General/Measure%20TI%20GO%20Bonds%20Recommendations.pdf](https://www.cityofberkeley.info/uploadedFiles/Parks_Rec_Waterfront/Level_3_-_General/Measure%20TI%20GO%20Bonds%20Recommendations.pdf)

<sup>3</sup> See [https://www.cityofberkeley.info/uploadedFiles/Parks\\_Rec\\_Waterfront/Level\\_3\\_-\\_General/Measure%20T1%20-%20Joint%20Commission%20Report%20-%20June%202017%20w%20attachments.pdf](https://www.cityofberkeley.info/uploadedFiles/Parks_Rec_Waterfront/Level_3_-_General/Measure%20T1%20-%20Joint%20Commission%20Report%20-%20June%202017%20w%20attachments.pdf)

incorporated this input and submitted a [final recommended list of projects](#)<sup>4</sup>. Council adopted this list and proposed plan for implementing Phase 1 of the T1 bond program on June 27, 2017.

On January 23, 2018, Council adopted [resolution 68,290-N.S.](#)<sup>5</sup> allocating \$2 million from T1 Phase 1 for the Adult Mental Health Clinic located at 2640 Martin Luther King Jr. Way.

At the December 6, 2018 [Council worksession](#)<sup>6</sup>, staff notified City Council of a funding gap for the T1 program due to the cost of approved projects exceeding bond proceeds, an increase in energy upgrades included in the facility projects, and cost escalation. After receiving construction bids and an engineer's estimate on three major projects, staff was able to more accurately estimate the funding gap and met with the Measure T1 Joint Subcommittee to discuss options on addressing this funding gap. On February 7<sup>th</sup> and 13<sup>th</sup>, 2019 respectively, the Public Works and Parks & Waterfront Commissions voted to recommend additional funding to complete Phase 1 projects including additional escalation. On March 26, 2019, Council adopted [resolution 68,802-N.S.](#)<sup>7</sup> that allowed the General Fund to advance \$5.3 million to cover the funding gap and be reimbursed later when T1 Phase 2 bond dollars become available.

The current budget for Measure T1 Phase 1 is approximately \$41.8 million (See Table 1 for the breakdown of this funding).

**Table 1 – Measure T1 Funding**

<b>Funding</b>	<b>Amount</b>
2017 Bond Proceeds	\$35,000,000
Interest received to date	\$597,817
Estimated additional interest	\$900,000
3/26/19 Council approved GF advance	\$5,300,000
<b>Total Funding</b>	<b>\$41,797,817</b>

### CURRENT SITUATION AND ITS EFFECTS

The Measure T1 team is made up of Parks, Recreation, & Waterfront and Public Works staff that meets bi-weekly to discuss and solve T1 related general and project-specific issues. The team receives guidance from the T1 Joint Subcommittee of the Parks & Waterfront and Public Works Commissions. The upcoming challenges for the program in the next six months are detailed below.

<sup>4</sup> See [https://www.cityofberkeley.info/Clerk/City\\_Council/2017/06\\_June/Documents/2017-06-27\\_Item\\_49\\_Implementing\\_Phase\\_1.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2017/06_June/Documents/2017-06-27_Item_49_Implementing_Phase_1.aspx)

<sup>5</sup> See [https://www.cityofberkeley.info/uploadedFiles/Parks\\_Rec\\_Waterfront/Level\\_3\\_-\\_General/2018-01-23%20Allocating%20\\$2m%20of%20T1%20To%20COB%20Adult%20Mental%20Health.pdf](https://www.cityofberkeley.info/uploadedFiles/Parks_Rec_Waterfront/Level_3_-_General/2018-01-23%20Allocating%20$2m%20of%20T1%20To%20COB%20Adult%20Mental%20Health.pdf)

<sup>6</sup> See [https://www.cityofberkeley.info/uploadedFiles/Parks\\_Rec\\_Waterfront/Level\\_3\\_-\\_General/T1%20Semi-Annual%20Update%20Council%20December%202018.pdf](https://www.cityofberkeley.info/uploadedFiles/Parks_Rec_Waterfront/Level_3_-_General/T1%20Semi-Annual%20Update%20Council%20December%202018.pdf)

<sup>7</sup> See [https://www.cityofberkeley.info/uploadedFiles/Parks\\_Rec\\_Waterfront/Level\\_3\\_-\\_General/2019-03-26%20Reso%2068802%20Authorizing%20\\$5.3%20Million%20in%20Measure%20T1%20Phase%202%20Funds%20to%20be%20used%20to%20complete%20Measure%20T1%20Phase%201%20Projects.pdf](https://www.cityofberkeley.info/uploadedFiles/Parks_Rec_Waterfront/Level_3_-_General/2019-03-26%20Reso%2068802%20Authorizing%20$5.3%20Million%20in%20Measure%20T1%20Phase%202%20Funds%20to%20be%20used%20to%20complete%20Measure%20T1%20Phase%201%20Projects.pdf)

**KEY ISSUES AND UPCOMING CHALLENGES**

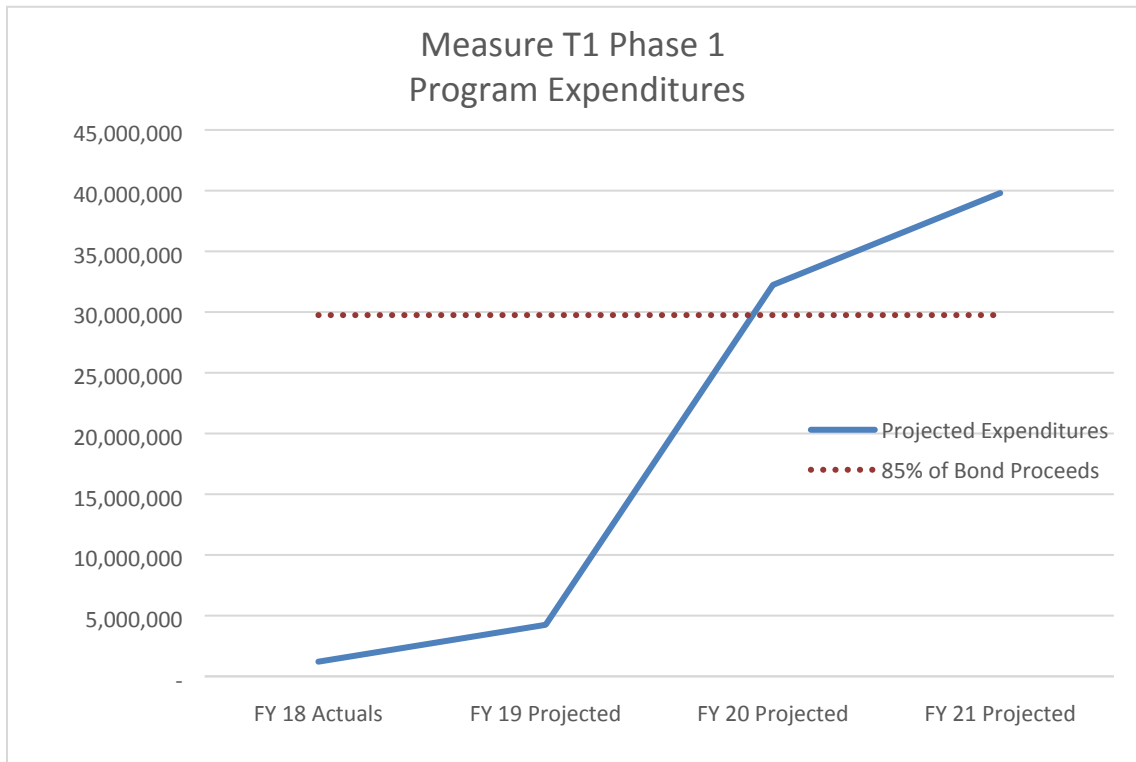
*1. Completing Phase 1 Projects*

Phase 1 is expected to run through June 2021. Staff are continuously monitoring expenditures to ensure that the program will meet the goal of spending 85% of bond proceeds by November 2020. Based on current projections, we are on track to meet this goal.

As seen in the below chart, project spending is starting to gain momentum and staff estimates that \$ 32 million (92% of bond proceeds) will be expended by the end of FY 2020 (June 2020).

During the first two years of the bond measure, much of the design and planning work of the construction projects were completed. During FY 20, many of the large projects, such as the Berkeley Mental Health Services Building, North Berkeley Senior Center, Live Oak Community Center, Adeline Street and Hearst Avenue paving, San Pablo Park, and the Rose Garden pathways, pergola, and tennis courts will be constructed. Additionally, all the planning and design projects are underway.

**Chart 1 – Measure T1 Phase 1 Program Expenditures**



*2. Planning for Phase 2*

The planning and public process for Phase 2 is anticipated to start in July 2019, approximately two years before Council approves Phase 2 projects. The T1 team will begin to work with the lead commissions to identify a fair and equitable process for choosing Phase 2 projects. Table 2 details a possible timeline for the planning and public input process.

**Table 2 – Timeline for Phase 2 Public Input Process**

July – September 2019	Discuss with the Measure T1 Joint Subcommittee to plan the public input process and structure.
October – December 2019	Meet with the Lead Commissions during their regularly scheduled meetings to finalize the public input process.
January – February 2020	Obtain feedback from Participating commissions.
March – November 2020	Begin Public Input Process.
December 2020-June 2021	Present recommendations to Council.
June 2021	Council approves Phase 2 projects.

3. *Financial Audit*

Staff will be engaging with the City's current external financial auditor to perform an audit on Measure T1 bond expenditures to ensure that expenses are in accordance with bond measure requirements. Audits are planned for every two years. The first two years of Phase 1 will be completed by the end of June 2019. Staff expects to have approximately six financial audits during the life of Measure T1. The first financial audit is anticipated to start in the fall of 2019.

4. *Identification of a Replacement Project for the King School Park Bioswale Project*

On June 27, 2017, Council approved the design and construction of the King School Park Bioswale for T1 Phase 1. After further evaluation of the site, staff found that the project would not be feasible since the project would require root removal of multiple trees which could have an adverse impact on the health of the trees. Over the past year, staff had been discussing this issue with the Public Works Commission and the Public Works Watershed Subcommittee to identify alternate green infrastructure projects. In June 2019, staff finalized the Green Infrastructure Plan and identified 11 priority sites. The scope for these sites will include design & planning and may include construction. Staff and Commission are recommending that these 11 sites, the evaluation of the Sacramento Street center median, and a green infrastructure project on Ward Street (already an existing T1 project) be included as T1 Phase 1 projects. This list of sites for green infrastructure improvements was shared with the Measure T1 Joint Subcommittee on July 8, 2019.

**KEY MILESTONES**

Since the last update, staff have accomplished the following:



1. Development of recommendation to eliminate the funding gap.
  - Starting in August 2018, held five meetings with the Measure T1 Joint Subcommittee to discuss the funding gap issue and options to address the gap.
  - Presented the revised funding gap to Council on March 26, 2019, provided several options to address the gap, and requested additional funding to complete Phase 1 projects. Council approved \$5.3 million to complete Phase 1 projects.
2. Enhanced residents' awareness of the Measure T1 Program.
  - Advertised the T1 website on Berkeleyside. This advertisement will run through June 30, 2019.
  - Developed and posted site signs. These signs state the project description and the website address for the Measure T1 website.
  - Created a two-page update on Measure T1 for the City's 2019 Summer Activity Guide, which is mailed to all residents.
3. Developed a monthly expenditure tracking and projection tool.
  - Continuously track expenditures to ensure we are on track to spend 85% of bond proceeds by November 2020.
4. Continued the public input process on specific projects.
  - Continued to advertise and hold meetings and events to solicit input from the community. Meetings were held for the following projects:
    - December 3, 2018: Hearst Avenue
    - March 3, 2019: Live Oak Community Center (2<sup>nd</sup> meeting)
    - April 13, 2019: San Pablo Park Playground and Tennis Courts (2<sup>nd</sup> meeting)
    - April 27, 2019: Strawberry Creek Park
  - Upcoming public meetings and events include:
    - T1 Joint Subcommittee Meeting: multiple meetings starting July 8, 2019
    - San Pablo Park Tennis Courts and Playgrounds (3<sup>rd</sup> meeting): July 13, 2019
    - Grove Park (2<sup>nd</sup> meeting): Summer 2019
    - Citywide Restroom Assessment: multiple meetings starting summer 2019
    - Frances Albrier Community Center: multiple meetings starting fall 2019

- Willard Park: multiple meetings starting in fall 2019
  - Old City Hall/Veteran's Building: multiple meetings starting winter 2019
5. Established professional consulting services needed for T1 projects. The below consulting services have been procured and are available for all T1 projects.
- Architectural Services
  - Civil Engineering Services
  - Electrical Engineering Services
  - Geotechnical Engineering Services
  - Landscape Architectural Services
  - Project Management/Construction Management Services

### PROJECT-SPECIFIC UPDATES

All 34 of the identified Measure T1 projects have started. The majority of these T1 projects will start construction in 2019. During the next 12 months, an estimated \$25 million worth of projects will be under construction. The City has authorized over 30 contracts and/or task orders and has held 19 public meetings and events.

In the last six months, significant progress has been made. Both the Mental Health Services Center are under construction. Live Oak Community Center, the Rose Garden (Pathways, Tennis Courts, Pergola, and repair of erosion), Adeline Street and Hearst Avenue paving, and the George Florence Park play equipment upgrade projects will be in construction in the next six months. Additionally, several large "planning only" projects have started, including the Old City Hall/Veterans Building/ Civic Center Park, the Citywide Restroom Assessment, the Frances Albrier Community Center and the Willard Park Clubhouse. Attachment 1 provides a list of the 34 approved [Phase 1 Projects](#)<sup>8</sup>, including project description, budget, project manager, and status update. Attachment 2 provides a timeline by month for each T1 project through the remainder of Phase 1. Attachment 3 provides a more detailed update for each project.

### BOND PROGRAM MANAGEMENT

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<sup>8</sup> See [https://www.cityofberkeley.info/uploadedFiles/Parks\\_Rec\\_Waterfront/Level\\_3\\_-\\_General/6-27-17%20Adopted%20list%20of%20projects.pdf](https://www.cityofberkeley.info/uploadedFiles/Parks_Rec_Waterfront/Level_3_-_General/6-27-17%20Adopted%20list%20of%20projects.pdf)

Phase 1 projects include a mix of types of projects:

- *Planning* projects will focus on public processes, feasibility studies and analyses that culminate in a preferred project plan and cost estimate. These projects will be ready for the design and construction phase when funding is identified.
- *Planning & Design* projects will include public process, design, permits and bid package, and are intended to produce shove-ready projects for a later phase of T1 funding, grant funding, or other funding.
- *Planning, Design & Construction* projects will be entirely designed and built during Phase 1.

The T1 Management Team continues to meet regularly to review the T1 budget, expenditures, project progress, and to prepare detailed reports for Council, Commissions and the community.

### *T1 Manual*

The T1 Policies and Procedures Manual was completed and uploaded to the City's [website](#) in January 2019.<sup>9</sup> Staff worked with a consultant to develop the manual which provides clear, concise guidelines on the management of T1 funds. The manual is expected to improve audit readiness, improve understanding of policies and procedures by staff and the community, and will help prepare the City for the upcoming audit. Staff are using the manual as a guideline to implement the T1 program and will update the manual as needed.

### *Financials*

As shown in Table 2, \$3,814,301 of T1 funds have been expended as of May 13, 2019. We continue to be on track to spend 85% of T1 Phase 1 bond proceeds by November of 2020.

**Table 2 – Phase 1 Expenditures to date as of 5/13/19**

Category	Sub-Category/ Project	Allocated	Spent	Remaining
Art		\$ 350,000	\$ 5,608	\$ 344,392
Staff/ Project Management <sup>10</sup>		\$ 4,200,000	\$ 1,418,530	\$ 2,781,470
Facilities, Equipment, Supplies, Services <sup>11</sup>		\$ 400,000	\$ 224,132	\$ 175,868
Projects <sup>12</sup>	Facilities/ Buildings	\$ 17,804,075	\$ 927,247	\$ 16,876,828
	City Wide Safety Improvements	\$ 983,524	\$ 45,222	\$ 938,302
	Park Improvements	\$ 7,324,977	\$ 1,020,515	\$ 6,304,462
	Green Infrastructure	\$ 1,328,006	\$ -	\$ 1,328,006
	Complete Streets	\$ 9,410,440	\$ 173,047	\$ 9,237,393
<b>Total</b>		<b>\$ 41,801,023</b>	<b>\$ 3,814,301</b>	<b>\$ 37,986,722</b>

### *Communication*

<sup>9</sup> <https://www.cityofberkeley.info/MeasureT1/>

<sup>10</sup> *Staff/Project Management costs* include City staff to plan, manage, and supervise T1 projects; and a full-time analyst to provide direct administrative support for T1 projects. This does not include costs for other supervision and administration, such as other managers, departmental administrative staff, and other support functions like IT, Human Resources, and Finance.

<sup>11</sup> *Facilities, Equipment, Supplies, and Services* includes the cost to lease T1's share of office space on the 5th Floor of 1947 Center St., T1-related office furniture, computers, printers, office supplies, copier lease, staff trainings, communication materials, and audits.

<sup>12</sup> *Project costs* will include all direct project expenses.

Staff will continue to provide semi-annual updates to the Parks & Waterfront and Public Works Commissions and to City Council. Staff continues to use the City's [Measure T1 website](#)<sup>13</sup> to update the community on the bond program. This includes an updated [story map](#)<sup>14</sup>, providing photos, mapping and summaries of each approved T1 project. Community members can visit the [Measure T1 Phase 1 Project Updates](#)<sup>15</sup> page for project updates, community meeting dates, and quarterly updates. For questions or information about Measure T1, community members are encouraged to email [T1@CityofBerkeley.info](mailto:T1@CityofBerkeley.info).

### ENVIRONMENTAL SUSTAINABILITY

Measure T1 provides potential opportunities to advance the City's environmental sustainability goals. For example, facility upgrade projects are being designed to not only improve safety and address deferred improvements, but also to increase resource efficiency and access to clean energy. The renovations of the North Berkeley Senior Center, Live Oak Community Center, and the Mental Health Services Center will incorporate as many energy efficiency upgrades as feasible within the allotted budget such as a rooftop solar system, an HVAC system that incorporates heat pumps, and energy efficient windows and lights per the Berkeley Resilience Strategy and Climate Action Plan.

### FUNCTIONAL ART

In [Resolution 67,795-N.S.](#)<sup>16</sup>, Council resolved that 1% of bond proceeds shall be available for functional art integrated into Measure T1-funded projects. The bond proceeds for Phase 1 of Measure T1 were \$35 million, resulting in a 1% functional art contribution of \$350,000. The total amount of \$350,000 has been deducted from Phase 1 Measure T1 projects.

A Request for Qualifications (RFQ)<sup>17</sup> was posted on September 11, 2018 seeking artists to create functional art at the North Berkeley Senior Center and San Pablo Park Tennis Courts and Play Area.

In November 2018, a Selection Panel established a pool of qualified candidates for the North Berkeley Senior Center. In February 2019, the Selection Panel selected Berkeley-based artist, Masayuki Nagase, to create artwork for the entry plaza of the North Berkeley Senior Center. The artist will create a variety of carved stone pavers to be integrated into the plaza's paving and a large carved stone table-bench element will be located in the plaza's seating area, which will provide additional seating or a table top while plaza users gather in the area. The theme of the artwork is "trees", representing unity, community, and diversity.

<sup>13</sup> See <https://www.cityofberkeley.info/MeasureT1/>

<sup>14</sup> See

<https://berkeley.maps.arcgis.com/apps/MapTour/index.html?appid=6a32f8ecb2924aebbb952bd59cb8b7f7c>

<sup>15</sup> See <https://www.cityofberkeley.info/MeasureT1Updates.aspx>

<sup>16</sup> See [https://www.cityofberkeley.info/uploadedFiles/Parks\\_Rec\\_Waterfront/Level\\_3\\_-\\_General/Resolution%20No%2067,795.pdf](https://www.cityofberkeley.info/uploadedFiles/Parks_Rec_Waterfront/Level_3_-_General/Resolution%20No%2067,795.pdf)

<sup>17</sup> [https://www.cityofberkeley.info/uploadedFiles/Finance/Level\\_3\\_-\\_General/18-11241-C%20-%20RFQ%20for%20Functional%20Public%20Art%20for%20NBSC%20and%20SPP-FINAL.pdf](https://www.cityofberkeley.info/uploadedFiles/Finance/Level_3_-_General/18-11241-C%20-%20RFQ%20for%20Functional%20Public%20Art%20for%20NBSC%20and%20SPP-FINAL.pdf)

The selection process for functional art at the San Pablo Park Project is planned for June 2019.

CONTACT PERSON

Scott Ferris, Parks, Recreation & Waterfront, 510-981-6700

Phil Harrington, Public Works, 510-981-6300

Attachments:

- 1: T1 Project Description, Funding and Project Management
- 2: T1 Phase 1 Monthly Schedule
- 3: T1 Project Summary

#	DEPT	PROJECT NAME	PROJECT TYPE	PROJECT DESCRIPTION	T1 FUNDING	OTHER FUNDING	OTHER FUNDING AMOUNT	APPROXIMATE TOTAL FUNDING	PM	STATUS UPDATE
<b>FACILITIES/BUILDINGS</b>					<b>\$18,304,075</b>		<b>\$7,671,143</b>	<b>\$25,975,218</b>		
1	PW/ PRW	Citywide Restrooms Citywide Needs Assessment	Conceptual	Perform needs and feasibility assessment of location for citywide restrooms; will include consideration of Ohlone Park restroom.	\$148,215			\$148,215	RM	Consultant compiling database of existing restroom inventory, 311 data, PD calls, and infrastructure. Community outreach anticipated in June 2019.
2	PW	Old City Hall/ Veteran's Building/ Civic Center Park	Conceptual	Structural analysis and visioning of possible conceptual design alternatives, in concert with Civic Center Park, to help determine a direction for future capital improvements to restore and secure these facilities to maximize their community benefit.	\$296,430			\$296,430	EK	Updated seismic reports for Old City Hall and Veteran's building were completed in April 2019. Staff has selected a consultant for the visioning task and a Historical Resources Study. The contract with the consultant is expected to be awarded on July 16, 2019.
3	PW	Transfer Station - Master Plan	Planning	Developing a Master Plan for modernization of the City's Waste Transfer Station, including the recycling center, with the goal of creating a new facility that promotes recycling and promotes elimination of solid waste.		Zero Waste Fund	\$500,000	\$500,000	GA	Alternate funding source secured for project.
4	PW	West Berkeley Service Center Planning and Conceptual Design	Conceptual	Structural analysis and visioning of possible conceptual design alternatives, to help determine a direction for future capital improvements.					-	Scope was revised and removed from T1 funded projects. Alternate funding source from Measure O.
5	PRW	Frances Albrier Community Center Planning and Design	Planning & Design	Evaluation of site conditions, facility and structural assessments, and recreation programming to determine what improvements to move forward with to upgrade the center as a Care and Shelter facility and for improved recreation programming and opportunities.	\$741,075			\$741,075	WK	Consultant has been selected and design has started.
6	PRW	Tom Bates (Gilman) Fields North Field House and Restroom	Planning & Design	Evaluation of needs for restroom and storage, analysis of utility and supporting infrastructure needed, and development of detailed design and construction documents.	\$247,025			\$247,025	NL	Staff provided information regarding this project and received input from the community at a Field Users Meeting in April 2018. Conceptual design has been completed.
7	PRW	Willard Clubhouse Renovation Planning and Design	Conceptual	Planning and design to renovate or expand the Willard Clubhouse.	\$247,025			\$247,025	WK	Staff is reviewing consultant proposals.
8	PRW	Live Oak Community Center Seismic Upgrade and Renovations	Planning, Design & Construction	Seismic retrofit, deferred maintenance upgrades, and programming improvements to upgrade the center as a Care and Shelter facility and enable improved recreation programming.	\$6,041,690			\$6,041,690	TL	Second public meeting 3/6/2019. Plans submitted for Permit review. Construction planned to start September 2019.
9	PW	North Berkeley Senior Center Seismic Upgrades and Renovations	Planning, Design & Construction	Seismic retrofit, deferred maintenance upgrades, and programming improvements to upgrade the center as a Care and Shelter facility and enable improved senior programming, generator hook up.	\$8,219,080	FEMA	\$1,875,000	\$10,094,080	EK/ JA	Groundbreaking ceremony on 5/2/19. Construction started in June 2019 and is anticipated to end in June 2020.
10	PRW	Strawberry Creek Park Restroom Replacement	Planning, Design & Construction	Replace restroom at Strawberry Creek Park.	\$387,335	Parks Tax & PRW Capital Improvement Fund	\$500,000	\$887,335	WK	Project is bundled with FY 19 Strawberry Creek Phase 2 to leverage additional funding from Parks Tax and Capital Improvement fund. Community meeting held on 5/19/18, second meeting to present conceptual designs and gather feedback on 4/27/2019. Community process has been completed. Consultant has started design.
11	HHCS/ PW	Mental Health Services Center	Planning, Design & Construction	Renovate interior for safety and energy efficiency. A Net Zero Energy project with anticipated payback savings of less than ten years.	\$1,976,200	Capital Improvement Fund, Mental Health Services Act, Mental Health State Aid Realignment Fund, Community Development Block Grant	\$4,796,143	\$6,772,343	SG	Construction started in April 2019. Expected completion by June 2020.
<b>CITY WIDE SAFETY IMPROVEMENTS</b>					<b>\$983,523</b>			<b>\$991,261</b>		
12	PW	Berkeley Health Clinic Electrical Improvements	Planning, Design & Construction	Electrical upgrades to main switchboard, two panel boards, conduit, wiring, and wiring devices.	\$19,762			\$19,762	EK	The assessment and conceptual design was completed in March 2019.
13	PW	Corporation Yard Roof and Electrical Upgrades	Planning, Design & Construction	Roof and electrical improvements	\$571,600			\$575,469	IL	Design has been completed and will be submitted for permit.
14	PW	Marina Corporation Yard Electrical Upgrades	Planning, Design & Construction	Electrical upgrades to main switchboard, two panel boards, and wiring devices.	\$372,399			\$376,268	IL	This project is in the design phase and almost complete. The final design is expected in July. The next step will be to publicly bid the project.
15	PW	Public Safety Building Mechanical and HVAC Efficiency Improvements	Planning, Design & Construction	Mechanical/HVAC upgrades	\$19,762			\$19,762	EK	Completed coordination with IT to develop the scope. A consultant was selected to perform a feasibility study.

#	DEPT	PROJECT NAME	PROJECT TYPE	PROJECT DESCRIPTION	T1 FUNDING	OTHER FUNDING	OTHER FUNDING AMOUNT	APPROXIMATE TOTAL FUNDING	PM	STATUS UPDATE
<b>PARKS IMPROVEMENT PROJECTS</b>					<b>\$7,474,977</b>		<b>\$2,492,499</b>	<b>\$9,967,476</b>		
16	PRW	Aquatic Park - Tide Tubes	Planning & Design	Final design, acquiring regulatory permits and environmental documents, and preparation of construction documents for repair of the tide tubes connecting the main lagoon with the Bay.	\$387,335			\$387,335	NL	Work underway to include cleaning, inspection, environmental permits/clearance, and construction docs.
17	PRW	Berkeley Municipal Pier	Planning & Design	Final design, acquiring regulatory permits and environmental documents, and preparation of construction documents for structural repairs to restore the pier for recreational use.	\$889,290			\$889,290	NL	Draft pier study and conceptual design alternatives presented for discussion at P&W Commission/Public Meeting in January 2018. Coordinated with WETA to supplement scope of work to evaluate the possibility of ferry service that meets WETA needs. MOU is currently being developed to coordinate scope and secure additional funding to include land-side study of ferry services to the Berkeley Marina for possible service to the waterfront.
18	PW	Berkeley Rose Garden Repair of Erosion	Planning, Design & Construction	Improvements to Codornices Creek to repair erosion damage at the downstream end of Rose Garden site.	\$885,338			\$885,338	DA	Staff processing environmental permits. Construction is anticipated to start summer of 2020, pending receipts of environmental permits.
19	PRW	Berkeley Rose Garden Pathways, Tennis Courts	Planning, Design & Construction	Renovation of existing site pathways and construction of new pathways to provide an accessible path of travel to the center of the trellis. Reconstruction of portions or all of the tennis courts for safety.	\$1,328,006	Parks Tax & PRW Capital Improvement Fund	\$1,092,499	\$2,420,505	EC	Work bundled with Phase 2 of Trellis reconstruction to leverage additional funding from Parks Tax and Capital Improvement Fund. Coordination with drainage project and LPC is ongoing. Submitted for permit. Construction anticipated to begin summer 2019.
20	PRW	Citywide Irrigation System	Planning, Design & Construction	Current irrigation system requires individual programming and daily monitoring by City staff. This project includes the replacement of Irrigation Control Software and Controllers and the establishment of wireless software that controls all irrigation clocks, which will conserve water and control costs.	\$741,075			\$741,075	BP/TT	Contract awarded by Council on 5/1/18. Contract has been executed. Testing and evaluation phase of pilot sites is almost complete. Full implementation anticipated in 2019.
21	PRW	Grove Park Field and Restroom Renovation of ballfield backstop, dugout, lights, and irrigation	Planning, Design & Construction	Improvements to the ballfield, dugouts, site lighting and accessibility for safety and energy savings, including improvements to site drainage; partial renovation of the restroom building.	\$1,106,672			\$1,106,672	TL	Public meeting held on 12/13/17. A contract with an On-Call Landscape Architect was executed in September 2018 and survey and design work is underway. Second public meeting TBD.
22	PRW	George Florence Mini-Park Play Equipment Upgrade	Planning, Design & Construction	Renovate age 2-5 play structures and age 5-12 play structures and complete ADA improvements.	\$664,003			\$664,003	TL	Documents submitted for permit and are in review. Construction anticipated to start in Fall 2019. Public meetings were held on 10/20/18 and 11/27/18.
23	PRW	San Pablo Park Play Equipment Upgrade and Tennis Court Renovations	Planning, Design & Construction	Renovate ages 2-5 and 5-12 play structures and complete ADA improvements. Renovate existing lighted tennis courts.	\$1,162,006	PRW Capital Improvement Fund	\$200,000	\$1,362,006	WK	2nd Public meeting held on 4/13/19 to present conceptual designs and gather feedback. Coordination ongoing with Civic Arts for inclusion of functional art to the project site. Construction anticipated in 2020.
25	PRW	Tom Bates (Gilman) Fields Artificial/Synthetic Turf Replacement	Planning, Design & Construction	Replace artificial turf on two existing fields to include organic infill, shock pad and upgraded turf.	\$311,252	Gilman Reserve Account, Parks Tax, User Fees	\$1,200,000	\$1,511,252	NL	Grand opening held on 3/3/18. Project complete.
<b>GREEN INFRASTRUCTURE PROJECTS</b>					<b>\$1,328,006</b>			<b>\$1,328,006</b>		
26	PW	King School Park Green Infrastructure	Planning, Design & Construction	Install cistern to reduce peak stormwater flows and/or a bioswale to infiltrate rainwater, regulate flows, and improve water quality.	\$1,328,006			\$1,328,006	DA	Project is not feasible. Funding reallocation process in progress.
<b>COMPLETE STREETS PROJECTS</b>					<b>\$9,410,439</b>			<b>\$9,410,439</b>		
27	PW	Adeline Street & Hearst Avenue	Planning, Design & Construction	Complete streets projects to include needed upgrades to curbs, sidewalks, storm drains, bicycle/ped improvements, and pavement, as appropriate.	\$3,213,076			\$3,213,076	SM	Construction is expected to begin in August 2019.
28	PW	Monterey Avenue, Ward Street, 2nd Street, Hopkins Street and Bancroft Way	Planning, Design & Construction	Complete streets projects to include needed upgrades to curbs, sidewalks, storm drains, bicycle/ped improvements, and pavement, as appropriate.	\$2,324,011			\$2,324,011	SM	Design of Monterey, Ward, and 2nd Street is underway. Ward Street will receive significant funding for GI. Corridor study is planned for Hopkins. PG&E underground work is delaying Bancroft.
29	PRW	University Avenue (West Frontage Rd to Marina Blvd), Marina Blvd, and Spinnaker Way Renovation	Planning, Design & Construction	Final design, obtaining permits, and pavement reconstruction. Design will be based on the preferred alternative identified in the Feasibility Study on Mitigation of Undulating Pavement at University Avenue.	\$3,873,352			\$3,873,352	NL	Conceptual design and public process for all three streets have been completed. Final design is in progress. Construction is anticipated to begin March 2020.
<b>TOTAL</b>					<b>\$37,501,020</b>		<b>\$10,163,642</b>	<b>\$47,672,400</b>		

\*Per Measure T1 Bond requirements, 1% of bond proceeds is to be used for functional art. Phase 1 art contribution IS \$350,000.

\*On March 26, 2019, Council adopted Resolution No. 68,802-N.S., authorizing an additional \$5.3 million in funding from the General Fund to complete Phase 1 projects. The General Fund will be reimbursed once Phase 2 proceeds are received.

BP - Bruce Pratt x6632 BPratt@cityofberkeley.info	GA - Greg Apa x6359 GApa@cityofberkeley.info	NC - Nick Cartagena x6338 NCartagena@cityofberkeley.info	TL - Taylor Lancelot x6421 MTLancelot@cityofberkeley.info
DA - Danny Akagi x6394 DAKagi@cityofberkeley.info	IL - Ingrid Lin x6633 ILin@cityofberkeley.info	RM - Roger Miller x6704 RMiller@cityofberkeley.info	TT - Thanh Thai x6505 TThai@cityofberkeley.info
EK - Elmar Kapfer x6435 EKapfer@cityofberkeley.info	JA - Jennifer Allen X6627 JAllen@cityofberkeley.info	SM - Srinivas Muktevi x6420 SMuktevi@cityofberkeley.info	WK - Wendy Wellbrock x5214 WWellbrock@cityofberkeley.info
EC - Evelyn Chan x6430 EChan@cityofberkeley.info	NL - Nelson Lam x6395 NeLam@cityofberkeley.info	SG - Steve Grolnic x5249 SGrolnic@cityofberkeley.info	

Key: Planning and Design Projects  
Construction Projects  
Alternative Funding Source

FY 2019	FY 2020												FY 2021																						
Conceptual/ Planning and Design																																			
Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21											
																		85%																	
Veteran's Building/Old City Hall/Civic Center Park Master Plan																																			
Willard Clubhouse																																			
Berkeley Municipal Pier																																			
Frances Albrier Community Center																																			
Aquatic Park Tide Tubes																																			
Tom Bates Fieldhouse/Restroom																																			
Citywide Restroom Assessment																																			
Public Safety Building AC Assessment																																			
												Hopkins Street (San Pablo- Alameda) Corridor Study																							
												Transfer Station Masterplan																							
												West Berkeley Service Center																							
Construction																																			
Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21											
North Berkeley Senior Center Seismic Upgrade and Renovation																																			
Berkeley Mental Health Services Center Renovation																																			
Live Oak Community Center Seismic Upgrade and Renovation																																			
Rose Garden Tennis Courts, Pathways, and Pergola																																			
												Rose Garden: Repair of Erosion																							
												San Pablo Park Play Areas Renovation																							
												San Pablo Tennis Courts Renovation																							
Citywide Irrigation																																			
Grove Park Fields																																			
Strawberry Creek Park Restroom																																			
George Florence Park Play Equipment Upgrade																																			
Marina Streets: University Avenue, Marina Blvd, and Spinnaker Way																																			
Adeline Street (Derby to Ashby)																																			
Hearst Avenue (Milvia to Henry)																																			
												Monterey Avenue (Alameda to Hopkins)																							
												Ward Street (San Pablo to Acton)																							
												2nd Street (Delaware to Addison)																							
												Bancroft Way (Milvia to Shattuck)																							
						Corporation Yard Roof/Electrical Upgrade																													
						Marina Corporation Yard Electrical Upgrade																													

**Completed**  
 Tom Bates Field Synthetic Turf Replacement  
 Ann Chandler Health Clinic Electrical Design



Attachment 3  
Measure T1 Phase 1 Project Summary  
Update on Measure T1  
July 23, 2019

Below is a detailed summary of projects that are currently underway:

### **Design and Planning Projects**

- **City-Wide Restroom Needs Assessment:** The consultant is currently gathering data to compile a database of existing restroom inventory, 311 data, non-crime police department calls for service, and public infrastructure to develop a master database and map to identify potential locations for renovations or new locations. Staff and the consultant are developing a community outreach strategy and anticipates to start community meetings to determine key issues and “hotspot” locations in June 2019.
- **Old City Hall/ Veteran’s Building/ Civic Center Park Conceptual Design:** The T1 team is working in conjunction with the Office of Economic Development to develop a community process to gather feedback for conceptual designs for these sites. Staff has evaluated consultant proposals and expects to select a consultant by July 2019. The anticipated start date for the planning phase is August 2019 and will be completed in fall of 2020.
- **Transfer Station Master Plan:** This project is funded by the Zero Waste Fund. The feasibility study is on-going.
- **West Berkeley Service Center Planning and Conceptual Design:** Alternate funding secured. <sup>1</sup>
- **Frances Albrier Community Center Planning and Design:** A consultant has been selected, design has started, and the public process is anticipated to begin in the fall of 2019.
- **Tom Bates Fields North Field House and Restroom Planning and Design:** Conceptual design has been completed.
- **Willard Clubhouse Planning and Design:** Staff is currently evaluating consultant proposals and anticipate to have an executed contract and begin the public process in the fall of 2019.

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<sup>1</sup> See [https://www.cityofberkeley.info/Clerk/City\\_Council/2019/05\\_May/Documents/2019-05-28\\_Item\\_23\\_Development\\_of\\_the\\_West\\_Berkeley.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/05_May/Documents/2019-05-28_Item_23_Development_of_the_West_Berkeley.aspx)

Attachment 3  
Measure T1 Phase 1 Project Summary  
Update on Measure T1  
July 23, 2019

### **Construction Projects**

- **Live Oak Community Center Seismic Upgrade and Renovation:** A second community meeting to share 90% design was held on March 6, 2019. Plans have been submitted for permit review. Construction is planned to begin in September 2019 and is anticipated to last 12 months.
- **North Berkeley Senior Center (NBSC) Seismic Upgrade and Renovation:** Construction is in progress and anticipated to be completed by July 2020. A groundbreaking ceremony was held on May 2, 2019.
- **Strawberry Creek Park Restroom Replacement:** Phase 1 improvements to the park were completed in May 2019, and were funded by the Parks Tax and a Measure WW Grant from the East Bay Regional Parks District. The restroom will be added to Phase 2 improvements, which are also funded by Parks Tax and the Capital Improvement Fund. An initial community meeting for Phase 2 improvements was held on May 19, 2018. A second meeting to present conceptual designs and gather feedback was held on April 27, 2019.
- **Mental Health Building Renovation:** Construction is in progress and anticipated to be completed by June 2020. Currently, the team is finalizing the abatement and will then start with the demolition.
- **Berkeley Health Clinic Electrical Improvements:** Consultant completed the needs assessment and developed an initial cost estimate to renovate the facility. Conceptual design was completed in March 2019.
- **Corporation Yard Roof and Electrical Upgrade:** The consultant has completed the needs assessment for the facility and developed a cost estimate to renovate the facility. Final design has been completed and designs will be submitted for permit in June 2019.
- **Marina Corporation Yard Electrical Upgrade:** The consultant has completed the needs assessment for the facility and developed a cost estimate to renovate the facility. The project is in the design phase and is almost complete. The final design is expected in July 2019.
- **Public Safety Building Mechanical and HVAC Efficiency Improvements:** Coordination with IT to develop the scope has been completed. A consultant was selected to perform a feasibility study by August 2019.

Attachment 3  
Measure T1 Phase 1 Project Summary  
Update on Measure T1  
July 23, 2019

- **Aquatic Park Tide Tubes:** Staff has entered into a contract with an Engineering consultant. Work underway to include cleaning, inspection, environmental permits/clearance, and construction documents.
- **Berkeley Municipal Pier Planning and Design:** Draft pier study and water-side ferry study is complete. Staff developed an MOU with the Water Emergency Transport Authority (WETA) to coordinate scope and secure additional funding to include a land-side study of ferry service to the Berkeley Marina for possible service to the waterfront. The MOU was approved by Council on March 12, 2019 and by the WETA Board on May 9, 2019.
- **Rose Garden Repair of Erosion:** Staff is processing environmental permits. Construction is anticipated to start in the spring of 2020, pending receipts of environmental permits.
- **Rose Garden Pathways, Tennis Courts, and Pergola:** Coordination with the drainage project and Landmark Preservation Commission subcommittee is ongoing. Designs have been submitted for permit and construction is anticipated to begin in the summer of 2019. Work for the pathways and tennis courts has been bundled with Phase 2 of the Pergola Replacement and ADA renovation project, funded by Parks Tax and the Capital Improvement Fund, to leverage these other funding sources, combine design effort, and consolidate construction time and park closures.
- **Citywide Irrigation System:** Testing at pilot sites was successful and full implementation is anticipated in the summer of 2019.
- **Grove Park Field and Restroom Renovation:** A contract with an On-Call Landscape Architect was executed and survey and design is underway. A second public meeting will be scheduled after initial design is complete.
- **George Florence Park Play Equipment Upgrade:** Two public meetings have been held and staff is proceeding with the preferred conceptual plan. Construction documents have been submitted for permit and are in review. Construction is anticipated to start in the fall of 2019.
- **San Pablo Park Play Equipment Upgrade and San Pablo Park Tennis Courts Renovation:** Staff have combined these projects to leverage the design process and consolidate construction timelines. First public meeting was held in 2018, and the second public meeting to present design options

Attachment 3  
Measure T1 Phase 1 Project Summary  
Update on Measure T1  
July 23, 2019

and solicit feedback was held on April 13, 2019. Staff is proceeding with the preferred conceptual plans to develop the design. Construction is anticipated to start in spring 2020.

### **Streets and Green Infrastructure**

- **King School Park Green Infrastructure:** Project is not feasible. Funding reallocation process is in progress.
- **Adeline Street and Hearst Avenue:** Projects were advertised for bid in March 2019. A contractor has been selected and construction is planned for August 2019.
- **Monterey Avenue and Ward Street:** Design is underway. Staff is evaluating options for green infrastructure on Ward Street.
- **2<sup>nd</sup> Street, Hopkins Street, and Bancroft Way:** Design for 2<sup>nd</sup> Street is underway. A corridor study is planned for Hopkins Street. Bancroft Way work schedule is being coordinated with PG&E's pending underground cable replacement project.
- **University Avenue (West Frontage Road to Marina Boulevard), Marina Boulevard and Spinnaker Way:** Conceptual design and public process for all three streets have been completed. Final design is in progress. Construction is anticipated to begin March 2020.



Office of the City Manager

INFORMATION CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks, Recreation, and Waterfront  
 Subject: Audit Status Report – PRW On-Call Program

INTRODUCTION

On November 14, 2017, the City Auditor submitted to City Council its audit report, [Audit Report: Parks, Recreation, and Waterfront On-Call Program: Ensure Equity by Developing Procedures for Charging for Services, and Improve Monitoring Practices and Communication](#). The City Auditor found that Parks, Recreation, and Waterfront (PRW) on-call building maintenance program supports a City need by making urgent repairs to public facilities, but recommended improvements to program cost accounting and documenting written procedures to manage the program.<sup>1</sup> This information item is the first and final update to City Council on the implementation status of the City Auditor's recommendations.

CURRENT SITUATION AND ITS EFFECTS

Of the 15 recommendations for follow-up, 13 have been implemented and 2 will not be implemented as of June 7, 2019. Please see Attachment 1 detailing the audit recommendations and corrective actions taken.

BACKGROUND

PRW and Public Works (PW) building maintenance mechanics provide after-hours on-call services to respond to urgent public maintenance and repair needs. The purpose of this audit was to determine whether the after-hours labor costs for on-call maintenance services were recorded to the correct funding stream and charged to the departments that required the work; and to determine whether the City is monitoring whether the call center vendor (Direct Line) is appropriately triaging the calls.

ENVIRONMENTAL SUSTAINABILITY

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

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<sup>1</sup> PRW On-Call Program Audit (11/14/17):  
[https://www.cityofberkeley.info/Clerk/City\\_Council/2017/11\\_Nov/Documents/2017-11-14\\_Item\\_11\\_Audit\\_Report\\_Parks,\\_Recreation,\\_and\\_Waterfront.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2017/11_Nov/Documents/2017-11-14_Item_11_Audit_Report_Parks,_Recreation,_and_Waterfront.aspx)

POSSIBLE FUTURE ACTION

PRW will continue to monitor its practices to ensure the on-call program is appropriately and effectively managed, and document changes to practices when there are opportunities for improvement.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The actions taken to address the City Auditor's Office audit recommendations have strengthened PRW's internal controls for safeguarding City resources but have minimal direct impact on the City of Berkeley's budget.

CONTACT PERSON

Christina Erickson, Deputy Director, Parks, Recreation, and Waterfront, 510-981-6703

Attachments:

1: Auditee Response Form: Audit Recommendations and Corrective Actions Detail

Auditee Response Form: Audit Recommendations and Corrective Actions Detail

<b>Audit Title: PRW On-Call Program: Ensure Equity by Developing Procedures for Charging for Services, and Improve Monitoring Practices and Communication</b>				
Findings and Recommendations	Lead Dept.	Agree, Partially Agree, or Do Not Agree and Corrective Action Plan	Expected or Actual Implementation Date	Status of Outstanding Audit Recommendations and Implementation Progress Summary
<b>Finding 1: On call program not sufficiently designed to allocate costs appropriately</b>				
1.1 Establish a system for charging on-call services provided by PRW mechanics to the appropriate account codes. This includes identifying the appropriate: <ul style="list-style-type: none"> <li>▫ Fund unrelated to PRW activities</li> <li>▫ Department outside of PRW</li> <li>▫ PRW fund: Parks or Marina</li> </ul> Work with the City Manager’s Office as may be needed to develop the system, and to communicate the new practices to department directors citywide.	PRW	Agree. PRW will work with Public Works and the City Manager’s Office to develop new procedures for charging on-call services provided by PRW mechanics.	6/7/19	<b>Implemented.</b> PRW worked with Public Works to establish a new system for allocating on-call charges to the appropriate account code.
1.2 Restrict the mechanics use of compensatory time to only instances in which they can demonstrate that the work they performed on an after-hours	PRW	As this departs from the City’s past practice, PRW will recommend this policy change during the upcoming negotiations	n/a	<b>Will Not Implement.</b> PRW initially agreed with this recommendations, but determined that it is not feasible for a number of reasons.

<b>Audit Title: PRW On-Call Program: Ensure Equity by Developing Procedures for Charging for Services, and Improve Monitoring Practices and Communication</b>					
<b>Findings and Recommendations</b>		<b>Lead Dept.</b>	<b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b>	<b>Expected or Actual Implementation Date</b>	<b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>
	call related to their default account code, i.e., normal work functions.		with the Building Maintenance Mechanics’ bargaining unit.		The choice between paid overtime and compensatory time off is a long standing compensation practice in the City. In addition, the staff volunteer to be on call during the year. Restricting the use of compensatory time off, PRW is at risk of not getting enough volunteers to cover on call shifts and resorting to mandatory on-call shifts. That will cause a more uneven distribution of time between PRW and PW as



<b>Audit Title: PRW On-Call Program: Ensure Equity by Developing Procedures for Charging for Services, and Improve Monitoring Practices and Communication</b>					
<b>Findings and Recommendations</b>	<b>Lead Dept.</b>	<b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b>	<b>Expected or Actual Implementation Date</b>	<b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>	
				well as to individual employees.	
1.3	In collaboration with the City Manager’s Office and Public Works, assess citywide standby needs and determine the best cost allocation for standby pay and whether compensatory time should be allowed for standby.	PRW	Agree. See corrective action plan for recommendations 1.1 and 1.2.	6/7/19	<b>Implemented.</b> PRW has updated standby cost allocations in its procedures. PRW determined that comp time for standby be allowed to continue.
1.4	Develop written procedures for existing and new practices: <ul style="list-style-type: none"> <li>▫ Charging funds and departments for on-call services unrelated to PRW activities (see recommendation 1.1)</li> <li>▫ Identifying and using the appropriate account codes for PRW on-call services based on the work done, e.g., Parks vs. Marina</li> </ul>	PRW	Agree. PRW will document practices, as discussed in the corrective action plan for recommendation 1.1; and will develop procedures for new practices, pending the outcome of the corrective action plan for recommendation 1.2.	6/7/19	<b>Implemented.</b> PRW developed written procedures.

<b>Audit Title: PRW On-Call Program: Ensure Equity by Developing Procedures for Charging for Services, and Improve Monitoring Practices and Communication</b>					
<b>Findings and Recommendations</b>		<b>Lead Dept.</b>	<b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b>	<b>Expected or Actual Implementation Date</b>	<b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>
	<ul style="list-style-type: none"> <li>▫ Charging board ups to the Public Works Building Maintenance Fund and requiring that employees receive pay, not comp time, for that service</li> <li>▫ Restricting the use of comp time to services applicable to employees' default account code (see recommendation 1.2)</li> <li>▫ Accounting for standby hours depending on the outcome of recommendation 1.3</li> </ul>				
1.5	Apply the above recommendations to other on-call services, e.g., Forestry, as may be warranted.	PRW	Agree. See corrective action plans for recommendations 1.1 and 1.2.	6/7/19	<b>Implemented</b> PRW developed new procedures to comply with recommendation 1.4 for all affected PRW on-call services except Forestry. PRW evaluated the risks and need of the

<b>Audit Title: PRW On-Call Program: Ensure Equity by Developing Procedures for Charging for Services, and Improve Monitoring Practices and Communication</b>					
<b>Findings and Recommendations</b>	<b>Lead Dept.</b>	<b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b>	<b>Expected or Actual Implementation Date</b>	<b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>	
				Forestry division and recommendation 1.4 and determined it to be unnecessary. Forestry does not perform work outside of their division, even in emergency on-call situations.	
1.6	The City Manager’s Office should request that other departments, e.g., Public Works, apply the above recommendations as may be warranted for on-call services.	City Manager’s Office	Agree. See corrective action plans for recommendations 1.1 and 1.2.	6/7/19	<b>Implemented.</b> Public Works is reviewing PRW’s revised procedures and considering them for implementation.
<b>Finding 2: Using risk indicators and providing better documentation will improve PRW’s monitoring practices</b>					
2.1	Develop a system for monitoring on-call services based on risk indicators. Document system in written	PRW	Agree. PRW will develop and document a system for monitoring on-call services.	6/7/19	<b>Implemented.</b> PRW has established these monitoring procedures.

<b>Audit Title: PRW On-Call Program: Ensure Equity by Developing Procedures for Charging for Services, and Improve Monitoring Practices and Communication</b>				
<b>Findings and Recommendations</b>	<b>Lead Dept.</b>	<b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b>	<b>Expected or Actual Implementation Date</b>	<b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>
<p>procedures. The system should include, but not be limited to:</p> <ul style="list-style-type: none"> <li>▫ Identifying possible high-risk patterns, e.g., one mechanic routinely responding to after-hours calls more than average; claiming more than the standard three hours more often than others; and/or signing up for standby more than others</li> <li>▫ Identifying possible high-risk circumstances that warrant close monitoring, e.g., disgruntled employee</li> <li>▫ Using the above patterns and indicators to determine if site inspections are warranted</li> <li>▫ Using the above patterns and indicators to determine if placing follow-up calls to the person or</li> </ul>				

<b>Audit Title: PRW On-Call Program: Ensure Equity by Developing Procedures for Charging for Services, and Improve Monitoring Practices and Communication</b>					
<b>Findings and Recommendations</b>		<b>Lead Dept.</b>	<b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b>	<b>Expected or Actual Implementation Date</b>	<b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>
	facility that requested the service are warranted <ul style="list-style-type: none"> <li>▫ Using site inspections and follow-up calls to ensure the work was needed and sufficient, and obtain feedback on customer satisfaction and quality of program</li> <li>▫ Physically inspecting locations when the hours a mechanic reported are excessive as compared to the work done or considered reasonable</li> </ul>				
2.2	Develop written procedures for existing and needed practices: <ul style="list-style-type: none"> <li>▫ Obtaining and maintaining support for on-call services and stand-by, and comparing that against timecards</li> <li>▫ Reviewing timecards to ensure the appropriate use of time codes and</li> </ul>	PRW	Agree. PRW will document these procedures.	6/7/19	<b>Implemented.</b> PRW has documented and implemented these written procedures.

<b>Audit Title: PRW On-Call Program: Ensure Equity by Developing Procedures for Charging for Services, and Improve Monitoring Practices and Communication</b>					
<b>Findings and Recommendations</b>		<b>Lead Dept.</b>	<b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b>	<b>Expected or Actual Implementation Date</b>	<b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>
	<p>account codes, and that timecards agree with punch cards</p> <ul style="list-style-type: none"> <li>▫ Monitoring practices used to assess the reasonableness of employees’ claimed time for on-call services and documenting that assessment with timecards</li> <li>▫ Documenting standby schedule changes on the standby list</li> </ul>				
2.3	Apply the above recommendations to other on-call services, e.g., Forestry, as may be warranted.	PRW	Agree. PRW will apply these recommendations, as appropriate to other PRW on-call services.	6/7/19	<b>Implemented.</b> PRW has updated Forestry’s standby and emergency on-call procedures accordingly.
2.4	The City Manager’s Office should request that other departments, e.g., Public Works, apply the above recommendations as may be warranted for on-call services.	City Manager’s Office	Agree. The City Manager’s Office will ask that other departments review PRW procedures, and apply as appropriate.	6/7/19	<b>Implemented.</b> Public Works is reviewing PRW’s revised procedures and

<b>Audit Title: PRW On-Call Program: Ensure Equity by Developing Procedures for Charging for Services, and Improve Monitoring Practices and Communication</b>					
<b>Findings and Recommendations</b>		<b>Lead Dept.</b>	<b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b>	<b>Expected or Actual Implementation Date</b>	<b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>
					considering them for implementation.
<b>Finding 3: Better communication with vendor and employees will improve on-call program</b>					
3.1	Use information from the on-call services to inform Direct Line on how to better triage calls. Information includes feedback from mechanics and customers, and Direct Line’s message detail reports. Include this requirement in written procedures.	PRW	Agree. PRW will propose changes to the Direct Line script used to triage calls.	6/7/19	<b>Implemented.</b> PRW has provided updated guidance to Direct Line and updated written procedures to incorporate these practices on an ongoing basis.
3.2	Develop guidance describing the types of calls considered urgent and, therefore, requiring on-call services, to a reasonable extent. Require mechanics to use this guidance as a tool for informing the Building and Maintenance supervisor of possible needs to improve how Direct Line triages calls.	PRW	Agree. See corrective action plan for recommendation 3.1.	6/7/19	<b>Implemented.</b> PRW has provided updated guidance to Direct Line and updated written procedures to incorporate these practices internally on an ongoing basis.

<b>Audit Title: PRW On-Call Program: Ensure Equity by Developing Procedures for Charging for Services, and Improve Monitoring Practices and Communication</b>					
<b>Findings and Recommendations</b>		<b>Lead Dept.</b>	<b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b>	<b>Expected or Actual Implementation Date</b>	<b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>
3.3	Run a pilot program so that at least one mechanic a day works a regular schedule that ends at 7:00 p.m. as part of a flex-scheduling program. Evaluate the program after a period of time, e.g., one year, to determine if it helped reduce service wait times, number of after-hours calls, and overtime costs; used mechanics' time more efficiently; and helped improve employee morale. If successful, implement the program permanently.	PRW	Do not agree. The savings from reduced on-call services would be offset by losses in efficiency from having one mechanic working alone, without supervision, and during peak program hours (when buildings are occupied).	n/a	<b>Will Not Implement.</b>
3.4	Apply the above recommendations to other on-call services, e.g., Forestry, as may be warranted.	PRW	Agree. PRW will apply the corrective action plan for recommendations in 3.1 and 3.2, as appropriate, to other PRW on-call services.	6/7/19	<b>Implemented.</b> PRW has updated Forestry's standby and emergency on-call procedures accordingly.



<b>Audit Title: PRW On-Call Program: Ensure Equity by Developing Procedures for Charging for Services, and Improve Monitoring Practices and Communication</b>					
<b>Findings and Recommendations</b>		<b>Lead Dept.</b>	<b>Agree, Partially Agree, or Do Not Agree and Corrective Action Plan</b>	<b>Expected or Actual Implementation Date</b>	<b>Status of Outstanding Audit Recommendations and Implementation Progress Summary</b>
3.5	The City Manager’s Office should request that other departments, e.g., Public Works, apply the above recommendations as may be warranted for on-call services.	City Manager’s Office	Agree. The City Manager’s Office will request that other departments review information shared with Direct Line to triage calls.	6/7/19	<b>Implemented.</b> Public Works is reviewing these recommendations and considering them for implementation.





Office of the City Manager

INFORMATION CALENDAR

July 23, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Timothy Burroughs, Director, Planning and Development

Subject: LPO NOD: 1619 Walnut Street -- #LMIN2019-0001

INTRODUCTION

The attached Notice of Decision for a City Structure of Merit is submitted to the Mayor and City Council pursuant to Berkeley Municipal Code (BMC) Section 3.24.160, which states that “a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting.”

CURRENT SITUATION AND ITS EFFECTS

The Landmark Preservation Commission (LPC/Commission) has granted City Structure of Merit status to the property at 1619 Walnut Street. This action is subject to a 15-day appeal period, which began on July 8, 2019.

BACKGROUND

BMC/LPO Section 3.24.190 allows City Council to review any action of the Landmarks Preservation Commission in granting or denying Landmark, Structure of Merit or Historic District status. In order for Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 15 days of the mailing of the Notice of Decision, or by July 23, 2019. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must rule on the application within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY

Landmark designation provides opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no known fiscal impacts associated with this action.

CONTACT PERSON

Timothy Burroughs, Director, Planning and Development Department, 510-981-7401  
Fatema Crane, Secretary to the Landmarks Preservation Commission, 510-981-7410  
Alison Lenci, Assistant Planner, 510-981-7544

Attachments:

1: Notice of Decision – #LMIN2019-0001 at 1619 Walnut Street



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

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N O T I C E O F D E C I S I O N

Attachment 1, pt 1 of 3

**DATE OF COMMISSION DECISION: June 6, 2019**

**DATE NOTICE MAILED: July 8, 2019**

**APPEAL PERIOD EXPIRATION: July 23, 2019**

**EFFECTIVE DATE OF DECISION (Barring Appeal or Certification): July 24, 2019<sup>1</sup>**

## **1619 Walnut Street – Las Casitas Apartments**

**Landmark application #LMIN2019-0001 for the consideration of City Landmark or Structure of Merit designation status for a multi-unit residential property – APN 058-2179-025-00.**

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following designation:

**DESIGNATION:** Structure of Merit

**APPLICANT:** Petition of Berkeley Residents prepared by Scott Wheeler, 1619 Walnut Street, Apt. A, Berkeley, CA 94709

**ZONING DISTRICT:** R-2A, Restricted Multiple-Family Residential

**ENVIRONMENTAL REVIEW STATUS:** Categorically exempt under the California Environmental Quality Act Guidelines, Section 15061(3).

**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  
LMIN2019-0001  
1619 Walnut Street  
July 8, 2019  
Page 2 of 4

**COMMISSION VOTE: 5-3-0-0 (one vacancy)**

**YES:** ALLEN, CHAGNON, FINACOM, OLSON, O'MALLEY

**NO:** ABRANCHES DA SILVA, CRANDALL, SCHWARTZ

**ABSTAIN:**

**ABSENT:**

**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 public hearing.

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
LMIN2019-0001  
1619 Walnut Street  
July 8, 2019  
Page 3 of 4

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 include 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.

**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.

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
LMIN2019-0001  
1619 Walnut Street  
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**FURTHER INFORMATION:**

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Questions about the project should be directed to the project planner, Alison Lenci, at (510) 981-7410 or [alenci@cityofberkeley.info](mailto:alenci@cityofberkeley.info). All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, between 8 a.m. and 4 p.m., Monday through Friday.

**ATTACHMENTS:**

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1. Findings
2. Landmark Application, received **MAY 16, 2019**

**ATTEST:** 

Fatema Crane, Secretary  
Landmarks Preservation Commission

cc: Residents  
City Clerk  
Initiator and Application Author:  
Petition of Berkeley Residents prepared by  
Scott Wheeler  
1619 Walnut Street, Apt. A  
Berkeley, CA 94709

Property Owner;  
David Downs  
1777 Lafayette Street, Unit #128  
Santa Clara, CA 95050



# ATTACHMENT 1 , part 2 of 3

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## DRAFT FINDINGS

JUNE 6, 2019

### **1619 Walnut Street – Las Casitas Apartments**

**Landmark application #LMIN2019-0001 for the consideration of City Landmark or Structure of Merit designation status for a residential property.**

#### **City of Berkeley Landmark Application LMIN2019-0001**

##### PROJECT DESCRIPTION

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Structure of Merit designation of the property at 1619 Walnut Street, Las Casitas Apartments.

##### CEQA FINDINGS

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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

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2. Pursuant to Berkeley Municipal Code (BMC) Section 3.24.110.B Paragraph 2.c of the Landmarks Preservation Ordinance (LPO), the Landmarks Preservation Commission of the City of Berkeley (Commission) finds that the subject main building is a good example of Spanish Eclectic architecture. The building was constructed between 1927 and 1928, during the period of the Spanish Eclectic style (1915 - 1935). It includes many identifiable features of the Spanish Eclectic style, including a flat roof with parapet walls, narrow tile covered shed roofs with regularly laid tapered mission style tile, asymmetrical façade, stucco walls, stain glass windows, decorative window grills, decorative iron sconces and door knockers and arcaded walkways.

**FEATURES TO BE PRESERVED**

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1. This Structure of Merit designation shall apply to the subject property and the following distinguishing features shall be preserved:

**Features of the Site:**

- Two semi-circled scored pathways, one along the side (south) property line and one along the side (north) property line;
- Five elongated diamond shape cutouts along the length of the southern pathway;
- Decorative cement urn at southwest corner of the site;
- Rounded Archway reading 'Las Casitas' at the southwest corner of the site; and
- Semi-circled scored stairways and stucco retaining walls leading to each apartment unit entrance on the south façade.

**Features of the Main Building:**

- All extant, exterior building features characteristic of the Spanish Eclectic style;
- Two-story building with slightly recessed basement level 2-car garage;
- Horizontal wood board and batten garage doors on front, west façade;
- Flat parapet roof with three symmetrically placed false gables;
- Asymmetrical façade;
- All regularly laid tapered mission style tile;
- Four narrow tile covered shed roofs with regularly laid tapered mission style tile along south façade;
- Semi-rough, rusticated stucco material;
- Wrought iron elaborations including:
  - Two faux balcony grills, one on west façade and one on south façade;
  - Two handrails, one for unit A and one for unit B;
  - Six foot long balcony on second story south façade;
  - Seven encased door awnings connected to the building with U-shaped bars;
  - Seven exterior light fixtures, fashioned in a three-fourth circular pattern; and
  - Seven unit identification plaques with doorbells and unit letter cutouts.
- Sixteen wood framed casement windows (4 on the west façade, 4 on the south façade, 2 on the east façade, and 6 on the north façade);
- Nine wood framed stained glass windows (1 on the west façade, 8 on the south façade);
- Twenty wood framed double sliding windows on the east and north façade;
- Two wood framed double-hung windows on the east façade;
- Two wood framed fixed windows on east façade;
- Seven wood doors along south façade, each inset with 12 true divided light glass panes;
- Seven wood doors with screened windows along north façade; and
- Seven hammered copper door knob plates.

CITY OF BERKELEY  
Ordinance #4694 N.S.

LANDMARK APPLICATION

Las Casitas Apartments: 1619 Walnut Street Berkeley 94709 in 1939 (photographer unknown)



Las Casitas Apartments: 1619 Walnut Street Berkeley 94709 in May 2019 (photo: Scott Wheeler)



1619 Walnut Street Landmark Application – Revised - 29 May 2019

Page 1 of 27

*Note: The elm in the 1939 photo recently died of Dutch elm disease. Tenants replanted this new elm from its own seedlings.*

Planning and Development Department Land Use Planning Division

**City of Berkeley**  
**Ordinance #4694 N.S.**  
**LANDMARK APPLICATION**

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**1. Street Address:** 1619 Walnut Street

**City:** Berkeley  
**County:** Alameda  
**Zip:** 94709

**2. Assessor's Parcel Number:** 58-2179-25

**Block and Lot:** Block D, Lot 8  
**Tract:** Percy Tract

**Dimensions:** Lot size 6800, Building size 5003

**Cross Streets:** Cedar and Virginia

**3. Is property on the State Historic Resource Inventory?** No  
**Form #**

**Is property on the Berkeley Urban Conservation Survey?** No  
**Form #**

**4. Application for Landmark includes:**

- a. **Building:**  **Garden:**  **Other features:**
- b. **Landscape or Open Space:**  **Natural Designed** **Other**
- c. **Historic Site:**
- d. **District:**

e. Other:

5. **Historic Name:** Las Casitas

**Commonly Known Name:** Las Casitas - metal arch over driveway reads: "Las Casitas"  
(please refer to numerous attached photos).

6. **Date of Construction:** 1927 and 1928

a. **Factual:**

b. **Approximate:**

**Source of Information:** Old permits, maps and photographs courtesy of Berkeley Architectural Heritage Association (BAHA). Please also section 19 Bibliography.

7. **Architect:** William John Alexander Doctor

8. **Builder:** William I. Rush

9. **Style:** Spanish/Mission Revival, Spanish Colonial, aka Spanish Renaissance

10. **Original Owners:** Madge L. Rush

**Original Use:** Apartments

11. **Present Owners:** WholeLife Homes

12. Present Use: Apartments

Residential: Single Family Duplex Multiple

Commercial: Office Store Industrial Hotel

Institutional: School Hospital Other

Current Zoning: Restricted multi-family residential (R-2A)

Adjacent Property Zoning: Same, R-3 to the east

13. Present Condition of Property:

Exterior: Excellent Good Fair  Poor

Interior: Excellent Good  Fair Poor

Grounds: Excellent Good  Fair Poor

Has the property's exterior been altered? A fire escape on north side was either original or added (no information was found and it isn't mentioned on the 1927 and 1928 conversion permits).

**14. Description:****Exterior Building Description of Las Casitas, 1619 Walnut Street:****West Façade - facing Walnut Street**

The façade consists of semi-rough textured stucco siding with four large encased windows. A slightly sloping center parapet and three symmetrically placed false gables conceal a flat roof. The gables on the NW and SW sides continue at least five feet around the corners of the building. Each gable contains over hanging eaves with broad exposed V-joint rafters and all gables are covered with regularly-laid straight barrel mission tiles.

The NW corner of the West façade portrays a slightly sloping asymmetrical line from the roof to the bottom end of the structure. Encased within this line is a round arched entrance way leading to the North side and the rear of the building. The SW side of the West façade also portrays a round arched opening. Although somewhat smaller, it displays a wrought iron elaboration for the building number designation, 1619. Left adjacent to the smaller rounded archway opening is a wood encased stained glass window. The right adjacent side displays a large four foot high urn identical to the one at Sunny Gables at 1631 - 1633 Walnut Street, the "sister" building in architectural design to Las Casitas.

Additional elaborations include a large wrought iron wall faux balcony grille and the beautiful and elegant wrought iron rounded archway stating the name Las Casitas. This wrought iron arch provides the pathway and driveway to the building. The lower portion of the West façade contains two slightly recessed garages, displayed and set off by broad flat stucco beam structures that continue with the West stucco façade. Additional features include two ground level stucco garden planters designed for architectural landscape enhancement.

Las Casitas arch with driveway and stained glass 2<sup>nd</sup> floor (south side)





Front wall with "1619" wrought iron house number and large urn:



Modern photo of southwest corner of 1619 Walnut Street



Stained glass front (west side - needs restoration)



**South Façade - entrance way to Las Casitas**

The South façade building exterior is semi-rough textured stucco. The roof is flat with the illusion of a varying level at the SE end of the façade. Three large casement windows enhance the upper half of the building. In addition to window enhancement, three projected decorative ornamental roof elements adorn the side of the façade. Uniquely appearing as an ornamental feature, the projected elements actually contain three of the building's apartment closets. Each projected roof element is secured with a wide flat beam and all have regularly laid straight barrel mission tiles. Wood framed stained glass windows are an architectural feature of each projected element. The smallest decorative projection, that being closest to the West façade, displays a smaller sized wood encased stained glass window with the additional elaboration of a wrought iron faux balcony grille extending from the window. At the SE end of the façade, a fourth projected decorative ornamental element is actually part of a closet and a bedroom. This projection also displays a smaller wood encased stained glass window and regularly laid straight barrel mission tiles. Providing the connecting unity and harmony between the third and the fourth projected elements, there is a six foot length balcony with the elaboration of a wrought iron railing.

The lower half of the façade displays one casement window. Four wood encased stain glass windows display on the lower level. This level includes entrance to the seven apartment dwellings. Unique and individual, each entrance provides a personal stairway and door entrance to each unit. All stairways are cement and provide stucco walls and gently-sloping barriers between the units. Wrought iron hand rails display on the wall next to the staircase. Each door displays rectangular wooden sash windows, (also known as muntins), and a decorative elaboration of a hammered copper door knob plate. Above the door, a wrought iron encased door awning is attached to the door's side stucco exterior with wrought iron U shaped braces. Shaped metal representing leaves display decoratively entwined around the exterior light fixtures, and in turn, the fixture is protected by the decorative elaboration of wrought iron strips fashioned in a three-fourths circular pattern. Adjacent to each doorway, a wrought iron identification plaque with doorbell and a unit letter cutout identify the units A through G. A stucco decorative vent design graces the building at the lower façade midpoint.

A and B entrances (south side of the building)



Apt B stained glass and faux balcony with metal arch in foreground



Apt F projected element balcony (south side)



Apt A stained glass looking south fully restored by Avalon Glass Works July 2018:





Apt F steps and apartment entranceway barriers



Apt A front door with original hammered metal doorknob plate and number plate



### **East Façade - Back Yard and Patio Area**

Similar to the previously mentioned façades, the East façade displays rough textured stucco exterior. This façade presents two levels with the upper level displaying the termination of the previously mentioned flat roof and two very large casement windows in the center of the façade. The lower level's flat roof lies dropped twenty feet below the formerly mentioned roof line. At no angle or level of the flat roof line does the East façade display the use of barrel mission tiles. The lower level is unique in that there are six angles forming the projected element. The second flat side displays three wood encased windows: one is a double sliding window, another displays a permanently closed pane, and the third displays a very small Spanish Revival style window. The third flat side displays two wood encased double sliding windows, and the fourth flat side displays one large wood encased double sliding window.

Extending from the final lower level angle is the continuation of the façade to the firstly mentioned flat roof height. The lower level of this sub façade displays two wood encased double sliding windows. The upper level of this recessed façade displays three asymmetrically placed wood encased windows. While the largest on the northeast side is permanently closed, the window left adjacent displays a double sliding window. The far left adjacent window is another example of a small wood encased Spanish Revival style window. The East façade of Las Casitas displays the only examples of very small Spanish Revival style windows.

Both upper and lower levels of the recessed sub façade display projected stucco elaborations. Although appearing decorative, these projected elements provide exterior storage space. The lower level's recessed fifth and sixth angle area is enhanced with a small outside patio.

Rear of building and garden: upper floor is Apt F and lower floor is bedroom of Apt G



Projected element used as storage



### **North Façade - The Rear Side of Las Casitas**

The rough stucco surface on the north façade predominately displays eighteen windows of two styles and various sizes, seven entrance/exit apartment unit doors, and two fire escape stairways providing an entrance/exit for four doorways to the north side pathway.

The most northwest side displays six wood encased, casement windows, one large and two smaller, identically placed on the upper and lower levels. Two doorways, identically placed on each level lead to a fire escape pathway. The door on the superior level leads directly to a wrought iron rail encased fire escape landing, five feet long by three feet wide which provides direct access to the descending wrought iron, rail encased stairway. Ceasing before the doorway to the lower unit, the stairway continues as a railed four feet by three feet cement landing in front of the lower unit's doorway. Railed cement steps continue the descent from this landing to the pathway along the rear of the building.

The prominent physical features adjacent to the wrought iron fire escape are: the wood doorway at the lower level pathway leading to the building's boiler room; left adjacent to the boiler room door, a wood panel enclosure containing a gas meter; a one foot diameter stovepipe ascending two feet above the height of the north wall; and a five inch softly rounded projected element which transverses from the stovepipe to the end of the northeast façade. This projected element decoratively displays the division of the superior and inferior unit levels.

Continuing toward the east, the upper level displays two, side by side, wood encased, double sliding windows with a decorative air vent, centrally placed two feet above them. The lower level displays a grand, six feet long by four feet wide wood encased, double sliding window centrally placed below the two superior windows.

The most unique feature along the north wall is the three sided projected element, widths of four feet, eight feet and four feet. This element creates an ornamental design to the otherwise flat north façade. Extending from the pathway to the upper level, the projected element continues until approximately three feet from the flat roof. At the three foot demarcation, the element changes and extends to a flat surface at the four foot wide façades therefore creating right angles to the flat wall. On the west, the right angle creates a projected triangle overhang above one of the two, wood encased, double sliding windows while on the east, the projected triangle creates a overhang above the unit's rear doorway that leads directly to the building's second fire escape staircase. At the lower level, the projected element area displays two, wood encased, double sliding windows and a rear unit doorway directly below the one superior. Unique from all other north side doors. this door displays a non opening window above it, and the door opens onto two cement steps leading directly to the rear pathway.

The remaining north east side façade, on the superior level, displays a five feet wide by twenty five feet long railed, wrought iron fire escape landing providing rear entrance/exit

for two units - the previously mentioned upper doorway and the doorway most near the east side of the building. A wrought iron, wall side ascending step ladder leads from the landing to the roof, and a railed, wrought iron stairway extends from the landing to the north side pathway. Three small wood encased, double sliding windows display on the upper level between the doorways. The lower level displays two wood encased, double sliding windows and a unit doorway above one cement step leading to the north side pathway.

Recessed approximately twenty feet from the east corner of the north element, is the one remaining doorway which steps directly onto flat surface cement. All rear doorways at Las Casitas are wood and have an eighteen inch by twenty three inch small hinged opening, screened window at the door's superior end.

The seventy five foot north side pathway is semi circled, scored cement displaying an artistic design similar to the building's front entrance pathway. The area below the north west side fire escape provides space for landfill and recycling bins. Four feet wide and twelve feet long gardening spaces, adjacent to the north side pathway, display beneath the grand, double sliding window and the north east fire escape area. Trees, shrubs and various flowers grace the building.

North side of 1619 Walnut (photo is facing east)





Apt B back door with window (north side)



Back (north side) scored pathway



### Description of the Physical Grounds at Las Casitas

The wrought iron archway provides the entrance to the pathway and driveway to Las Casitas. On the left of this pathway is firstly, the entrance to the utility room, and thereafter, the seven individual stairways, A through G, leading to the direct and private entrance into each apartment unit. Between units A and B, B and C, D and E, and F and G there are garden spaces provided due to the stairway extension of each unit from the building wall. Barriers on each gardening space connect to the extending steps providing a continuous barrier line from the utility room to unit G. This barrier is raised approximately five inches from the pathway. Due to gardening spaces, various plants, shrubs and trees grace the building's side - ferns, sage, succulents, aloe and bougainvillea. The most notable foliage are the two pink camellia trees next to units A and B. A number of A W doctor's buildings have light pink or pink camellia trees near their entrance way. Buildings sited are the addresses 619, 642, and 843 Arlington, 791 Vicente, 1545 Beverly Place, 1570 Hawthorne and 1851 Catalina.

The right pathway barrier displays a rough stucco surface with a four feet high wall. This barrier is twenty seven feet long with a one foot wide top shelf along its entire length. The length of the wall and the width of the top allow for three indented slightly peaked archways under the top side providing for gardening space due to the pathway's edge being around twelve inches from the indented wall. Extending from the stucco wall is a five foot high wooden plank fence that continues to the first structure on the southeast side of the property. This fence additionally allows for gardening space about one foot in front of the fence. Along the entire right side pathway various plants, shrubs, and trees grace the area. Foliage includes plum trees, ferns, ivy, spider plants, roses, a lemon tree with the most notable foliage being a large brugmansia and fragrant jasmine along the majority of the fence.

The semi-circled scored cement path and driveway to Las Casitas displays artistic design. The path, approximately seven and one half feet wide, continues from the front of the entrance of the building to the middle of the last apartment unit. Within the pathway's seventy five foot length are five elongated diamond shaped cutouts. The longest at twenty feet displays near the entrance of the pathway. The shortest at six feet is approximately thirty four inches from the first. At twenty four inches from the shortest cutout, the three remaining cutouts, each approximately eleven and one half feet long with a thirty four inch spacing between each one are displayed. All diamond shaped cutouts provide an area for grass and lawn in the very center of the pathway.

Extending from the scored cement path and driveway, blacktop covers the majority of the backyard area. From the south side fence to the six foot high planked wooden fence on the north side of the property, the backyard area measures fifty three feet wide and twenty seven feet from the last apartment to the garage entrance. Within the fifty three foot area, and at the east side of the backyard, there are five one car garage spaces. The garage adjacent to the south side fence protrudes eight feet in front of the remaining four. All display rough stucco surface on the exterior and wood on the interior. All five spaces display one continuous flat roof, a height of nine feet with a seven foot

car opening. The garage most south and the fourth in line heading to the north side have wooden doors while the remainder are open.

The north west corner of the backyard provides a cemented patio measuring eighteen feet long by fifteen feet wide. The residents have provided a table, chairs and potted plants and flowers for community enhancement and enjoyment.

The remainder of the backyard area is composed of various small trees, plants and flowers. The tenant community displays lemon, oak, redwood and pine trees, bougainvillea, dahlia, iris, lobelia and alyssum. In addition the backyard provides space for a vegetable and herb garden.

Rear garages facing NE



Southernmost rear garage of five rear garages (photo is facing east):



Elongated diamond shaped cutout in driveway



Apt G steps and scores

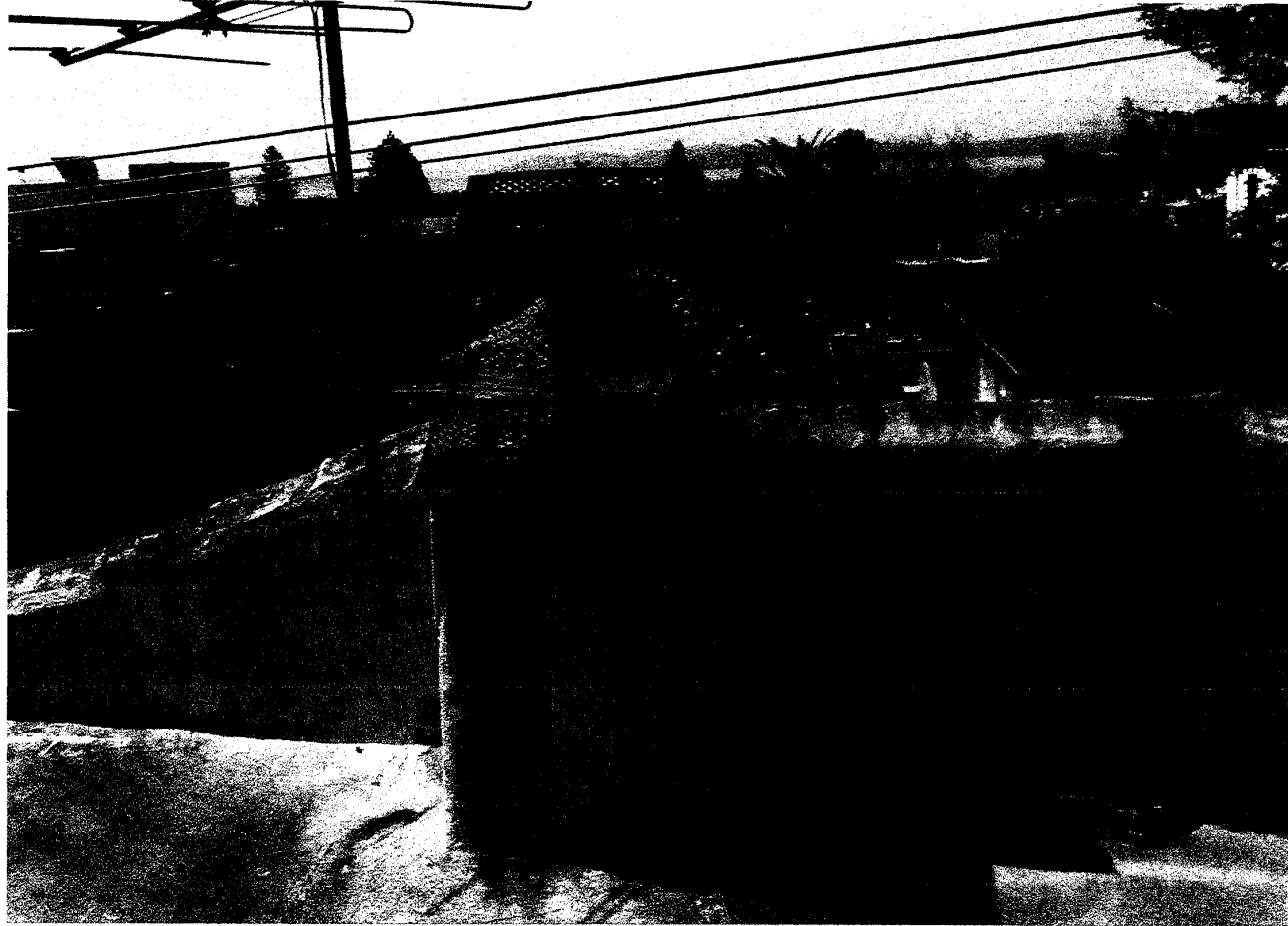




**Fireplace and Chimney information for Las Casitas**

The units at Las Casitas contain both faux and viable fireplaces. The living room areas of units E and G display small faux fireplaces. Unit F displays a very small faux fireplace in the larger bedroom, and also displays a formerly working fireplace in the living room area. Presently, a working steam radiator stands on the fireplace hearth. Units A and B currently display the only working fireplaces in the building. The chimneys for units A and B are centrally located on the roof's west side. The chimney for Unit F is centrally located on the building's roof.

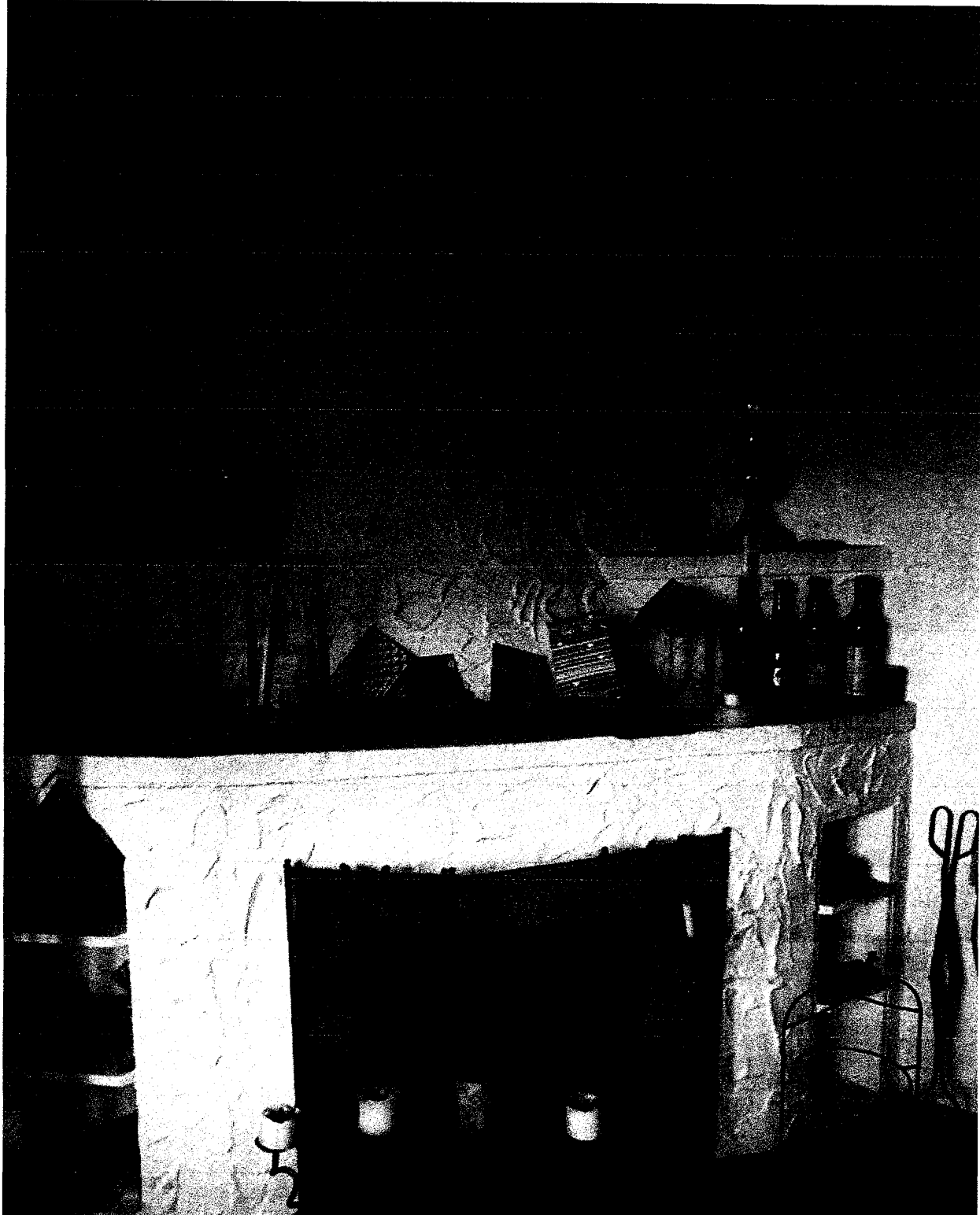
Chimneys for Apts A and B located at the center western edge of the roof:



Foreground – chimney for Apt F facing west (A and B chimneys in the background)



Apt A Pueblo-style fireplace with "cake frosting" stucco



**Features to Be Preserved:****The distinguishing features of Las Casitas include:****Overall Features**

- Semi rough textured stucco on all elements
- Slightly sloping center parapet
- Three symmetrical overhanging eaves
- Round arch entrance way providing path to the north side of building
- Round arch opening providing space for building street number identification
- Regularly laid straight barrel mission tiles on over hanging eaves and south side projected elements
- Decorative cement urn on west side identical to that of the “sister” building at Sunny Gables at 1631-1633

**Wrought Iron Elaborations**

- Rounded archway stating the name Las Casitas at the entrance to the pathway and driveway
- Plaque for building street number designation at small rounded arch on west side
- Two faux balcony grills, one on the west side, the other on the south side
- Six foot length balcony between the projected elements on the south side
- Two hand rails, one each for units A and B stairways
- Seven encased door awnings connected to the building with U shaped bars
- Seven exterior light fixtures fashioned in a three-fourth circular pattern
- Seven unit identification plaques with doorbell and unit letter cutout

**Stucco Elaborations**

- Two ground level garden planters on west side
- Five projected external storage spaces on north side
- Two decorative stucco air vents, one on the south side and one on the north side

**Projected Decorative Elements**

- Three projected elements with tiles on the south side
- One projected element without tiles on the south side
- One six sided projected element on the east side
- One three sided projected element on the north side
- Two projected triangle shaped elements on the north side

**Windows****Nine wood framed stained glass windows**

- One at 41 inches by 29 inches on the west side
- Two at 40 inches by 17 inches on the south side
- Six at 34 inches by 28 inches on the south side

**Sixteen wood framed casement windows (hand-crafted and individually-designed):**

- Two at 40 inches by 54 inches, each with eighteen handcrafted true divided panes, 11 inches by 6 inches on the west side
- Two at 46 inches by 65 inches, each with eighteen handcrafted true divided panes, 13 inches by 8 inches on the west side
- Three at 46 inches by 65 inches, each with eighteen handcrafted true divided panes, 13 inches by 8 inches on the south side
- One at 58 inches by 59 inches with twenty four handcrafted true divided panes, 13 inches by 7 inches on the south side
- Two at 40 inches by 58 inches, each with eight handcrafted true divided panes, 17 inches by 12 inches on the east side
- Two at 52 inches by 65 inches, each with twenty four handcrafted true divided panes, 11 inches by 8 inches on the north side
- Four at 40 inches by 29 inches, each with nine handcrafted true divided panes, 11 inches by 8 inches on the north side

**Twenty wood framed double sliding windows**

- All located on the east and north side, ranging in size from, the smallest at 28 inches by 24 inches to the largest at 6 feet by 4 feet.

**Two wood-framed Spanish Revival style**

- One at 12 inches by 8 inches on the east side projected element
- One at 20 inches by 10 inches on the superior level east side.

**Two wood-framed non-opening windows:**

- One at the east side projected element
- One at the superior level east side

**Doors**

- Seven wood doors, 84 inches by 34 inches, each with a 56 inch by 24 inch inset of twelve handcrafted true divided glass panes, 12 inches by 7 inches at the south side entrance/exit way
- Seven hammered copper door knob plates on south side doors
- Seven wood doors, each 84 inches by 34 inches, each with an 18 inch y 23 inch small hinge opening with screened windows at the north side entrance/exit

**Stairs, Pathways and Back yard**

- Seven semi circled scored stairways to each unit's door way
- Stucco walls and barriers between each unit
- Two semi circled scored pathways, one on the south side and the other on the north side
- Two very old pink camellia trees and various other vegetation along the entire south side pathway
- Five elongated diamond shaped cutouts along the length of the south pathway
- Back yard patio, 18 feet by 15 feet

Apt C leaded glass china cabinet doors restored in July 2018 by Scott Wheeler (A)





Apt A leaded glass china cabinet and cookbook cubby



**Architectural features and elaborations of significance within the interior structure of Las Casitas**

*Mission and Pueblo Influence*

Smooth textured stucco walls  
Rough textured stucco walls  
Ceiling beams  
Fireplace chimneys  
Rounded archways

*Spanish Revival Influence*

Smooth textured stucco walls  
Rough textured stucco walls  
Enlivened flat stucco walls  
Fireplace chimneys  
Rounded archways  
wrought iron wall sconces  
wrought iron lighting fixtures  
Casement windows  
Tiny small wood windows  
Asymmetrically placed windows

*Mediterranean Style Influence*

Plain smooth textured walls  
Rough textured walls  
Small wall niches and cabinets  
Wall sconces  
Chandeliers

*Probable Influences: Chicago, Prairie and English Manor styles*

Leaded and/or stained glass windows (FL Wright Chicago)  
Stained glass cabinet doors (please see attached photo of home at 619 Arlington).

**15. History:**

Per William John Alexander Doctor's Canadian birth certificate:

William John Alexander Doctor  
Born: 27 March 1871 in Carleton, Ontario, Canada

Per his record in the California, Death Index:

Name: William Alexander Doctor  
Social Security #: 552-30-3208  
Birth Date: 26 Mar 1874  
Birth Place: Canada  
Death Date: 24 Mar 1949  
Death Place: Alameda County, California  
Mother's Maiden Name: Simpson  
Father's Surname: Doctor

Although he declared in the 1930 U.S. Census that he immigrated to the U.S. in 1901, it appears that 1914 was his actual immigration year.

William Alex Doctor in the U.S., Border Crossings from Canada to U.S., 1914

Name: William Alex Doctor  
Arrival Date: 24 Nov 1914  
Race: Scottish  
Age: 37 [actually, 43]  
Record Type Manifests  
Birth Country: Canada  
Port of Arrival: Eastport, Idaho, USA  
Residence Country: Canada

In 1916, Doctor lived in Richmond.

In 1923, Doctor lived at 1541 Grant Street in Berkeley and worked at 410 15th Street in Oakland.

In 1924, Doctor was registered to vote at 847 Arlington Avenue.

At the time that he designed the buildings on Walnut Street (Las Casitas & Sunny Gables), he was living in the Sunset District of San Francisco.

By 1930, he was back in Berkeley, living at 1547 Josephine Street, and in 1935–1940, his home was at 3120 Deakin Street (info from his 1930 and 1940 U.S. Census records).

William A. Doctor was possibly vain about his age, perhaps pretending to be younger than he was. This could explain the varying birth dates in his vital records.

Doctor is also mentioned in Jacobsen's Biographical Index of American Artists (with an alternative wrong birth year):

Name: William Alexander Doctor  
Birth Year: 1874  
Death Year: 1949

Source: Jacobsen's Biographical Index of American Artists. Artists native to the United States or working in the United States from 1606 to 2002. Four volumes. Edited by Anita Jacobsen. Carrollton, TX: A.J. Publications, 2002. (JacBIAA)

Doctor was unbound to architectural orthodoxies, apparently feeling quite free to blend styles that he felt compatible, yet separated even by centuries, hence the introduction of his signature English Manor-style stained glass in this (1619 Walnut) Spanish Colonial, Mission Revival edifice. Per the Oakland Tribune in 1937 he built an English Provincial styled home following his prolific 1920s. BAHA records indicate that he designed more than thirty homes in Berkeley. His design of 619 Arlington's windows is clearly influenced by Frank Lloyd Wright's Chicago stained glass (see close-up photograph attached).

From: The Biographical Dictionary of Architects in Canada (Please note: all italicized text is quoted):

*Doctor, William Alexander*

*DOCTOR, William Alexander (1876-1949) is an obscure architect who was active in Vancouver from 1908 until late 1918. He first appeared in partnership with Sholto Smith in 1908, but this association was dissolved in early 1909 and Doctor practiced on his own until 1910 when he formed another brief partnership with Ormond Higman, an engineer. In 1913 he opened another office, this time with W.F.T. Stewart and Hugh S. Davie, and they remained active as a partnership until 1918. **Their best known work is a convincing Beaux-Arts scheme for the Vancouver Police Headquarters, East Cordova Street (1913-14). This project was initially won in a competition by Doctor in 1912 when he was working under his own name (Vancouver Daily World, 18 June 1912, 13).** Their firm was one of thirty architectural firms from the United States and Canada who later submitted an entry in the competition for the Vancouver Civic Centre in 1914 but their submission was not premiated (C.R., 14ix, 6 Jan. 1915, 8). **Doctor later moved to Berkeley, Calif. and continued to work as an architect after 1920.** He died in Alameda, Calif. on 24 March 1949 (D. Luxton, *Building the West: The Early Architects of British Columbia*, 2003, 461, 497) (works in Vancouver unless otherwise noted)  
HIGMAN & DOCTOR*

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*POINT GREY ROAD, near Stephens Street, residence for William L. Keate, 1910 (Northwest Architect [Portland, Ore], ii, Oct. 1910, illus. plates)*  
*NEW WESTMINSTER, B.C., People's Trust Co., Columbia Street, office building, 1911 (C.R., 14v, 12 July 1911, 64)*  
*NORTH VANCOUVER, B.C., St. Alice Hotel, Second Street West, c. 1911 (BCPA, Modern Architecture (in Vancouver), 1911, illus.)*  
 W.A. DOCTOR

*HUDSON BAY INSURANCE CO., Hastings Street West near Burrard Street, office building, 1911 (C.R., 14v, 27 Sept. 1911, 61; dwgs. at Vancouver City Archives)*  
*POINT GREY, B.C., residence for Frederick W. Sterling, Second Avenue West near Blanca Street, 1912 (C.R., 14vi, 10 Jan. 1912, 62-3)*  
*SIXTH AVENUE WEST, near Balsam Street, residence for Dr. William F. Mackay, 1912 (C.R., 14vi, 3 Jan. 1912, 65, t.c.)*  
 DOCTOR, STEWART & DAVIE

*WEST 26th AVENUE, at Alexander Street, residence for H.E.A. Robertson, 1912; demol. (Vancouver Daily World, 22 Oct. 1912, 5; Vancouver b.p. 346, 14 Oct. 1912; inf. Patrick Gunn, Vancouver)*  
*FIRST CHURCH OF CHRIST SCIENTIST, Georgia Street, extensive interior alterations to the existing church, 1912-13 (Vancouver Daily World, 2 Dec. 1912, 24)*  
*VANCOUVER POLICE HEADQUARTERS, East Cordova Street at Gore Avenue, competition-winning design by Doctor, 1912; built 1913-14 (Vancouver Daily World, 22 Feb. 1913, 19, descrip.; C.R., 14viii, 28 Oct. 1914, 1326-27, illus. & descrip.; dwgs. at Vancouver City Archives)*  
 W.A. DOCTOR

*OAKLAND, CALIF., The Knight Apartments, Desmond Street at 51st Street, for Harry C. Knight, 1922-23 (Oakland Tribune, 18 March 1923, Development Section, 2-3, illus. & descrip.)*  
*OAKLAND, CALIF., East Bay Country Club, on the Crow Canyon Road, off the Dublin Highway, 1923-24 (Oakland Tribune, 30 Sept. 1923, Development Section, 3, illus. & descrip.)*

New Homes for Moraga Tract Oakland Tribune 23May1937

**An English Provincial home, part of brick and part of wood, is to be built by Mr. and Mrs Emil J Bouchet The architect is William A. Doctor. This home will have seven rooms, all on one floor.**

Lake Merrit electric fountain designed by WA Doctor (Oakland Tribune 13Sep1925)

## MONUMENTAL FOUNTAIN FOR LAKE URGED

The electric fountain featured by the Dons of Peralta at their recent fiesta was designed by William A. Doctor, who last year designed the Viking Ship which took first prize in the "Nights of Venice" pageant. This fountain was designed to create public interest in a permanent fountain to be located in Lake Merrit. In this connection it is pointed out that a beautiful electric fountain was built in Denver, Colorado, and is operated every evening between the hours of 8:30 and 9:15 p. m. at a cost of approximately \$20 a day. Says Harry C. Knight, president of the Mutual Business Club:

"Such a fountain in Lake Merrit would become known all over the United States and add to the reputation of this city.

"The electric fountain which operated during the past few days for the Dons of Peralta was built entirely by members of the Mutual Business Club. The Fountain Committee of the club consisted of William A. Doctor, designer; Abe Bekins, Gardner Buss, Ralph Smith, Thomas Bacon, E. M. Hynes, Wm. H. Picard, Ray Salisbury and Harry C. Knight. William A. Doctor designed the fountain and E. M. Hynes, auto electrician, installed the wiring. William H. Picard installed the plumbing and the firm of Magnus Smith with Ralph Smith in charge worked out the entire decoration and color schemes. The canvas was furnished by the firm of Marcus & Merrick. Chanslor & Lyon furnished a battery of six spot lights. Bekins Van & Storage Company, did a large amount of work on the fountain. Assistance was also rendered by Thomas L. Bacon, Robert Reed of the Emeryville Hardware & Tool Company, the electrical engineers of the Pacific Gas and Electric Company, Ralph E. York and City Fire Chief Short.

**16. Significance:**

1619 Walnut is an excellent example of the Romantic-eclectic style blend, predominantly Mission Revival, Spanish Colonial Revival, including unusual influences from English Manor stained glass. W. A. Doctor was already a seasoned and premiated internationally-recognized architect, having emigrated from Vancouver, B.C. in his early fifties, apparently ready for an exciting Chapter Two of his unusual career.

The Great Berkeley Fire of 1923 came at a moment of the late Arts & Crafts period and it accelerated already burgeoning interest and movements away from wood-frame and brown shingle construction to the far less flammable stone, plaster and stucco construction surfaces

**From: [https://en.wikipedia.org/wiki/1923\\_Berkeley,\\_California\\_fire](https://en.wikipedia.org/wiki/1923_Berkeley,_California_fire)**

*The 1923 Berkeley Fire was a conflagration that consumed some 640 structures, including 584 homes in the densely-built neighborhoods north of the campus of the University of California in Berkeley, California on September 17, 1923.*

*Although the exact cause was never determined, the fire began in the undeveloped chaparral and grasslands of Wildcat Canyon, just east of the ridgeline of the Berkeley Hills, and was propelled over the ridge and southwestward just south of Codornices Creek by a strong, gusty, and intensely dry northeasterly wind. The fire quickly blew up as it swept through the La Loma Park and Northside neighborhoods of Berkeley, overwhelming the capabilities of the Berkeley Fire Department to stop it. A number of UC students fought the advance of the fire as it approached the north edge of the University of California campus, at Hearst Avenue. The other edge of the fire was fought by firefighters as it advanced on downtown Berkeley along the east side of Shattuck Avenue north of University Avenue. Firefighters were rushed in from neighboring Oakland, and San Francisco sent firefighters by ferry across the bay.*

*Firefighting efforts were hampered by the inadequacy of water mains in northern Berkeley, where rapid development after the 1906 San Francisco earthquake had outgrown the water supply in the fire area. Firefighters trying to fight the fire connected to hydrants in the area that hissed dry and were hampered also by the predominance of cedar shake roofs. The strong and dry wind lifted burning shakes off burning houses and quickly spread the fire. The fire was halted only when the northeasterly winds died down and were replaced by the cool, humid afternoon sea breeze. The fire lines were established at Hearst and Shattuck Avenues, where larger diameter water mains delivered a reliable water supply for firefighting.*

***Building styles in North Berkeley changed dramatically after the 1923 fire, with stucco and tile roof homes largely, but not entirely, replacing the wood-sided and cedar-shaked construction styles popularized by the Berkeley Hillside Club before the fire.***

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*As a belated result of the fire, the City of Berkeley constructed a fire station in the hills at 2931 Shasta Road (at Queens Road) just below Grizzly Peak Blvd, in 1948.[1] In the early 2000s, this station was replaced and relocated to a nearby site just above Grizzly Peak Blvd. at 3000 Shasta Road,[2] on the interface between the residential area and Tilden Regional Park, very close to the putative origin of the 1923 fire.*

**From: American Shelter, by Lester Walker**

*The Spanish Colonial Style is a mixing of styles derived from the Mediterranean world, unified by the use of arches, courtyards, plain white wall surfaces, and red tile roofs. Architects were inspired by many sources: the adobe and Spanish Colonial buildings of southern California, late Moorish architecture, medieval Spanish church architecture, the Baroque architecture of Colonial Spain and Portugal, and the Pueblo and Mission styles. The Spanish Colonial Revival Style began to gain acceptance with the popularity of Spanish Colonial buildings in the San Diego Exposition. Further impetus came from designers who sought wider sources for this "Spanish Renaissance." The style became popular in areas with a Hispanic past: Southern California, New Mexico, southern Arizona, Texas, and Florida. It lasted from 1915 to 1940, but around 1925, it became a craze. Models such as mission churches, California Ranch Style houses, and Mexican Baroque forts were used for the design of all sorts of public buildings as well as single family homes. The style was essentially a continuation of the Mission Style which initiated the Spanish Revival movement.*

**From: <http://www.antiquehome.org/Architectural-Style/mission.htm>:**

*Mission Revival*

*Mission Revival style—also called California Mission or simply Mission—was part of the Art & Crafts movement in the early part of the 20th century. Taking its character from the Spanish Franciscan mission churches of the Southwestern US, it was especially well adapted to warm climate areas like California and the deserts. Its popularity was fueled by the success of Arthur Page Brown's California State Building shown at the 1893 World's Columbian Exposition. The style was subsequently adopted by Santa Fe Railway for its train stations. Other creative boosters sought to distinguish Southwestern regional architecture by creating Mission style resorts and public buildings for tourists.*

*Like other Art & Crafts architectural forms, Mission style also incorporated well-crafted inglenooks and built-in cabinetry, beamed ceilings, and handmade metal details like cabinet hardware and lighting fixtures. Interiors often had rough plastered walls with curved corners and coved ceilings. Tile accents are may be found but usage is*

*restrained. In the Southwest, clay tile floors cool interiors spaces during the warm season.*

*Originating in the West, Mission style was popular from about 1900 to 1940. Though most popular in California and the desert Southwest, the style diffused from West to East instead of vice versa with many fine examples occurring throughout the country.*

*The style is quite simple with covered archways and half-rounded windows, smooth stucco walls that mimic the adobe walls of the Spanish missions, and flat or shallow sloped tile roofs. Towers and roof parapets are often found. Extended roofs may form covered arcades with large square pillars or columns—a feature that allows building interiors to remain relatively cool in hot climates.*

*As the Mission style evolved there was significant borrowing from both the Craftsman bungalow and Prairie School styles. A contemporary version of what might be called Neo-Mission is currently a very popular house style throughout the Desert Southwest.*

#### *General Characteristics*

*Mission style houses incorporate many of the following characteristics:*

- Simple, smooth stucco or plaster siding*
- Broad, overhanging eaves*
- Exposed rafters*
- Either hipped or gabled tile roof*
- Roof parapets*
- Large square pillars*
- Twisted columns*
- Arched entry and windows*
- Covered walkways or arcades*
- Round or quatrefoil window*
- Restrained decorative elements usually consisting of tile, iron, and wood*

**From: <http://www.antiquehome.org/Architectural-Style/spanish-revival.htm>:**

*Spanish Revival Architecture of the 20th Century*  
*Informal eclectic style is fanciful and romantic*  
*Spanish Eclectic Style*

*The romantic Spanish Revival style—or alternately Spanish Eclectic— refers to the architectural style that was built from about 1915 to about 1940. Like Mission Revival, Spanish Revival was influenced by Spanish Colonial architecture of earlier centuries. Unlike its immediate predecessor, Mission, Spanish Revival was more ornate with*

*stylistic detail apparent in both large features and small, such as intricately patterned tilework and wrought iron hardware.*

*After the Panama-California Exposition in 1915, the Spanish Revival style caught hold. The growth of California and the film industry during the 1920s and 1930s facilitated the dissemination of the Spanish Revival style. Though it is a prominent housing style in the Southwest US as well as Florida and Texas, it is less common in Northern states.*

*Spanish Revival is an extremely eclectic style. Many Mediterranean touches are combined to create an exotic, but harmonious appearance. Influences include Spanish Baroque, Moorish, and Gothic elements. Tile roofs and stucco exteriors are characteristic with half rounded doors and windows. Elaborate tilework, applied relief ornamentation, and wrought iron grillwork is used to create frames around doorways and windows, and is used widely as decorative accents throughout the house. Towers and columns are often seen as are balustrades, cantilevered balconies, covered porches, and arcaded walkways. Front entrances were often highly ornamented and many were balanced by a commanding triple-arched focal window.*

**General Characteristics**

*The following are typical features of Spanish Revival houses:*

- Asymmetrical*
- Low-pitched flat, gable, or hip roof, typically with no overhang*
- Tile roof*
- Half round arches, doors, and windows*
- Stucco over adobe brick, or adobe brick exterior walls*
- Plaster interior walls*
- Ornate tile, wrought iron, and wood work*

**Historic Value:**

**National State County City  Neighborhood**

**Architectural Value:**

**National State County City  Neighborhood**

More significance may potentially follow the above.

17. **Is the property endangered?** Potentially, based upon Scott Wheeler's Jan 29th conversation with property manager Michael White.

18. **Photographs:** Date Photograph #1 is from 1939 **Repository:** BAHA  
**Photographer:** Unknown

All other attached color photographs are current.

Microfiched building permits are variously dated from July 19<sup>th</sup>, 1921 through October 31<sup>st</sup>, 1944.

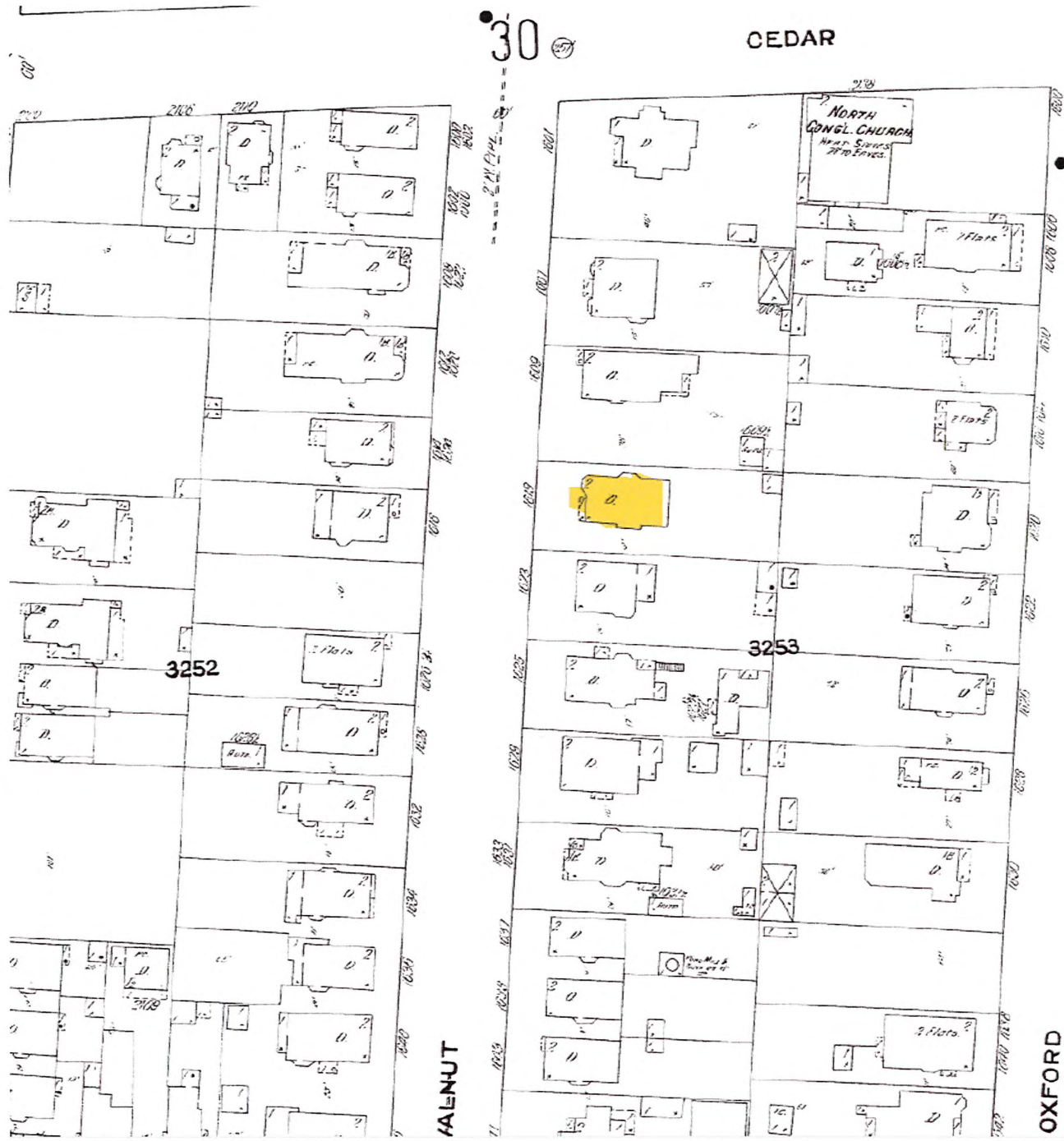
Note: Included in the application are approximately one dozen photographs of this and other homes designed by W.A. Doctor individually or Doctor & Hodgson. Please refer to the earlier Description and History sections.

## Berkeley Building Permits

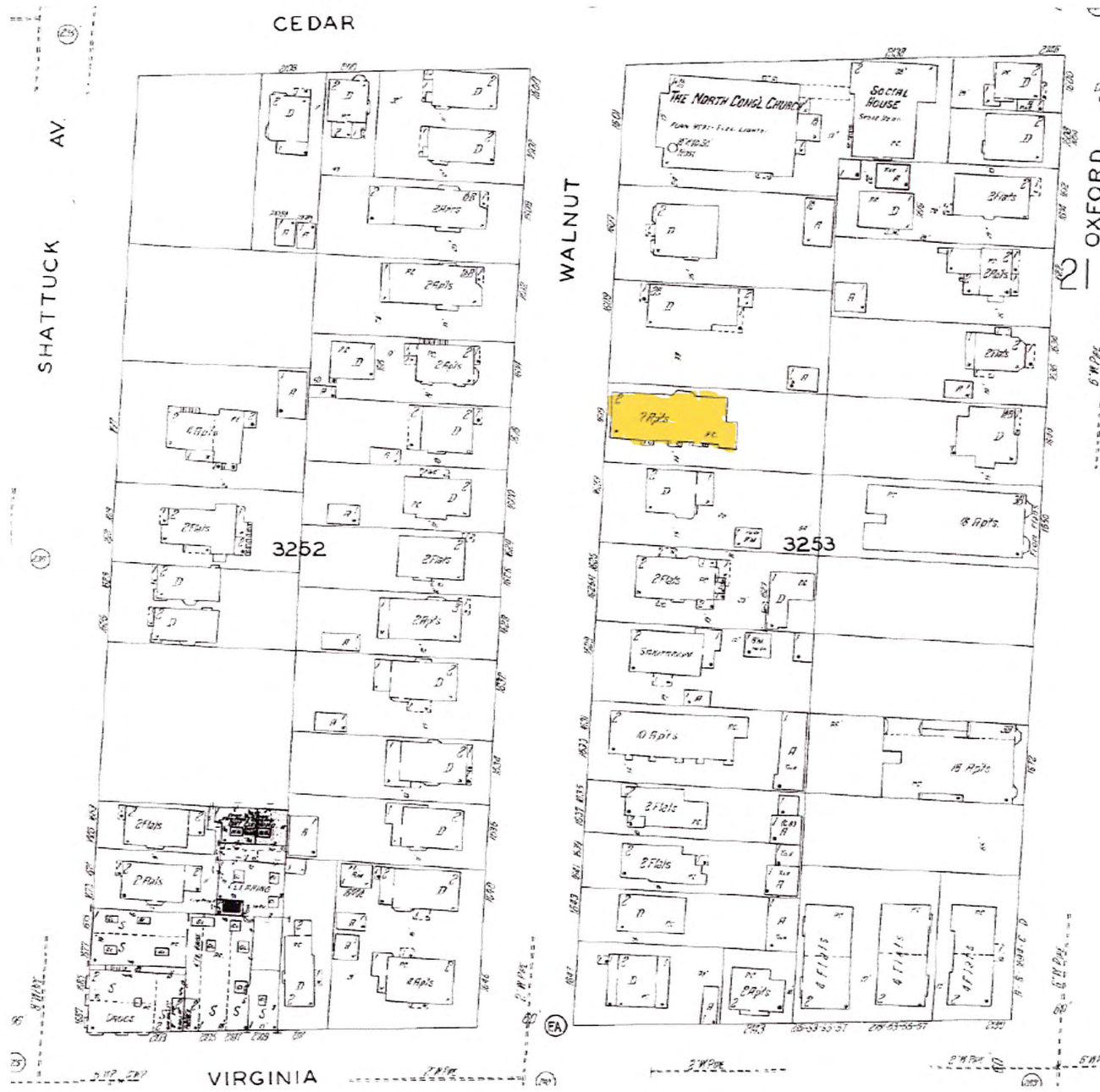
## Architects - 1909-1946

Year	Permit	St. #	Street	Owner	Architect/Designer	Contractor/Builder
1924	<b>18850</b>	1570	Hawthorne	Hills, Elijah C.	Doctor & Hodgson	Hills, Elijah C.
1925	<b>22931</b>	859	Santa Barbara	Solomon, C.E.	Doctor & Hodgson	Solomon Bros.
1925	<b>23229</b>	1046	Cragmont	Solomon Bros.	Doctor & Hodgson	Solomon Bros.
1924	<b>16124</b>	2945	Ashby	Bramlage, Mabel M.	Doctor, W.A.	Bramlage, Evan D.
1924	<b>16189</b>	1514	Le Roy	Ulsh, R.L.	Doctor, W.A.	Houle, Henry
1924	<b>16310</b>	1853	Catalina	Bramlage, Mabel M.	Doctor, W.A.	Bramlage, Evan D.
1924	<b>16311</b>	1849	Catalina	Bramlage, Mabel M.	Doctor, W.A.	Bramlage, Evan D.
1924	<b>16626</b>	1215	Virginia	Rayburn, Anna	Doctor, W.A.	Henderson, Edward F.
1924	<b>17714</b>	1121	Spruce	Levy, L.S.	Doctor, W.A.	Knight, Harry C.
1924	<b>18180</b>	1611	Euclid	Bramlage, Mabel M.	Doctor, W.A.	Bramlage, Evan D.
1924	<b>18853</b>	2237	Spaulding	Latour, I.H.	Doctor, W.A.	Roby & Son, Daniel B.
1924	<b>19097</b>	2218	Spaulding	Latour, I.H.	Doctor, W.A.	Roby & Son, Daniel B.
1925	<b>20246</b>	793	Vincente	Adams, Leonard/Millie	Doctor, W.A.	Bramlage, E.D.
1925	<b>20247</b>	791	Vincente	Adams, Leonard/Millie	Doctor, W.A.	Bramlage, E.D.
1925	<b>22165</b>	869	Santa Barbara	Solomon Bros.	Doctor, W.A.	Solomon Bros.
1925	<b>22668</b>	723	Colusa	Palmer, M/M J.C.	Doctor, W.A.	Bramlage, E.D.
1925	<b>23620</b>	1631	Walnut	Rush, W.I.	Doctor, W.A.	Rush, B.B.
1938	<b>46095</b>	531	Grizzly Peak	Woods, Francis N.	Doctor, W.A.	White, W.R.
1938	46096	531	Grizzly Peak	Woods, Francis N.	Doctor, W.A.	White, W.R.
1940	48878	1947	Ashby	Curtis, N.D.	Doctor, W.A.	Duncan, Robert
1940	<b>49038</b>	1637	Seventh	Mouritz, Desmond	Doctor, W.A.	Hawkins, Herbert J.
1940	<b>49349</b>	1085	Creston	Geavens, Roy C.	Doctor, W.A.	Duncan, Robert
1942	52480	1085	Creston	Gravem, Roy	Doctor, W.A.	Gravem, Roy
1923	<b>13914</b>	1545	Beverly	Siefert, Emily A.	Doctor, William A.	Campbell, Douglas
1923	<b>14725</b>	843	Arlington	Bramlage, Evan D.	Doctor, William A.	Bramlage, Evan D.
1923	<b>14875</b>	1745	Madera	Nicholson, Charles H.	Doctor, William A.	Nicholson, Charles H.
1923	<b>14983</b>	847	Arlington	Bramlage, Mabel M.	Doctor, William A.	Bramlage, Evan D.
1923	<b>15314</b>	649	Arlington	Bramlage, Mabel M.	Doctor, William A.	Bramlage, Evan D.
1923	<b>15598</b>	2295	San Pablo	Rexy Mfg. Co.	Doctor, William A.	Knight, Harry C.
1923	<b>15635</b>	1741	Vine	Hill, Mrs. H.E.	Doctor, William A.	Bramlage, Evan D.
1923	<b>15636</b>	1749	Vine	Hill, Mrs. H.E.	Doctor, William A.	Bramlage, Evan D.
1923	<b>15637</b>	905	Spruce	Bramlage, Evan D.	Doctor, William A.	Bramlage, Evan D.
1926	<b>25943</b>	2532	Cedar	Cleaveland, Newton	Doctor, William A.	Henderson, Edward F.

1911 Sanborn map



1929 Sanborn map



1570 Hawthorne (1924 Doctor & Hodgson) – Builder: Elijah C. Hills & C.E. Solomon - Owner: Elijah C. Hills & C.E. Solomon



1046 Cragmont (1925 Doctor & Hodgson) – Builder: Solomon Bros. - Owner: Solomon Bros.





619 Arlington (1923 William Alexander Doctor) – Builder: Evan D. Bramlage - Owner: Mabel M. Bramlage



619 Arlington (above) – close-up of stained glass front windows



2532 Cedar (1926 William Alexander Doctor) – Builder: Edward F. Henderson - Owner: Newton Cleaveland



1851 Catalina (1924 William Alexander Doctor) – Builder: Evan D. Bramlage - Owner: Mabel M. Bramlage



1611 Euclid (1924 William Alexander Doctor) – Builder: Evan D. Bramlage - Owner: Mabel M. Bramlage



2237 Spaulding (1924 William Alexander Doctor) – Builder: Roby & Son, Daniel B. - Owner: I.H. Latour



791 and 793 Vicente (1925 William Alexander Doctor) – Builder: Evan D. Bramlage - Owner: Leonard & Millie Adams



869 Santa Barbara (1925 William Alexander Doctor) – Builder: Solomon Bros. - Owner: Solomon Bros.



1631 Walnut (1925 William Alexander Doctor **sister building to 1619 Walnut**)— Builder: - B.B. Rush- Owner: W.I. Rush



1619 Walnut (1927 William Alexander Doctor) – Builder: D.B. Roby - Owner: Madge L. Rush



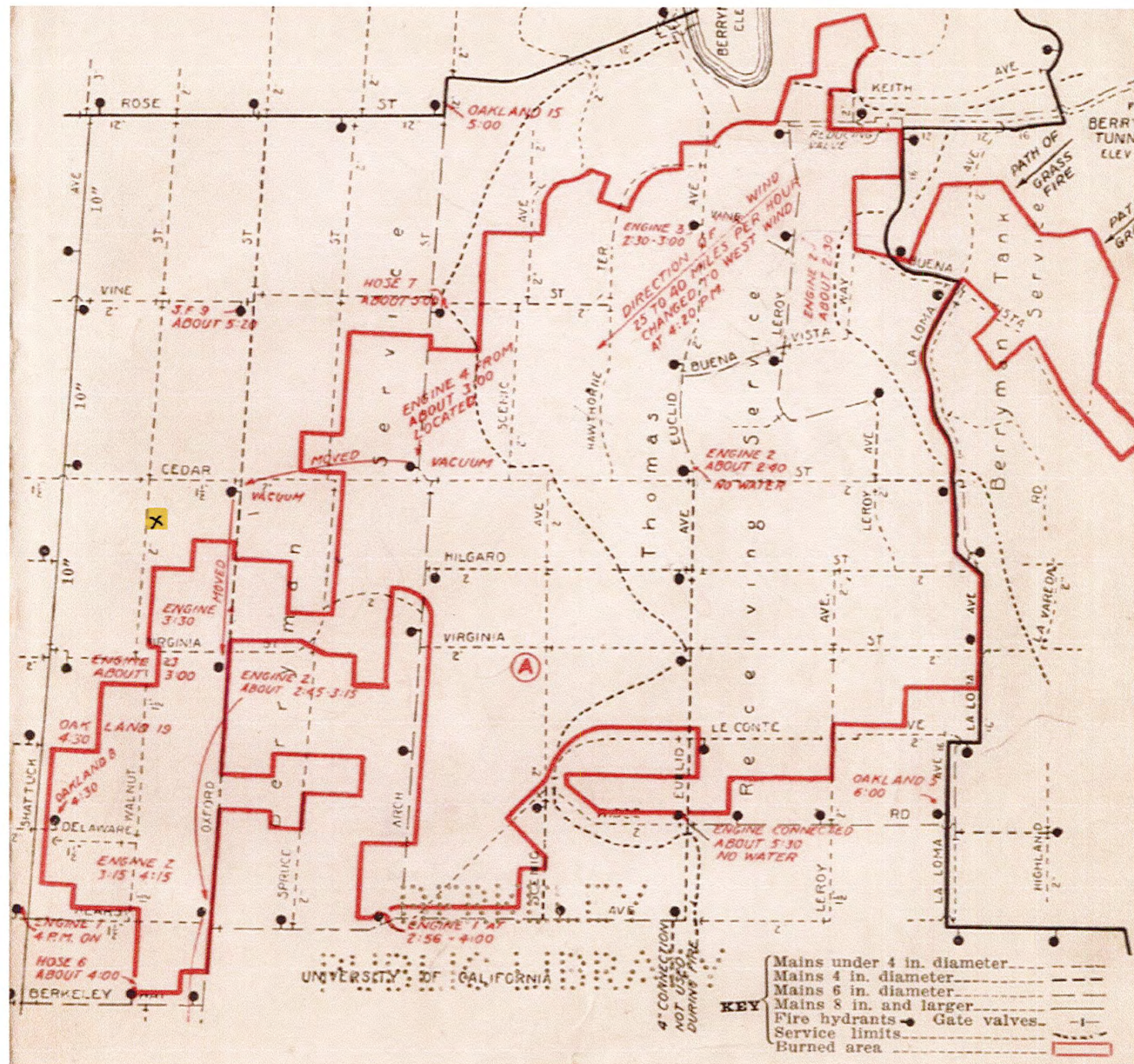
1749 Vine (1923 William Alexander Doctor) – Builder: Evan D. Bramlage - Owner: Mrs. H.E. Hill





The great Berkeley Fire of 17 September 1923

This is a map of the extent of the September 17, 1923 Berkeley Fire – just escaping was the northern half of Walnut Street, the block south of Cedar Street, including 1619 Walnut (see 'X' highlighted with yellow). Following the fire WA Doctor's designs and in particular his use of stucco and other fireproof materials became increasingly popular.



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1619 Walnut Street Landmark Application – Revised - 29 May 2019

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"Researching a Building's History," by Jones, IN Landmark yellow pages, National for Historic Preservation. [2nd ed.] Washington, D.C. Preservation Press, 1993.p. 11-14. DC: Preservation Press, 1993.

San Francisco History by Subject , Museum of the City of San Francisco. Once in, there are sections for SF--Buildings; SF--Municipal Buildings; SF--Museums; SF--Streets; SF--Theaters, etc.

San Francisco Museum & Historical Society Research links. Links and contacts for researching San Francisco subjects, including architecture.

Secretary of the Interior's standards and guidelines for architectural and engineering documentation: HABS/HAER standards. Washington, D.C.: Historic American Buildings Survey/Historic American Engineering Record, Cultural Resources Program, U.S. Dept. of the Interior, National Park Service, 2003. Clearly lists criteria to assess when exploring and documenting the history of buildings.

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20. Recorder: Scott M. Wheeler, PhD      Date: 19 February 2019

Organization 1619 Walnut Street Berkeley Tenants Association: Scott Wheeler, Nan Noonan, Jerry Mandel, Oswald Haase and J. Kay Tolman.

#### Acknowledgements

We wish acknowledge and thank the following contributors, without whose critical contributions and expert assistance this project would never have been possible. Thank you!

The staff at Landmarks and Planning:  
Fatema Crane and Alison Lenci

Anthony Bruce, Lesley Emmington and Daniella Thompson (BAHA)

Berkeley/Kensington architects:  
Erick Moreau, Ralph Panecaldo, Cornelia van der Have and Paul Weir



Office of the City Manager

INFORMATION CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Timothy Burroughs, Director, Planning and Development  
Subject: LPO NOD: 1915 Fourth Street/#LMSAP2019-0003

INTRODUCTION

The attached Landmarks Preservation Commission Notice of Decision (NOD) is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.240.A, which requires that “a copy of the Notice of Decision shall be filed with the City Clerk, and the City Clerk shall present said copy to the City Council at its next regular meeting.”

CURRENT SITUATION AND ITS EFFECTS

The Landmark Preservation Commission (LPC/Commission) has approved a Structural Alteration Permit (SAP) for the subject City Landmark property. This action is subject to a 15-day appeal period, which began on July 8, 2019.

BACKGROUND

BMC/LPO Section 3.24.300 allows City Council to review any action of the Landmarks Preservation Commission in granting or denying a Structural Alteration Permit. In order for Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 15 days of the mailing of the Notice of Decision, or by July 23, 2019. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must rule on the application within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY

Landmark designation provides opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no known fiscal impacts associated with this action.

CONTACT PERSON

Fatema Crane, Landmarks Preservation Commission Secretary, Planning and Development, 510-981-7410

Attachments:

1: Notice of Decision – #LMSAP2019-0003 for 1915 Fourth Street



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

Attachment 1, pt 1 of 3

**DATE OF BOARD DECISION: June 6, 2019**  
**DATE NOTICE MAILED: July 8, 2019**  
**APPEAL PERIOD EXPIRATION: July 23, 2019**  
**EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification): July 24, 2019<sup>1</sup>**

## 1915 Fourth Street – Spenger’s Fish Grotto

**Structural Alteration Permit #LMSAP2019-0003 to increase the size of an existing storefront, to add a new storefront designed to match the existing storefronts, and to replace a portion of the roof of the Spenger’s Fish Grotto building.**

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the Structural Alteration Permit for this project.

**APPLICANT:** Jason Andre, Studio KDA, 1810 Sixth Street, Berkeley, CA 94710

**ZONING DISTRICT:** C-W, West Berkeley Commercial District

**ENVIRONMENTAL REVIEW STATUS:** Categorically exempt from environmental review pursuant to Section 15331 of the CEQA Guidelines for Historical Resource Rehabilitation.

**The Application materials for this project are available online at:**

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

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**FINDINGS, CONDITIONS AND APPROVED PLANS 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  
LMSAP2019-0003  
1915 Fourth Street  
July 8, 2019  
Page 2 of 4

**COMMISSION VOTE: 8-0-0-0 (one vacancy)**

**YES:** ABRACHAS DA SILVA, ALLEN, CHAGNON, CRANDALL, FINACOM, OLSON, O'MALLEY, SCHWARTZ

**NO:** None

**ABSTAIN:** None

**ABSENT:** None

**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.

**STRUCTURAL ALTERATION PERMIT ISSUANCE:**

If no appeal is received, the Structural Alteration permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time. Information about the Building Permit process can be found at the following link:

<http://www.ci.berkeley.ca.us/permitservicecenter/>.



LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
LMSAP2019-0003  
1915 Fourth Street  
July 8, 2019  
Page 3 of 4

**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

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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 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 include 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  
LMSAP2019-0003  
1915 Fourth Street  
July 8, 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](mailto: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. Approved Findings and Conditions
2. Project Plans, received **APRIL 25, 2019**

ATTEST:   
Fatema Crane, Secretary  
Landmarks Preservation Commission

cc: City Clerk  
Applicant: Jason Andre  
Studio KDA  
1810 Sixth Street  
Berkeley, CA 94710  
  
Owner: Jamestown Premier Berkeley Grotto LLC  
1700 Montgomery Street, Suite 110  
San Francisco, CA 94111

---

## FINDINGS AND CONDITIONS

### 1915 Fourth Street

#### Structural Alteration Permit #LMSAP2019-0003

To increase the size of an existing storefront, and to add a new storefront designed to match the existing storefronts, at the Spenger's Fish Grotto building.

#### CEQA FINDINGS

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1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 153331 of the CEQA Guidelines ("Historic Resource Restoration/Rehabilitation"). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

#### SECRETARY OF THE INTERIOR'S STANDARDS FINDINGS

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Regarding the Secretary of the Interior's Standards for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. The historic commercial retail and restaurant use of the subject property will continue and will be enhanced with this project; minimal change to its distinctive materials, features, spaces, and spatial relationships of the site are proposed.
2. The historic character of the property will be retained and preserved. The substantial removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided in the approved design.
3. This property will continue to be recognized as a physical record of its time, place, and use as a result of the approved project. No changes that will create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will be undertaken.
4. No changes to this property that have acquired historic significance in their own right are proposed.
5. This project will not affect distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize this property.

6. Any deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials are prohibited by the Conditions herein.
8. Any archeological resources at this site will be unaffected by the proposed work which includes no excavation.
9. Exterior alterations or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

#### **LANDMARK PRESERVATION ORDINANCE FINDINGS**

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1. As required by Section 3.24.260 of the Landmarks Preservation Ordinance, the Commission finds that proposed work is appropriate for and consistent with the purposes of the Ordinance, and will preserve and enhance the characteristics and features specified in the designation for this property. Specifically:
  - The proposal maintains the form and scale of the Spenger's facade as well as the retail and restaurant uses within the building.
  - This project would not affect any existing Shellmound-related resources as no excavation will be required to complete the proposed improvements.
  - The proposed work will not adversely affect the exterior architectural features of the Landmark, the special character or historical, architectural or aesthetic interest or value of the Landmark and its site because the approved storefront is sensitively designed thereby resulting in a balanced and respectfully differentiated historic building façade where the new work will not over-shadow or conflict with the integrity of the historic public façade of the Spenger's cottage.

#### **STANDARD CONDITIONS**

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The following conditions, as well as all other applicable provisions of the Landmarks Preservation Ordinance, apply to this Permit:

##### **1. Conditions Shall be Printed on Plans**

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Permit, under the title 'Structural Alteration Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is

not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

## 2. Plans and Representations Become Conditions

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

## 3. Subject to All Applicable Laws and Regulations

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

## 4. Exercise and Lapse of Permits (Section 23B.56.100)

B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.

A. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

## 5. Indemnification Agreement

The applicant shall hold the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorneys fees that may result.

## **ADDITIONAL CONDITIONS**

The following additional conditions are attached to this Permit:

6. **Project plans.** The project is approved as shown on the drawings dated "received June 6, 2019."

7. **Historic marker or plaque.** The project proponent shall install a plaque or similar marker at the site which describes the history of the site and historical significance.

8. **Chemical Treatments.** Any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible.

9. **Salvage and reuse existing portholes.** The applicant shall salvage the existing, non-historic portholes and, where possible, re-use the portholes on the southern end of the west elevation.
10. **Unobscured glazing.** At all times, the storefront door and window glazing shall remain unobscured and shall not contain signage, text, photos, posters or other applications or objects. A numeric street address may be installed only as required for public safety.
11. **Lighting.** Prior to staff sign-off of the building permit set of drawings, the applicant shall submit lighting details showing all existing and proposed site and building lighting. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
12. **Roof equipment.** Any above ground or roof equipment, such as transformer(s), utilities, fire apparatus, air conditioning units, compressors, etc. shall be shown to scale on the architectural drawings of the building permit set of drawings in both plan and elevation, in order to determine if additional screening and design review may be required.
13. **Colors.** Prior to staff sign-off of the building permit set of drawings, the applicant shall submit color and materials information for review and approval by staff.

**PROJECT SCOPE OF WORK**

THIS APPLICATION IS FOR MODIFICATIONS TO THE SPENGER'S FOURTH STREET FACADE. THESE CHANGES ARE IN ADDITION TO THOSE ALREADY APPROVED UNDER LMSA #2014-0006 & LMSA#2017-0004.

THE PROPOSED SCOPE OF WORK FOR THIS APPLICATION INCLUDES:

1. RENOVATING THE (E) FACADE TO INCREASE THE SIZE OF AN (E) BUTT-GLAZED & STEEL PLATE STOREFRONT
2. INSTALLING (1) NEW BUTT-GLAZED & PLATE STEEL STOREFRONT W/ DOUBLE DOORS, INCLUDING REBUILDING A PORTION OF FACADE & PARAPET AT THE SPENGER'S NORTH BAR LOCATION
3. PARTIAL ROOF REFRAMING OVER THE SPENGER'S RESTAURANT NORTH BAR, PRIVATE DINING AREA & KITCHEN. (INCLUDING SEISMIC UPGRADES).
4. REMOVAL OF (4) PORTHOLE WINDOWS



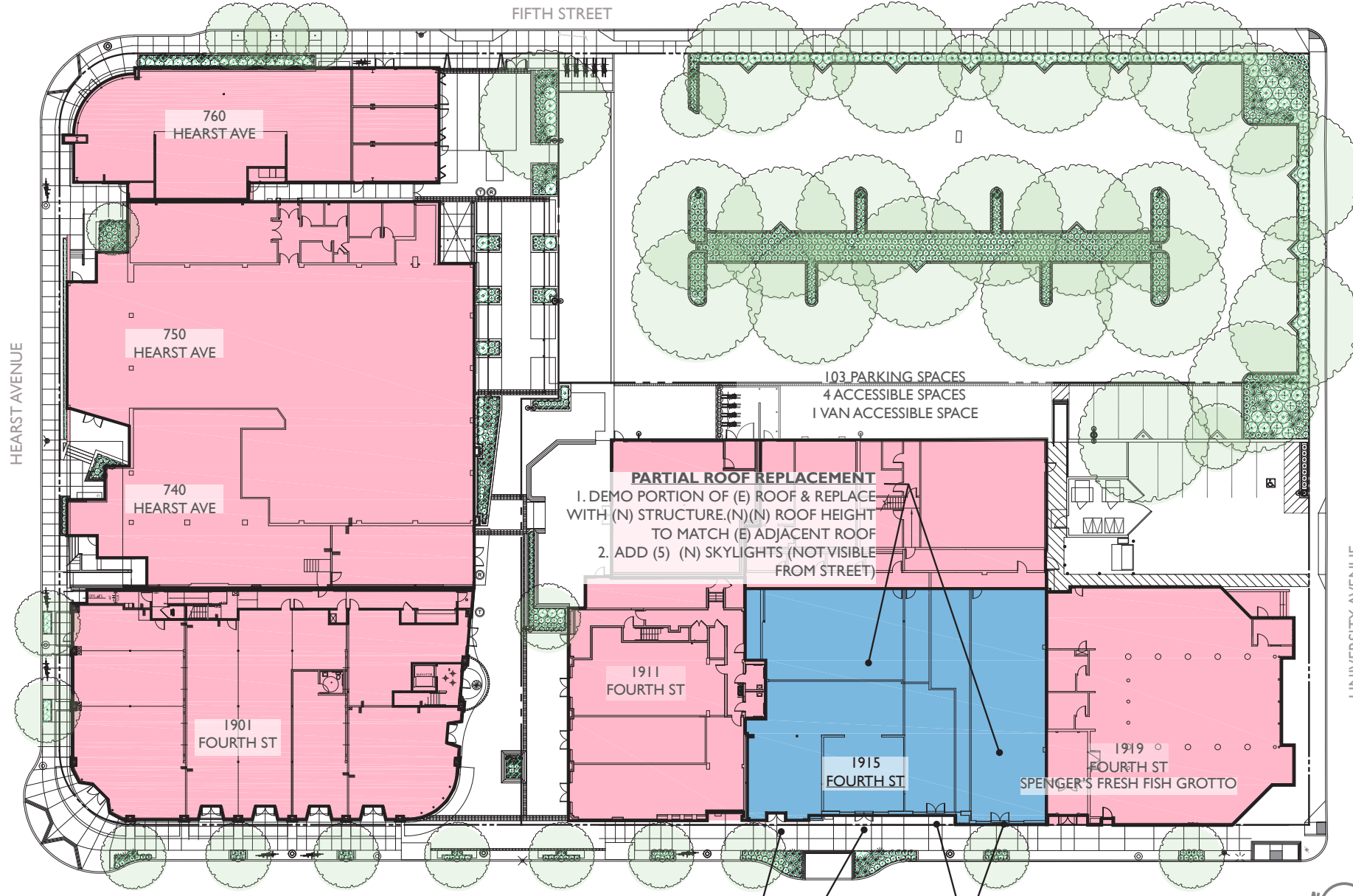
By:  
StudioKDA  
1810 sixth  
berkeley, ca 94710  
510.841.3555

Owner:  
Jamestown, L.P.  
1700 montgomery st  
san francisco, ca  
415.813.2497

**SHEET INDEX**

- A-00 COVER SHEET & SITE PLAN
- A-01 EXISTING PLAN
- A-02 PROPOSED PLAN
- A-03 EXISTING & PROPOSED BLDG. ELEVATIONS
- A-04 EXISTING ENLARGED ELEVATION & PARTIAL PLAN
- A-05 PROPOSED ENLARGED ELEVATION & PARTIAL PLAN
- A-06 PERSPECTIVE PHOTO - EXISTING VIEW 'A'
- A-07 PERSPECTIVE PHOTO - EXISTING VIEW 'B'
- A-08 PERSPECTIVE PHOTO - PROPOSED VIEW 'C'
- A-09 PERSPECTIVE PHOTO - PROPOSED VIEW 'D'
- A-10 BLDG. SECTION @ RETAIL 'B'
- A-11 BLDG. SECTION @ RETAIL 'C'
- A-12 BLDG. SECTION @ BAR
- A-13 TYPICAL WALL SECTIONS @ STOREFRONTS
- A-14 STOREFRONT DETAILS
- A-15 EXISTING ROOF PLAN
- A-16 PROPOSED PARTIAL ROOF REPLACEMENT PLAN

LPC STRUCTURAL ALTERATION PERMIT



**PARTIAL ROOF REPLACEMENT**  
1. DEMO PORTION OF (E) ROOF & REPLACE WITH (N) STRUCTURE, (N) ROOF HEIGHT TO MATCH (E) ADJACENT ROOF  
2. ADD (5) (N) SKYLIGHTS (NOT VISIBLE FROM STREET)

**EXISTING WORK UNDER USE PERMIT #UP-2014-0041 & STRUCTURAL ALTERATION PERMIT LMSAP #2014-0006 & LMSA #2017-0004**

**PROPOSED RENOVATION TO FACADE, PARTIAL ROOF REPLACEMENT, INCLUDING SEISMIC UPGRADES**

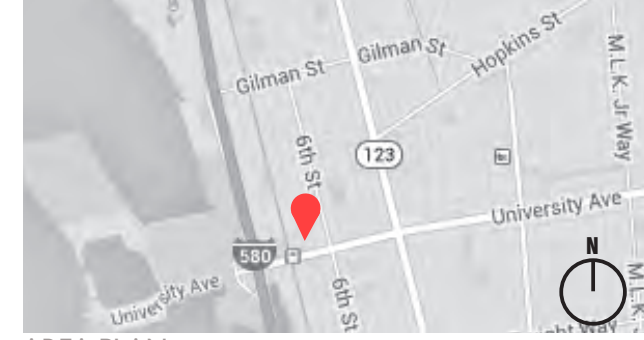
**EXISTING FACADE:**

(E) WOOD STOREFRONT WINDOWS, DOORS, & FABRIC AWNING UNDER PERMIT LMSAP #2014-0006

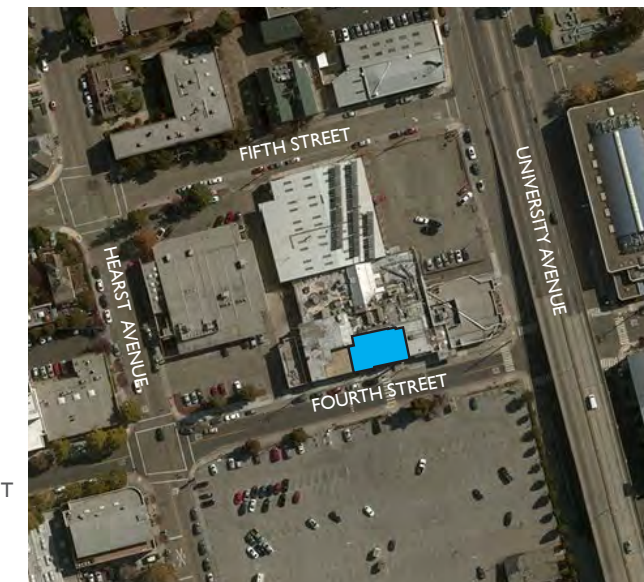
(E) GLASS & STEEL STOREFRONT UNDER LMSAP #2017-0004

**PROPOSED FACADE RENOVATION:**

1. INCREASE SIZE OF (1) (E) GLASS & PLATE STEEL STOREFRONT
2. INSTALL (1) (N) GLASS & PLATE STEEL STOREFRONT, INCLUDING REBUILDING THE (E) FACADE & PARAPET TO ACCOMMODATE THE (N) STOREFRONT



AREA PLAN



VICINITY PLAN  
1" = 100'

1915 & 1919 FOURTH STREET  
BERKELEY, CA  
APRIL 24, 2019

**A00**

1ST FLOOR & SITE PLAN  
NOT TO SCALE



By:  
StudioKDA  
1810 sixth  
berkeley, ca 94710  
510.841.3555

Owner:  
Jamestown, L.P.  
1700 montgomery st  
san francisco, ca  
415.813.2497

**LEGEND**

- EXISTING WORK UNDER USE PERMIT  
#UP-2014-0041 & STRUCTURAL  
ALTERATION PERMIT LMSAP #2014-0006 &  
LMSA #2017-0004
- PROPOSED RENOVATION TO FACADE,  
PARTIAL ROOF REPLACEMENT, INCLUDING  
SEISMIC UPGRADES

LPC STRUCTURAL ALTERATION PERMIT

UNIVERSITY AVE

FOURTH STREET



(E) PLAN PER APPROVED UP #2014-0041, LMSAP #2014-0006 & #2017-0004  
1/16" = 1'-0"

**A-01**  
1915 & 1919 FOURTH STREET  
BERKELEY, CA  
APRIL 24, 2019





By:  
StudioKDA  
1810 sixth  
berkeley, ca 94710  
510.841.3555

Owner:  
Jamestown, L.P.  
1700 montgomery st  
san francisco, ca  
415.813.2497



**LEGEND**

- EXISTING WORK UNDER USE PERMIT #UP-2014-0041 & STRUCTURAL ALTERATION PERMIT LMSAP #2014-0006 & LMSA #2017-0004
- PROPOSED RENOVATION TO FACADE, PARTIAL ROOF REPLACEMENT, INCLUDING SEISMIC UPGRADES

UNIVERSITY AVE



**A-02**

1915 & 1919 FOURTH STREET  
BERKELEY, CA  
APRIL 24, 2019

**PROPOSED PLAN**  
1/16" = 1'-0"

FOURTH STREET



LPC STRUCTURAL ALTERATION PERMIT

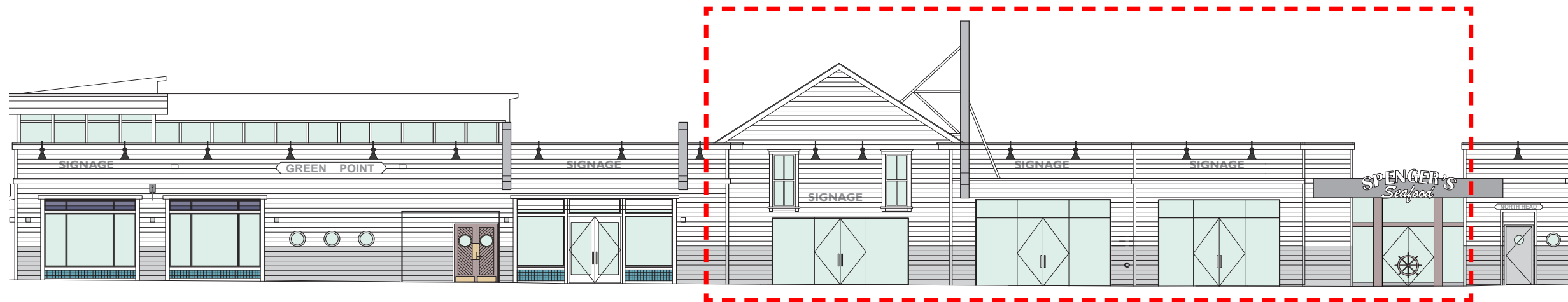


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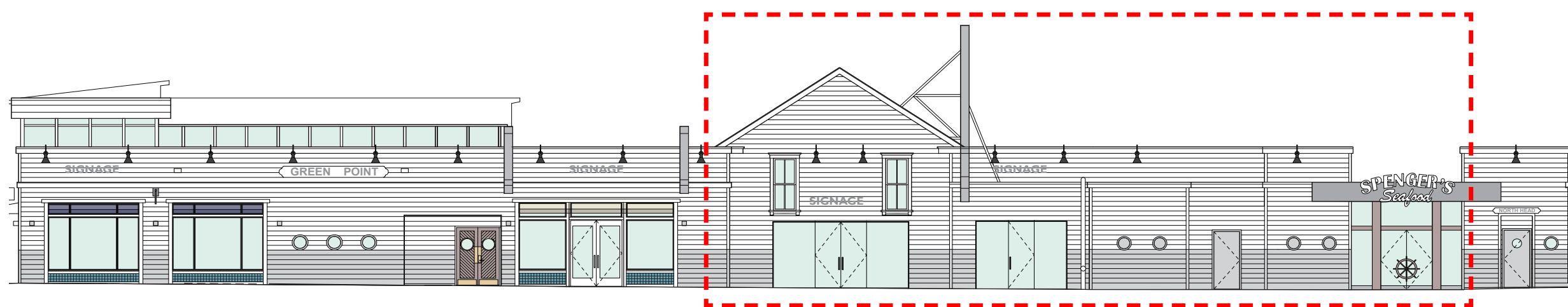
LPC STRUCTURAL ALTERATION PERMIT

SEE ENLARGED PROPOSED ELEVATION A05



2 PROPOSED FOURTH STREET WEST ELEVATION  
NOT TO SCALE

SEE ENLARGED EXISTING ELEVATION A04



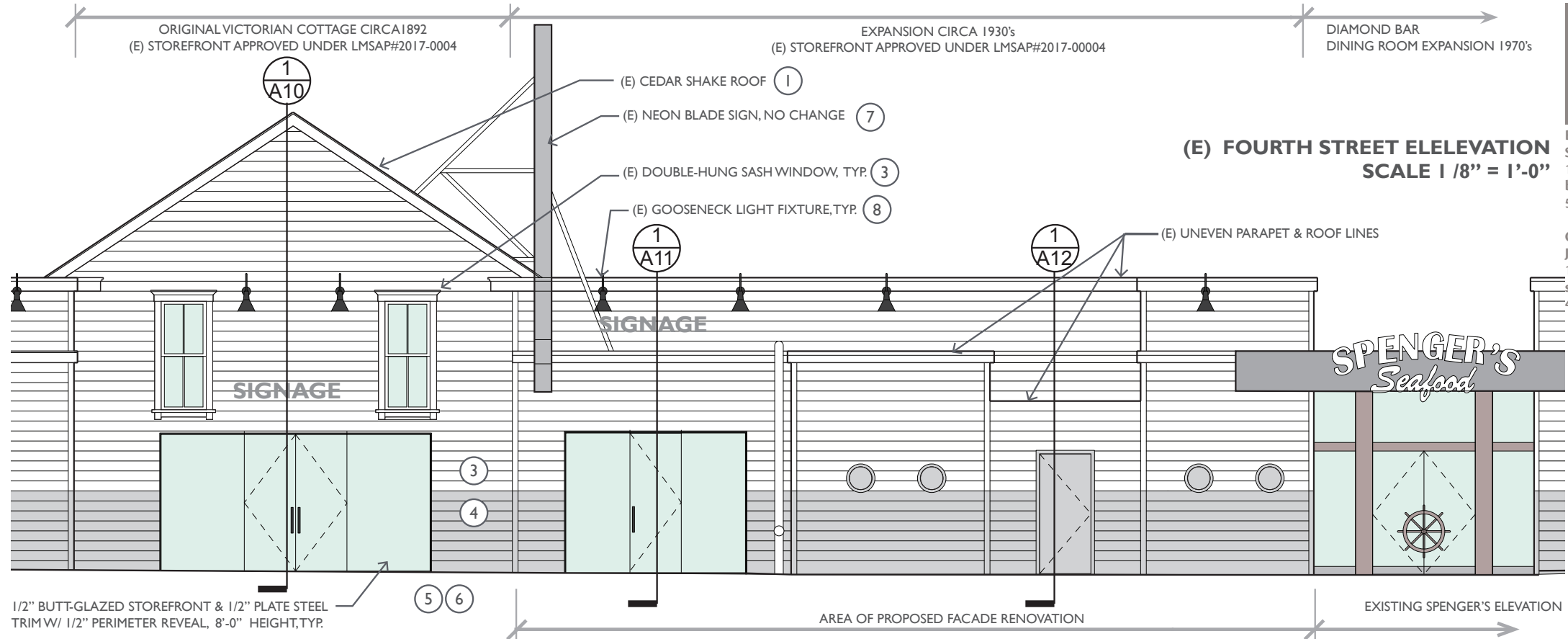
1 EXISTING FOURTH STREET WEST ELEVATION  
NOT TO SCALE

AS APPROVED IN USE PERMIT #2014-0041, LMSAP #2014-0006 & LMSAP #2017-004

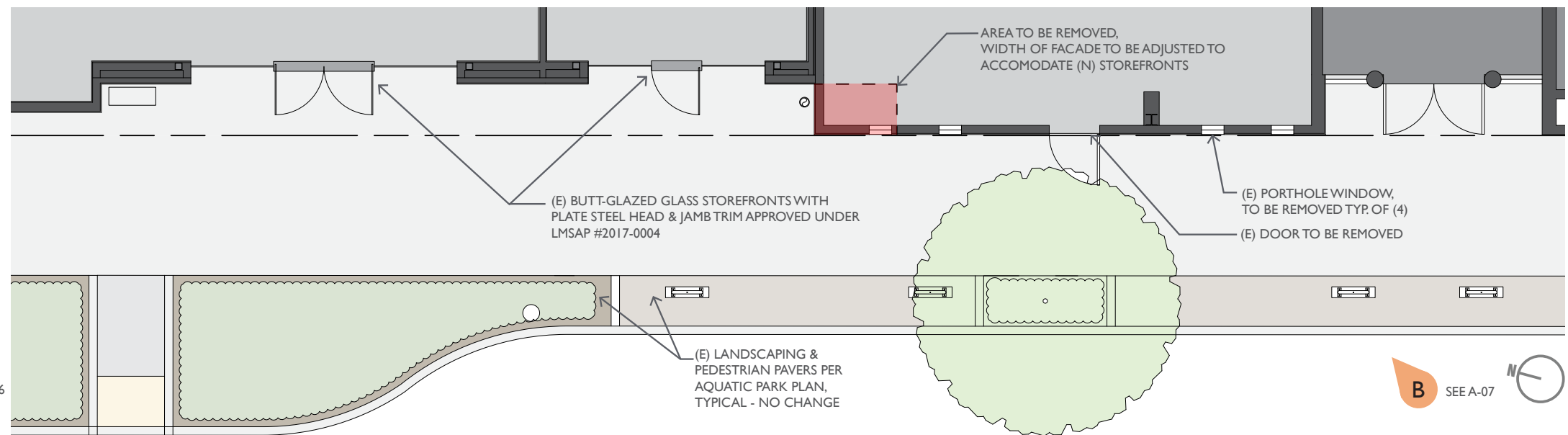
A-03

1915 & 1919 FOURTH STREET  
BERKELEY, CA  
APRIL 24, 2019

- 1 (E) CEDAR SHAKE ROOF
- 3 (E) SHIPLAP SIDING & TRIM  
BM #OC-55
- 4 (E) SHIPLAP SIDING & TRIM  
BM #2122-30
- 5 STOREFRONT TRIM  
SW #6991  
"BLACK MAGIC"
- 6 TEMPERED GLAZING
- 7 (E) NEON BLADE SIGNS
- 9 GOOSENECK LIGHTS



**(E) FOURTH STREET ELEVATION**  
 SCALE 1/8" = 1'-0"



**(E) PARTIAL PLAN @ FACADE**  
 SCALE 1/8" = 1'-0"

FOURTH STREET

studioKDA  
 510.841.3555 | studiokda.com  
 By:  
 StudioKDA  
 1810 sixth  
 berkeley, ca 94710  
 510.841.3555  
 Owner:  
 Jamestown, L.P.  
 1700 montgomery st  
 san francisco, ca  
 415.813.2497

LPC STRUCTURAL ALTERATION PERMIT

**A-04**  
 1915 & 1919 FOURTH STREET  
 BERKELEY, CA  
 APRIL 24, 2019



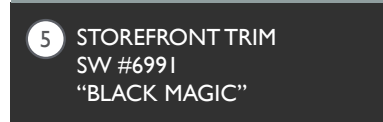
1 (E) CEDAR SHAKE ROOF



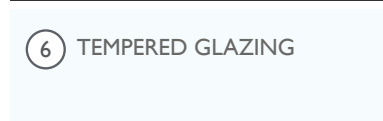
3 (E) SHIPLAP SIDING & TRIM  
 BM #OC-55



4 (E) SHIPLAP SIDING & TRIM  
 BM #2122-30



5 STOREFRONT TRIM  
 SW #6991  
 "BLACK MAGIC"



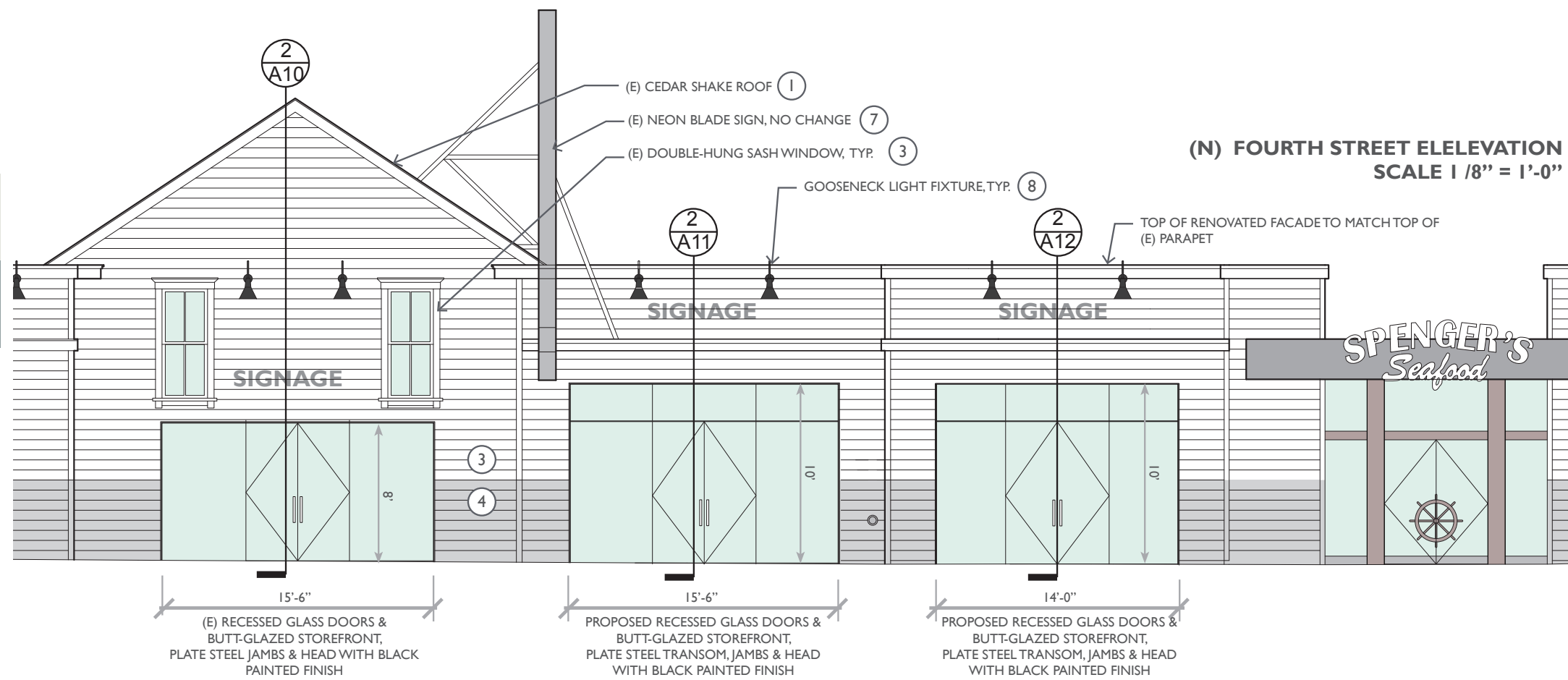
6 TEMPERED GLAZING



7 (E) NEON BLADE SIGNS



9 GOOSENECK LIGHTS

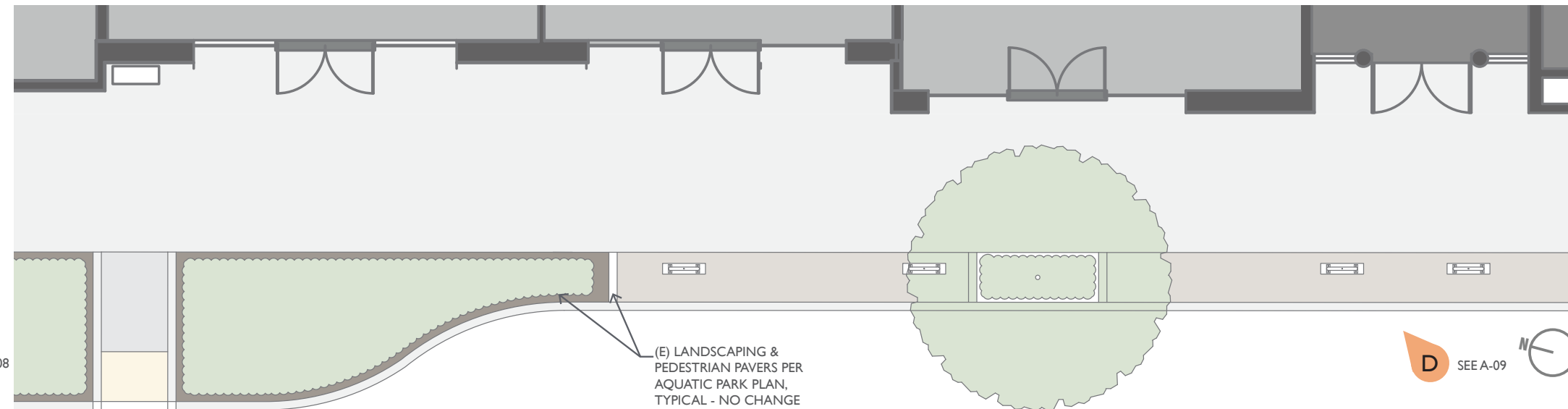


(N) FOURTH STREET ELEVATION  
 SCALE 1/8" = 1'-0"



By:  
 StudioKDA  
 1810 sixth  
 berkeley, ca 94710  
 510.841.3555

Owner:  
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(E) PARTIAL PLAN @ FACADE  
 SCALE 1/8" = 1'-0"

**A-05**  
 1915 & 1919 FOURTH STREET  
 BERKELEY, CA  
 APRIL 24, 2019

FOURTH STREET

LPC STRUCTURAL ALTERATION PERMIT



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berkeley, ca 94710  
510.841.3555

Owner:  
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san francisco, ca  
415.813.2497



LPC STRUCTURAL ALTERATION PERMIT

**A** VIEW A - EXISTING BUILDING: ON FOURTH STREET LOOKING SOUTH (2019)

**A-06**

1915 & 1919 FOURTH STREET  
BERKELEY, CA  
APRIL 24, 2019



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By:  
StudioKDA  
1810 sixth  
berkeley, ca 94710  
510.841.3555

Owner:  
Jamestown, L.P.  
1700 montgomery st  
san francisco, ca  
415.813.2497

LPC STRUCTURAL ALTERATION PERMIT

**B** VIEW B - EXISTING BUILDING: ON FOURTH STREET LOOKING NORTH (2019)

**A-07**

1915 & 1919 FOURTH STREET  
BERKELEY, CA  
APRIL 24, 2019



By:  
StudioKDA  
1810 sixth  
berkeley, ca 94710  
510.841.3555

Owner:  
Jamestown, L.P.  
1700 montgomery st  
san francisco, ca  
415.813.2497

LPC STRUCTURAL ALTERATION PERMIT



VIEW C - PROPOSED FACADE RENOVATIONS: ON FOURTH STREET LOOKING SOUTH

A-08

1915 & 1919 FOURTH STREET  
BERKELEY, CA  
APRIL 24, 2019



By:  
StudioKDA  
1810 sixth  
berkeley, ca 94710  
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Owner:  
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san francisco, ca  
415.813.2497

LPC STRUCTURAL ALTERATION PERMIT

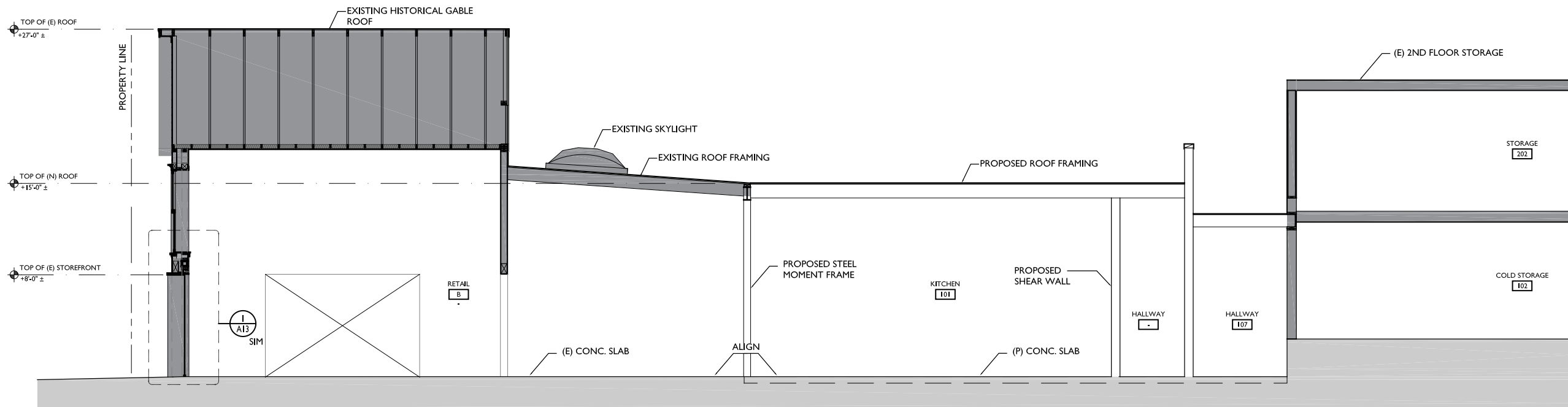


D VIEW D - PROPOSED FACADE RENOVATIONS: ON FOURTH STREET LOOKING NORTH

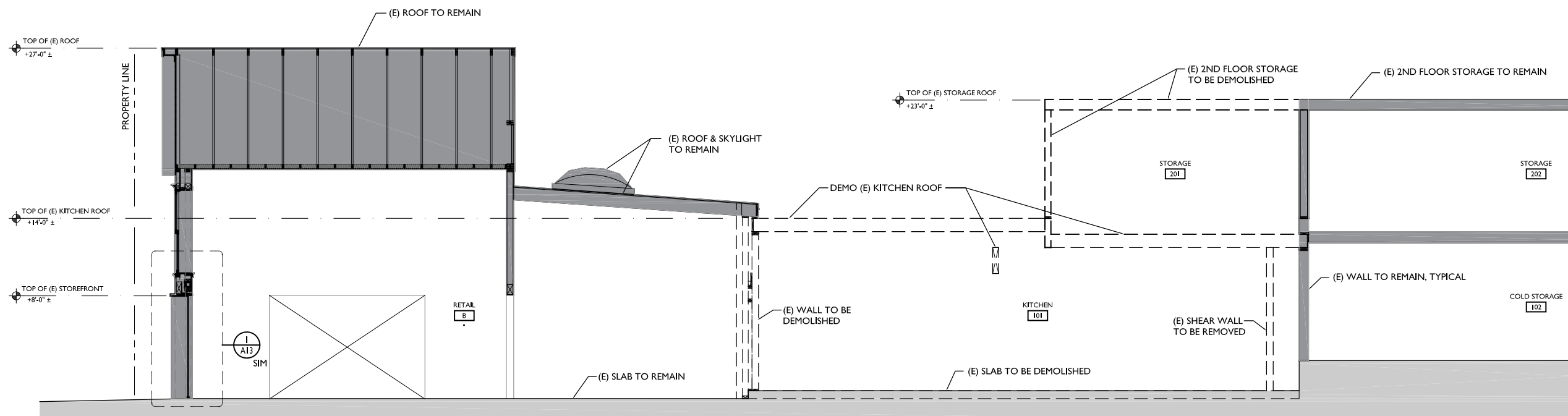
A-09

1915 & 1919 FOURTH STREET  
BERKELEY, CA  
APRIL 24, 2019





2 PROPOSED BUILDING SECTION @ HISTORIC GABLE ROOF  
 N.T.S.



1 EXISTING BUILDING SECTION @ HISTORIC GABLE ROOF  
 N.T.S.

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 1810 sixth  
 berkeley, ca 94710  
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Owner:  
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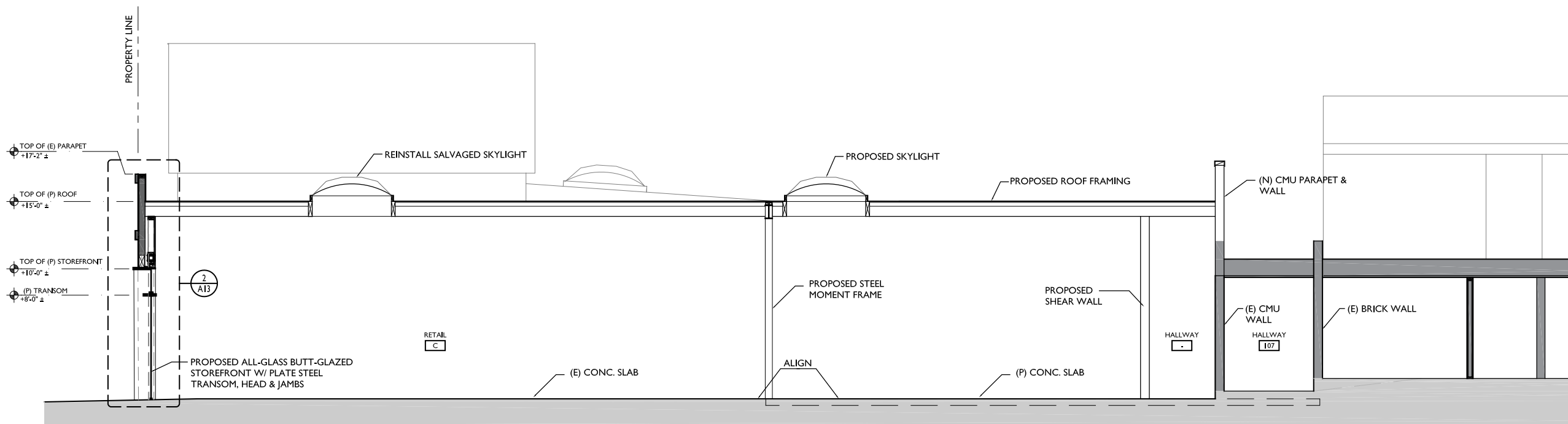
LPC STRUCTURAL ALTERATION PERMIT

A-10

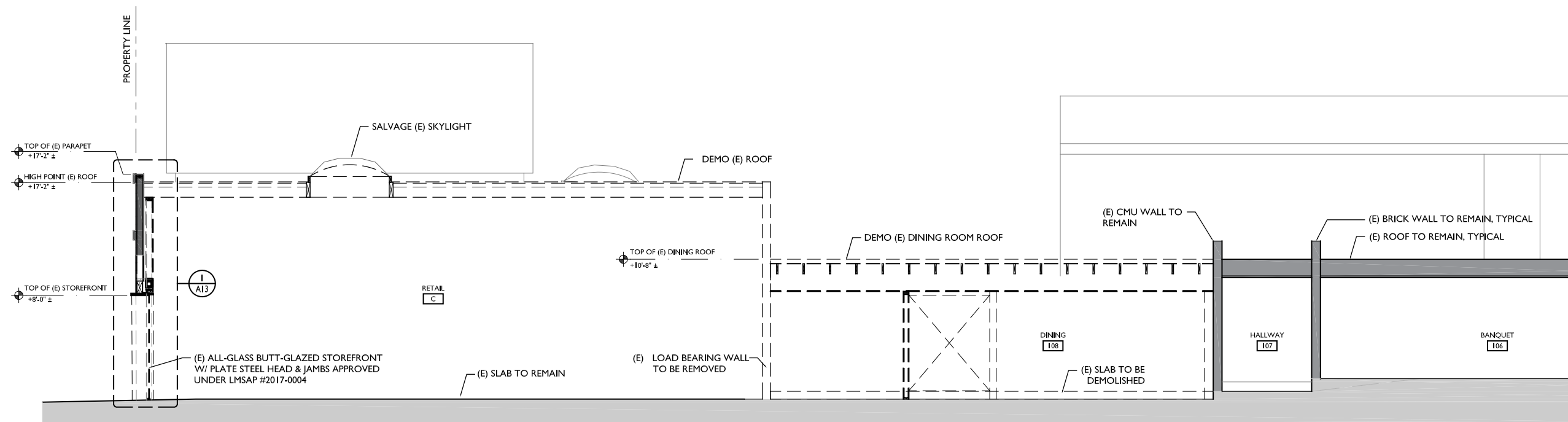
1915 & 1919 FOURTH STREET  
 BERKELEY, CA  
 APRIL 24, 2019



By:  
 StudioKDA  
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 berkeley, ca 94710  
 510.841.3555  
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2 PROPOSED BUILDING SECTION @ (E) FISH MARKET RETAIL 'C'  
 N.T.S.



1 EXISTING BUILDING SECTION @ (E) FISH MARKET RETAIL 'C'  
 N.T.S.

LPC STRUCTURAL ALTERATION PERMIT

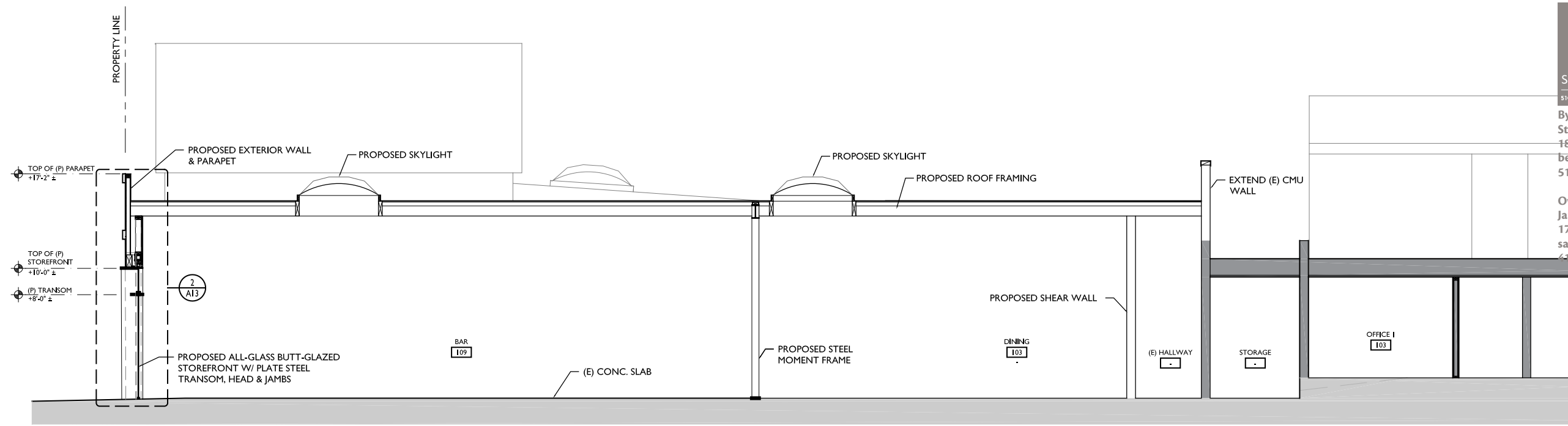
A-11

1915 & 1919 FOURTH STREET  
 BERKELEY, CA  
 APRIL 24, 2019

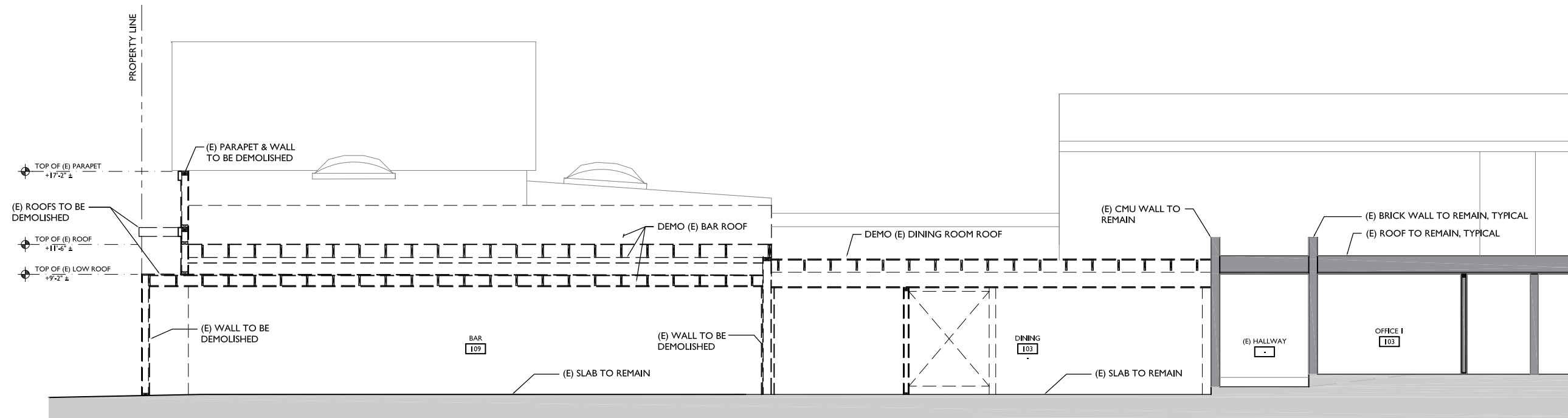


By:  
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berkeley, ca 94710  
510.841.3555  
  
Owner:  
Jamestown, L.P.  
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LPC STRUCTURAL ALTERATION PERMIT

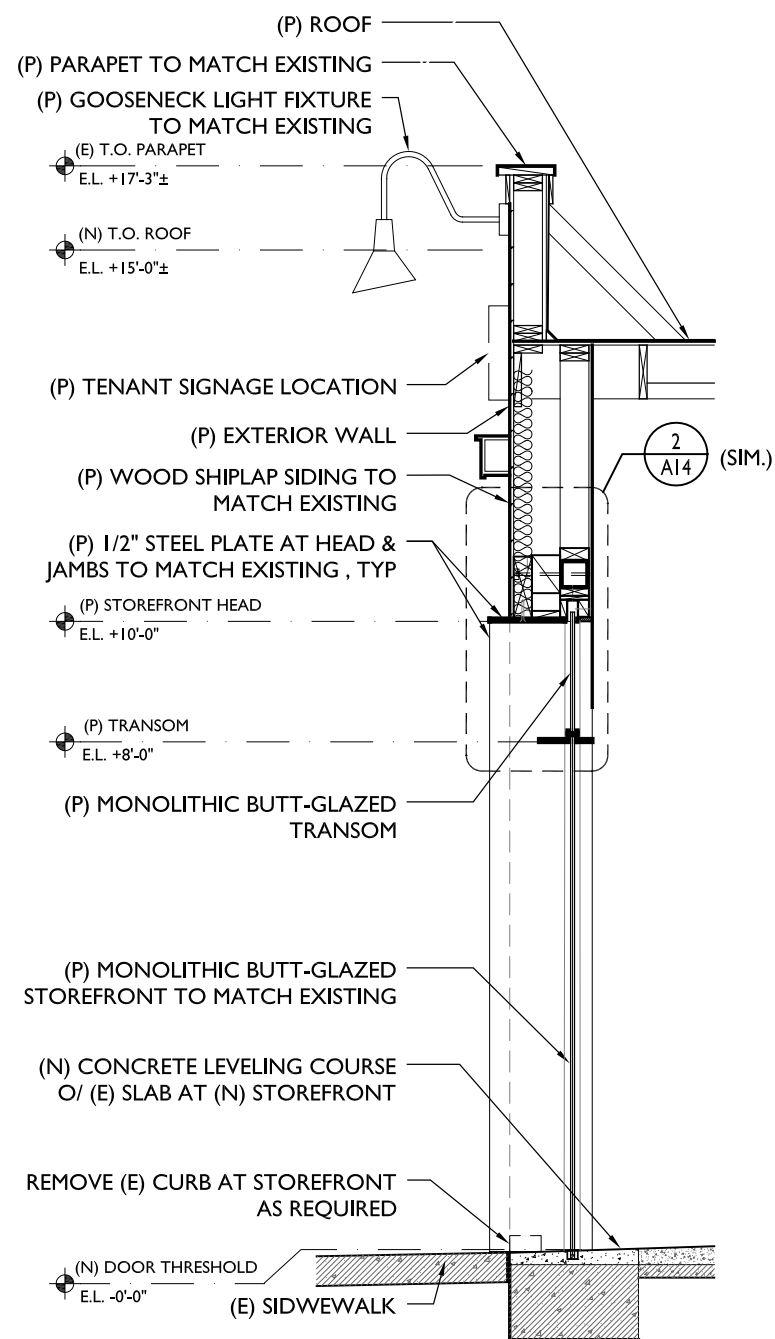


2 PROPOSED BUILDING SECTION @ (E) NORTH BAR & PRIVATE DINING ROOM  
N.T.S.

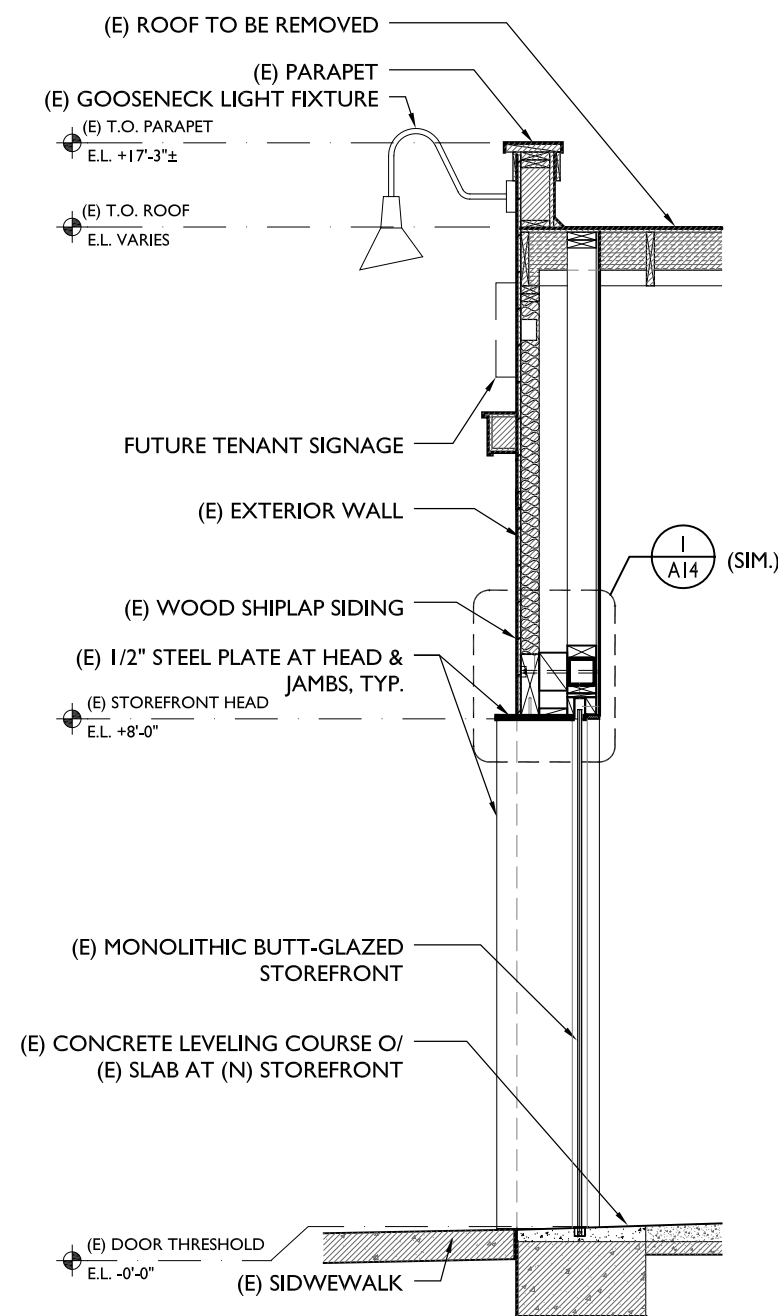


1 EXISTING BUILDING SECTION @ (E) NORTH BAR & PRIVATE DINING ROOM  
N.T.S.

A-12  
1915 & 1919 FOURTH STREET  
BERKELEY, CA  
APRIL 24, 2019



2 TYPICAL WALL SECTION @ (N) STOREFRONT  
 SCALE: 3/8" = 1'-0"



1 TYPICAL WALL SECTION @ (E) STOREFRONT  
 SCALE: 3/8" = 1'-0"



By:  
 StudioKDA  
 1810 sixth  
 berkeley, ca 94710  
 510.841.3555

Owner:  
 Jamestown, L.P.  
 1700 montgomery st  
 san francisco, ca  
 415.813.2497

LPC STRUCTURAL ALTERATION PERMIT

A-13

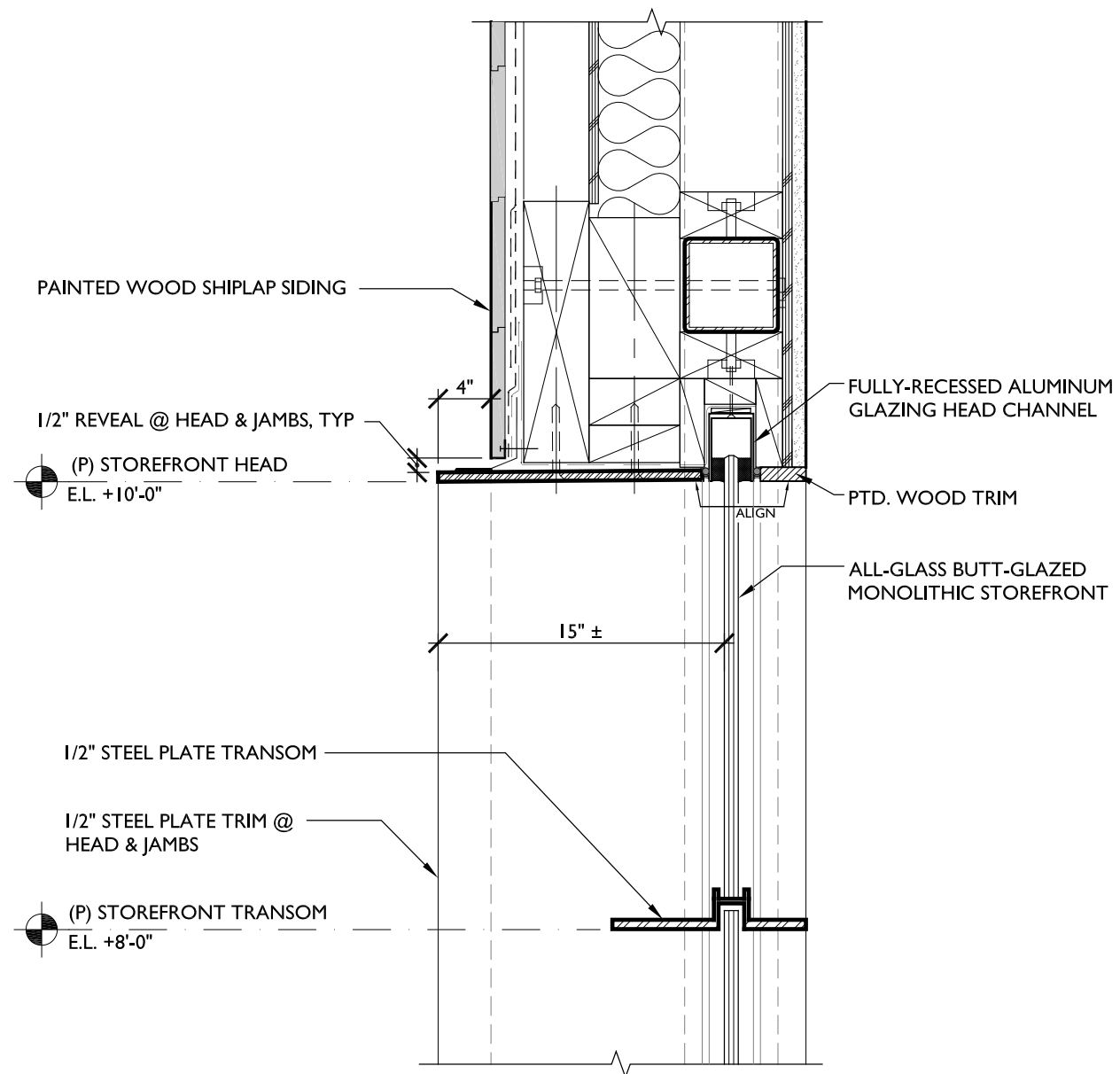
1915 & 1919 FOURTH STREET  
 BERKELEY, CA  
 APRIL 24, 2019



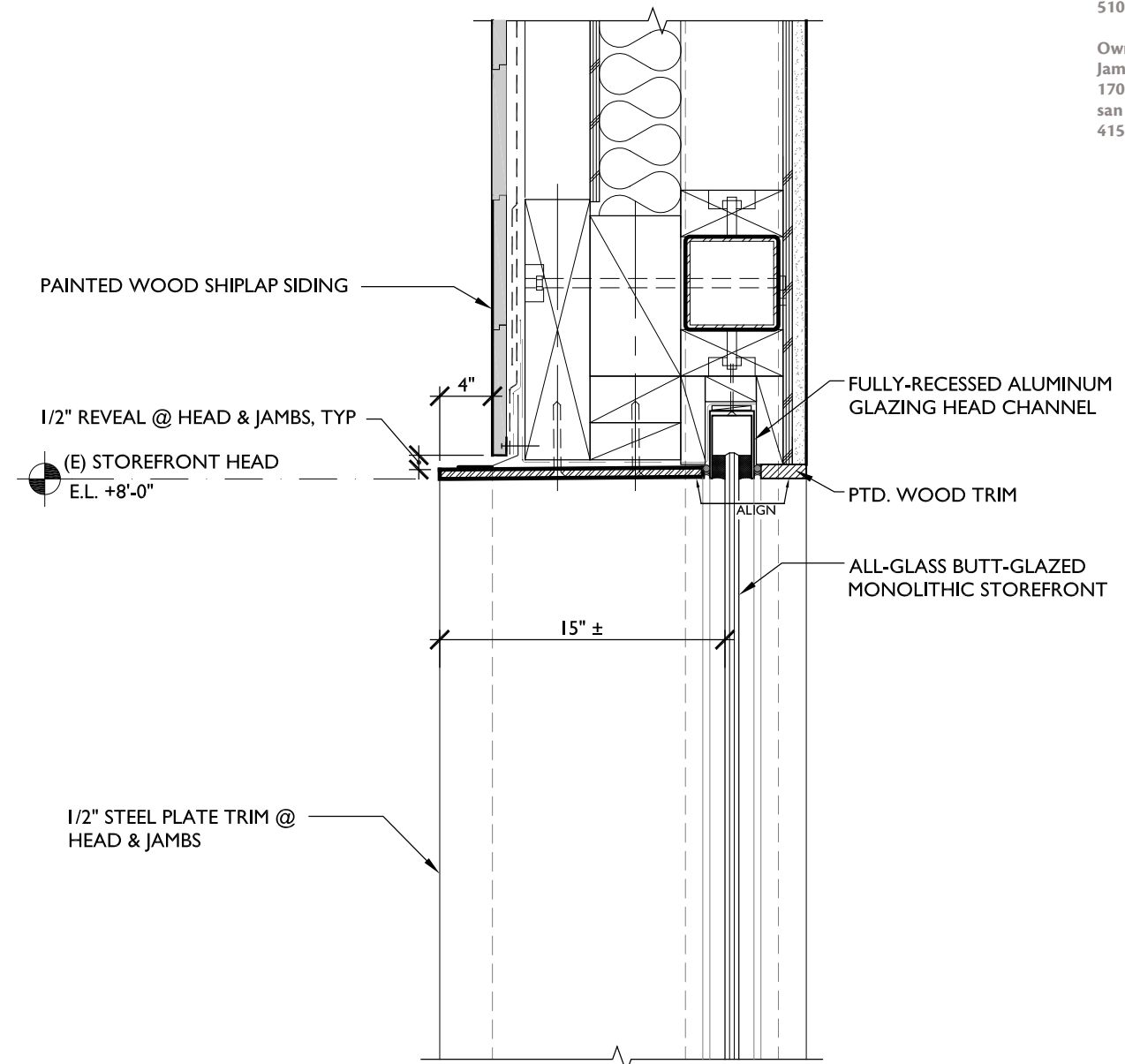
By:  
 StudioKDA  
 1810 sixth  
 berkeley, ca 94710  
 510.841.3555

Owner:  
 Jamestown, L.P.  
 1700 montgomery st  
 san francisco, ca  
 415.813.2497

LPC STRUCTURAL ALTERATION PERMIT



2 TYPICAL HEAD DETAIL @ PROPOSED STOREFRONT  
 SCALE: 1-1/2" = 1'-0"



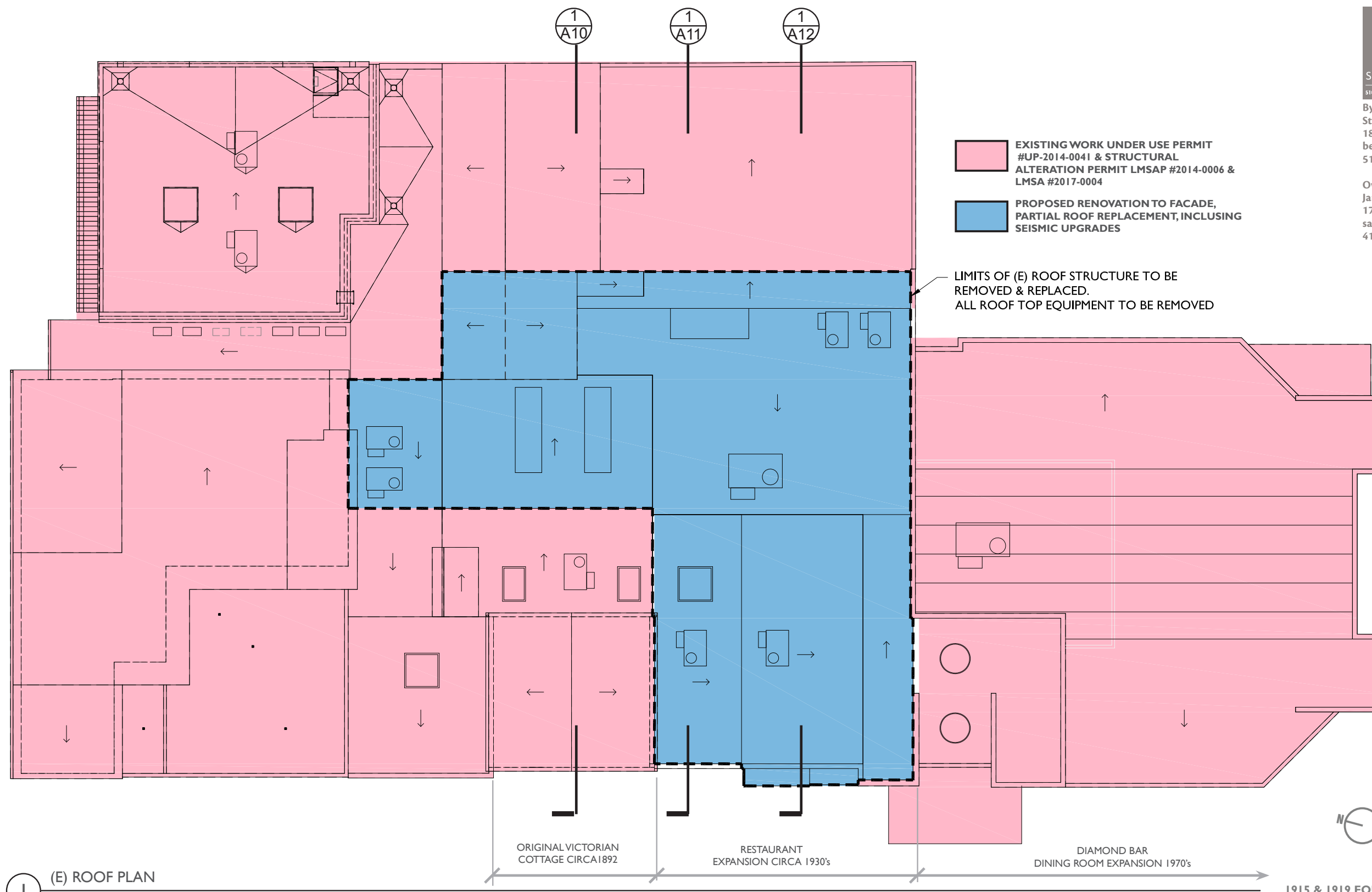
1 TYPICAL HEAD DETAIL @ EXISTING STOREFRONT  
 SCALE: 1-1/2" = 1'-0"

A-14  
 1915 & 1919 FOURTH STREET  
 BERKELEY, CA  
 APRIL 24, 2019



By:  
StudioKDA  
1810 sixth  
berkeley, ca 94710  
510.841.3555

Owner:  
Jamestown, L.P.  
1700 montgomery st  
san francisco, ca  
415.813.2497



LPC STRUCTURAL ALTERATION PERMIT



1 (E) ROOF PLAN  
SCALE: NOT TO SCALE

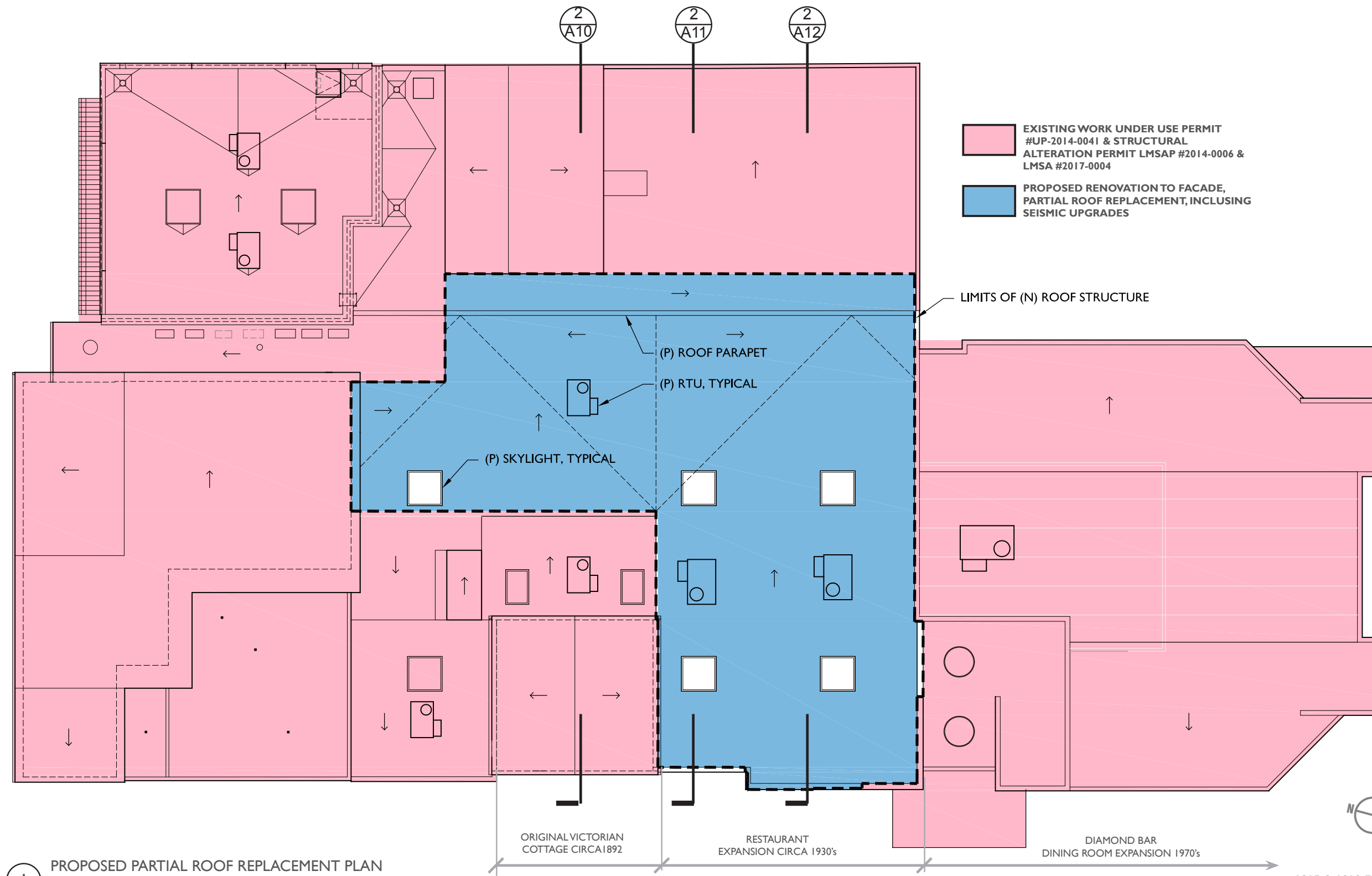
A-15

1915 & 1919 FOURTH STREET  
BERKELEY, CA  
APRIL 24, 2019



By:  
StudioKDA  
1810 sixth  
berkeley, ca 94710  
510.841.3555

Owner:  
Jamestown, L.P.  
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san francisco, ca  
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LPC STRUCTURAL ALTERATION PERMIT



A-16

1915 & 1919 FOURTH STREET  
BERKELEY, CA  
APRIL 24, 2019

1 PROPOSED PARTIAL ROOF REPLACEMENT PLAN  
SCALE: NOT TO SCALE







Office of the City Manager

INFORMATION CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Timothy Burroughs, Director, Planning and Development  
 Subject: LPO NOD: 2580 Bancroft Way/#LMSAP-2019-0006

INTRODUCTION

The attached Landmarks Preservation Commission Notice of Decision (NOD) is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.240.A, which requires that “a copy of the Notice of Decision shall be filed with the City Clerk, and the City Clerk shall present said copy to the City Council at its next regular meeting.”

CURRENT SITUATION AND ITS EFFECTS

The Landmark Preservation Commission (LPC/Commission) has approved a Structural Alteration Permit (SAP) for the subject City Landmark property in order to revise a previously-approved SAP for this property. This action is subject to a 15-day appeal period, which began on July 8, 2019.

BACKGROUND

BMC/LPO Section 3.24.300 allows City Council to review any action of the Landmarks Preservation Commission in granting or denying a Structural Alteration Permit. In order for Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 15 days of the mailing of the Notice of Decision, or by July 23, 2019. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must rule on the application within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY

Landmark designation provides opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no known fiscal impacts associated with this action.

CONTACT PERSON

Fatema Crane, Landmarks Preservation Commission Secretary, Planning and Development, 510-981-7410

Attachments:

1: Notice of Decision – #LMSAP2019-0006 for 2580 Bancroft Way



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

ATTACHMENT 1, part 1

**DATE OF COMMISSION DECISION: July 2, 2019**  
**DATE NOTICE MAILED: July 8, 2019**  
**APPEAL PERIOD EXPIRATION: July 23, 2019**  
**EFFECTIVE DATE OF DECISION (Barring Appeal or Certification): July 24, 2019<sup>1</sup>**

## **2580 Bancroft Way**

**Structural Alteration Permit #LMSAP2019-0006 to remove a Condition of Approval from a previously-approved Structural Alteration Permit #LMSAP2017-0007.**

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the above referenced Structural Alteration Permit.

**APPLICANT:** Blair Sweeney, The Mark at Berkeley, LLC, 315 Oconee Street, Athens, GA 30601

**ZONING DISTRICT:** C-T, Telegraph Avenue Commercial District

**ENVIRONMENTAL REVIEW STATUS:** Categorically exempt from environmental review pursuant to Section 15061(b)(3).

**The application materials for this project are available online at:**  
<http://www.cityofberkeley.info/zoningapplications>

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**ADOPTED RESOLUTION IS 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  
LMSAP2019-0006  
2580 Bancroft Way  
July 8, 2019  
Page 2 of 4

**COMMISSION VOTE:**

**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 public hearing.

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
LMSAP2019-0006  
2580 Bancroft Way  
July 8, 2019  
Page 3 of 4

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.

**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.

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
LMSAP2019-0006  
2580 Bancroft Way  
July 8, 2019  
Page 4 of 4

**FURTHER INFORMATION:**

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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), 1947 Center Street, between 8 a.m. and 4 p.m., Monday through Friday.

**ATTACHMENTS:**

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1. Resolution and Exhibit A

**ATTEST:** 

Fatema Crane, Secretary  
Landmarks Preservation Commission

cc: Residents  
City Clerk  
Applicant: Blair Sweeney  
The Mark at Berkeley, LLC  
315 Oconee Street  
Athens, GA 30601

Property Owner: The Mark at Berkeley, LLC  
P.O. Box 130339  
Carlsbad, CA 92013

RESOLUTION BY THE LANDMARKS PRESERVATION COMMISSION TO GRANT STRUCTURAL ALTERATION PERMIT #LMSAP2019-0006 AND, THEREBY, TO AMEND PREVIOUSLY-APPROVED STRUCTURAL ALTERATION PERMIT #LMSAP2017-0007 IN ORDER TO REMOVE CONDITION OF APPROVAL #9 REQUIRING SALVAGE AND RE-USE OF GLASS BLOCKS PRIOR TO DEMOLITION OF THE BANCROFT CENTER BUILDING ON THE PROPERTY LOCATED AT 2580 BANCROFT WAY

WHEREAS, on October 4, 2018, the Landmarks Preservation Commission approved Structural Alteration Permit #LMSAP2017-0007 to demolish the rear portion of the Fred Turner Building, a City Landmark located at 2580 Bancroft Way, and to construct a new, mixed-use building expansion on this site; and

WHEREAS, #LMSAP2017-0007 included Condition of Approval #9 requiring the project proponent to salvage, re-use and offer to the public for re-use, the glass blocks featured in the Bancroft Center Building, a non-historic building located on the same site as the Fred Turner Building and proposed for demolition; and

WHEREAS, on October 25, 2018, the Zoning Adjustments Board approved the demolition of the Bancroft Center Building under Use Permit #ZP2017-0083; and

WHEREAS, on May 21, 2019, the City issued building permit #B2018-02805 to demolish the Bancroft Center Building; and

WHEREAS, the project proponent began demolition activity and discovered that the subject glass blocks are under high pressure and prone to explosion; and

WHEREAS, on June 20, 2019, the project proponent submitted Structural Alteration Permit #LMSAP2019-0006 requesting that the Commission remove Condition of Approval #9, citing the volatile and potentially dangerous nature of the glass blocks and their unsuitability for re-use by the project proponent and the public; and

WHEREAS, on June 21, 2019, City posted and mailed notices more than ten days in advance of the July 2, 2019 Structural Alteration Permit public hearing; and

WHEREAS, on July 2, 2019, the Landmarks Preservation Commission held a public hearing on the matter and, after closing the hearing, voted 7-0-0-1 to approve the project proponent's request, to remove Condition of Approval #9 from the previously-approved Structural Alteration Permit #LMSAP2017-0007, and to grant Structural Alteration Permit #LMSAP2019-0006. (Vote: Yes: Abranches Da Silva, Adams, Allen, Crandall, Finacom, O'Malley, Schwartz; No: none; Abstain: none; Absent: Chagnon; one vacancy)

NOW THEREFORE, BE IT RESOLVED by the Landmarks Preservation Commission that Structural Alteration Permit #LMSAP2019-0006 is hereby duly granted, and previously-approved Structural Alteration Permit #LMSAP2017-0007 is hereby amended as shown in Exhibit A to remove Condition of Approval #9.

Exhibits

A: Amended Structural Alteration Permit #LMSAP2017-0007



ATTACHMENT 1 ,  
PART 3  
FINDINGS AND CONDITIONS

---

OCTOBER 4, 2018

## 2580 Bancroft Way

### Structural Alteration Permit #LMSAP 2017-0007 with amendment by Resolution of the Landmarks Preservation Commission<sup>i</sup>

#### PROJECT DESCRIPTION

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The application proposes to partially demolish, to make alterations and to repair and rehabilitate the architectural features of a designated City Landmark structure and site: the Fred Turner Building at 2546-2554 Bancroft Way. Alterations include adaptive re-use of the central archway as the main entrance for the resulting expanded development and construction of a multi-story building addition.

#### CEQA FINDINGS

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1. The City hereby makes the findings required by the California Environmental Quality Act that are set forth in **Exhibit A** hereto, which are incorporated herein by reference.
2. The City hereby adopts monitoring program for the mitigation measures that are set forth in **Exhibit B** hereto, which are incorporated herein by reference.

#### LANDMARKS PRESERVATION ORDINANCE FINDINGS

---

Pursuant to Berkeley Municipal Code Sections 3.24.260.C.1.a, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. The proposed project would not adversely affect the prominent exterior architectural features of the Fred Turner Building. The proposed partial demolition would remove the rear half of the historic building (including original building material), but would retain the building's primary public façade, original street-facing storefronts and central archway. The building's historical identity would be retained and perceptible notwithstanding the considerable scope of proposed demolition work at the rear of the building. The adaptive re-use of the building in the proposed manner is found to be an effective and appropriate measure of rehabilitation, which ensures a prolonged and active life for this City Landmark site.
2. The aesthetic value of the Turner Building is reflected in its Arts and Crafts architectural design, details and exterior building materials. Its special character can be linked to its associations with the building architect, Julia Morgan, and her particular execution the building's design program and setting. The proposed partial removal and rehabilitation project would not adversely affect any of these special qualities, and would ensure that the character-defining features, design integrity and historical use would be retained, repaired and/or re-adapted with appropriate care and respect for authenticity.

**FINDINGS REGARDING THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION**

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Regarding the Secretary of the Interior's Standards for Restoration/Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. The project will change the use of the Landmark buildings from commercial to mixed-use, which includes the continued use of the remaining Turner Building as commercial tenant spaces. The introduction of a dense, multi-story residential component will result in physical changes to the building, its setting and the space and spatial relationships therein. This change in use is found to retain the commercial use while supporting the adaptive re-use of the building within the current development context.
2. The historic character and distinctive features of the street-facing façade of the Turner Building will be retained and preserved; however, approximately half of the building (rear portion) will be removed and replaced with a larger, multi-story addition that will result in a loss of the low-scale spatial composition that historically characterized the building and property. While this change in spatial composition is not the preferred model for further development of the site, it is found to be an effective adaptive re-use of the site within the current development context.
3. The proposed building expansion is designed in a manner that will effectively distinguish the new construction from the historic work (e.g.: different design program, building setbacks), and does not include conjectural elements which would create a false sense of historical development.
4. The Turner Building was constructed in 1940, and no subsequent work or alterations were found to have acquired historical significance in their own right.
5. The project does not propose altering or removing any of the distinctive materials, features, finishes or construction techniques or examples of craftsmanship found on the main, street-facing façade of the Turner Building.
6. The character-defining features of the Turner Building's main, street-facing façade (such as stucco siding, decorative copper-clad window hoods and ornamentation, arched arcade entrance, fenestration pattern, and materials) will be retained and preserved. Deteriorated features will be repaired and replaced in accordance with the National Park Service Preservation Briefs, as a condition of this permit approval.
7. The proposed project would demolish approximately half of the Fred Turner Building, resulting in damage to some of the building's historic materials. As a condition of approval for this permit, no chemical or physical treatments will be undertaken. If chemical or physical graffiti removal treatments are needed as construction progresses, a standard condition will ensure that they be undertaken using the gentlest means possible and that treatments that cause damage to historic materials not be used.
8. There are no known archaeological resources located at this site nor are any anticipated to be discovered as the result of ground disturbance. If any archaeological material is found during project construction, conditions of approval included herein require

implementation of proper mitigation measures, which ensure compliance with this Standard.

9. While implementation of mitigating design measures (e.g.: building design and programmatic differentiation, building setbacks, distinctive colors and materials) would work in part to meet the intent of this Standard, the scale of the proposed building expansion is such that it will measurably alter, and as such would adversely affect, the scale and proportion of the one-story Landmark building. The project would not comply with this Standard such that even with mitigation measures, these impacts would be significant and unavoidable.
10. If the proposed multi-story building expansion were removed from this site in the future, the character-defining, street-facing façade with commercial tenant units, central archway and overall appearance at the street level of the Turner Building would be preserved intact. However, due to the considerable scope of proposed demolition, which includes approximately the rear half of the building, a future restoration project would likely not restore the rear portion of the building.

## **ZONING ORDINANCE DESIGN REVIEW STANDARDS**

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Pursuant to BMC Chapter 23E.12.020, the Landmarks Preservation Commission of the City of Berkeley finds the project as proposed substantially conforms with the Southside Area Plan Design Guidelines (2011) in that the project:

1. General Guidelines - Respects and incorporates the Commission's desired characteristics which are reflective of the historic Fred Turner building and other historical developments in the Southside neighborhood.
2. Building Massing & Height – Proposes a continuous zero-foot setback adjacent to sidewalk and increased building height for the Telegraph Subarea where it exceeds the suggested story height of a maximum of five stories and proposes eight stories, and has evaluated potential shadow impacts as suggested.
3. Building Design & Façade – Reflects the attention to detail that is characteristic of older, historic buildings in Southside, incorporates elements of pedestrian-scale and interest at the ground-level street frontage, employs an overall building composition featuring a base-middle-top design, and repairs and rehabilitates the street-facing façade of the Turner Building.
4. Storefronts – Reflects the traditional storefront rhythm and proportions found throughout the Telegraph Subarea, and provides complementary level of detailing reflective of the historic character of the buildings in the Subarea.
5. Roof Shape & Lines – Retains the Turner Building roof parapet, features a cornice design detail, and screens rooftop mechanical equipment.
6. Materials – Employs a selection of high-quality, textured façade materials, and preserves the existing high-quality exterior materials on the Turner Building street facade.

7. Signs & Awnings – Locates signs and awnings so as to reveal and not obscure architectural building details.
8. Lighting – Exterior lighting will be controlled and further reviewed as a condition of this permit approval.
9. Streetscape Design – Will install, repair and replace street trees and sidewalks in accordance with Public Works Engineering standards and ADA requirements.
10. Security Gates/Grilles – Security gates and similar devices will be reviewed as a condition of this permit approval to ensure compliance with guidelines for location and placement, concealment when not in use, and visual permeability.

### **HISTORIC PRESERVATION & DESIGN REVIEW CONDITIONS**

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1. **Project plans.** Project shall conform to plans, facades restoration specifications, and photographs, dated May 1, 2018 and received August 24, 2018, references to re-used glass blocks shall be excluded.
2. **Final Design Review.** Pursuant to BMC Section 23E.12.040.C, prior to submittal of any building permit for this project, the project proponent shall obtain Final Design Review approval from the Landmarks Preservation Commission.
3. **Mitigation monitoring & reporting program.** The project proponent shall adhere to and demonstrate compliance with this plan to the satisfaction of the Zoning Officer. The project proponent shall bear the cost of monitoring to ensure compliance with the plan; a deposit of not less than \$10,000 may be required prior to building permit submittal in order to secure the services of a third-party monitor.
4. **Chemical Treatments.** Any chemical or physical graffiti removal treatments needed as construction progresses shall be undertaken using the gentlest means possible.
5. **Historic façade restoration.** Historic façade restoration shall be completed in accordance with the National Park Service Preservation Briefs.
6. **Signage program.** For Final Design Review, the project proponent shall submit complete signage details, including colors, materials, letter heights, dimensions, placement on building, and installation details. All materials will be matte unless otherwise noted.
7. **Exterior lighting detail.** For Final Design Review, the project proponent shall submit lighting details showing all proposed site and building lighting. Exterior lighting, including for signage, shall be downcast and not cause glare on the public right-of-way and adjacent parcels.
8. **Security gates and grilles.** For Final Design Review, the project proponent shall submit all exterior security gate and grill details, including in the exterior entry courtyard, for review and approval.

9. ~~**Bancroft Center demolition – glass block.** Any unused glass block panels shall be salvaged intact and stored by the project proponent for at least six months during which time the project proponent shall make the panels available to artists and publicize the availability within the local artist community. This condition was removed by Resolution of the Landmarks Commission on July 2, 2019.~~
10. **Bancroft Center demolition – photographic documentation.** Prior to issuance of any building permit for this project, the applicant shall provide photographic document of the subject structure that records its existing conditions and any historic and character-defining features.

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<sup>i</sup> On July 2, 2019 the Landmarks Preservation Commission adopted a Resolution that approved Structural Alteration Permit #LMSAP2019-0006 and, thereby, revised this Structural Alteration Permit to remove Condition of Approval #9.





Civic Arts Commission

## INFORMATION CALENDAR

July 23, 2019

To: Honorable Mayor and Members of the City Council  
 From: Civic Arts Commission  
 Submitted by: Lisa Bullwinkel, Chairperson, Civic Arts Commission  
 Subject: FY2020 Public Art Plan and Budget

### INTRODUCTION

Attached is the City of Berkeley's Public Art Plan and Budget for Fiscal Year (FY) 2020. The budget was adopted by the Civic Arts Commission (M/S Ozol/Slattery; Ayes: Bullwinkel, Covarrubias, Ozol, Ross, Slattery; Nays: None; Abstain: None; Absent: Anno, Blecher, Passmore, Tamano) at its regularly scheduled meeting on April 24, 2019. This budget and plan will guide the City's public art investments and project management for the upcoming fiscal year, implemented through partnerships of the Commission, Civic Arts Program staff in the Office of Economic Development, other City departments, and consultant teams.

### CURRENT SITUATION AND ITS EFFECTS

The attached budget contains projected revenues totaling \$59,221 that may be used for public art. Revenues are generated through the City's Percent for Art policy (Resolution No. 60,048-N.S.), whereby a sum equal to 1.5% of eligible public capital projects is transferred to the Public Art Fund. FY 2020 revenues include committed and uncommitted rollover of FY 2019 funds and the annual contribution reflecting baseline capital projects. The revenue figures presented here are the best estimates as of April 2019 and are subject to change. All revenues are deposited in the Public Art Fund (Fund 150).

The budget contains projected expenditures totaling \$53,500. The planned expenditures include: 2020 Civic Center Exhibition and purchase of artwork from the exhibition for the Civic Art Collection; Commissioning of three original sound compositions and associated signage for the Downtown Berkeley BART Plaza; and lighting for the Rumford Sculpture on Sacramento Street.

The expected revenues exceed the currently planned expenditures; therefore, the budget and plan projects an end-of-year carryover of approximately \$5,721, which may serve as a contingency during the implementation of the FY 2020 projects. The budget and plan also includes a brief list of possible future projects to be implemented as staffing allows and as funding opportunities arise.

BACKGROUND

The City's Percent for Art policy, adopted in 1999, requires the Civic Arts Commission to develop an annual plan and budget for public art projects, to be presented informationally to the City Council. Each year, after the capital projects budget is finalized and 1.5% for art allocation is identified, Civic Arts staff works with the Civic Arts Commission's Public Art Committee and other City departments to develop the budget. At the April 24, 2019 Civic Arts Commission meeting, the Commission voted to accept the Public Art Budget for Fiscal Year 2020.

In FY 2019, the Civic Arts Program implemented a portfolio of public art projects valued at \$524,387 with funds allocated in the FY 2018 and FY 2019 Public Art Program budgets. Those projects include:

- Downtown Berkeley BART Plaza Public Art and Cultural Programming including:
  - Completion of the sound and light poles.
  - Commissioning and presentation of the first three original sound compositions for the sound poles.
  - Installation of a temporary sculpture which is on display for one year.
  - Presentation of cultural performances on the plaza stage co-produced with the Downtown Berkeley Association.
- Planning for the conservation and reinstallation of two prominent sculptures in the downtown which are being relocated due to the Shattuck Realignment Project.
- Installation of the 2019 Civic Center Exhibition and purchase of five artworks from the exhibition for the Civic Art Collection.
- Contract for the Civic Art Collection Inventory and Condition Assessment, which is currently underway.
- Completion of outfitting the Cube Space multimedia art installation venue on the ground floor of the Center Street Garage and installing the first art exhibition.

Note that the 1.5% for Public Art Program and policy is separate and distinct from the *Public Art in Private Development* policy and program (Berkeley Municipal Code Chapter 23C.23, established in 2016). Civic Arts staff maintains a separate budget for the expenditure of in lieu fees generated by that program; for FY 2020, the Civic Arts Commission has approved an expenditure budget for revenues totaling \$309,613 (Attachment 2). Also note that the attached budget does not include public art projects related to the Measure T1 bond, which is budgeted separately and totals \$350,000 through FY 2020.

ENVIRONMENTAL SUSTAINABILITY

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



POSSIBLE FUTURE ACTION

The draft budget includes likely future expenditures on potential public art projects around the City. The Civic Arts Commission may make modifications to this budget over the course of the year as additional needs and funding opportunities arise.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

All future public art revenues and expenditures will be tracked and accounted for. If necessary, an additional Information Report will be submitted to the City Council.

CONTACT PERSON

Jennifer Lovvorn, Secretary, Civic Arts Commission, 981-7533

Attachments:

- 1: Project Public Art Budget for FY 2020
- 2: Public Art in Private Development In-Lieu Fees, FY 2020 Budget

PUBLIC ART FUND BUDGET - FY20			
Approved by Civic Arts Commission: 4/24/19			
FY20 FUNDING	Description	Amount	Total
Committed Carryover from FY19	Estimated Cost for Rumford Sculpture Lighting	\$ 8,000	
Uncommitted Carryover from FY19		\$ 7,778	
FY20 Total 1.5% Allocation		\$ 65,164	
Minus Administration Portion (.5% per ordinance)		\$ (21,721)	
<b>TOTAL FUNDS AVAILABLE FOR FY20 PROJECTS</b>			<b>\$ 59,221</b>
FY20 POSSIBLE PROJECTS		Amount	Total
Project for Committed Carryover Budget Amount FY19	Estimated Cost for Rumford Sculpture Lighting	\$ 8,000	
Civic Center Art Exhibition (2020-2021)	Curation of Civic Center Exhibition (18 month display)	\$ 15,000	
Artwork Purchase Civic Center Art Exhibition Cal Yr 2020	Artwork purchase from Exhibition	\$ 5,000	
BART Plaza Ambient Sound Installation Commissions	Commissioning 3 Artists @ \$4K ea. (Already Selected)	\$ 12,000	
BART Plaza Artwork Plaques	3 signs at \$500 ea.	\$ 1,500	
Lighting for Rumford Sculpture	Estimated costs higher than anticipated in last FY	\$ 12,000	
			<b>\$ 53,500</b>
Remaining Balance			<b>\$ 5,721</b>

Possible Future Projects		Budget Estimate	
Install Diana Rossi Mosaic in new location	Mosaic was removed from Center Street Garage	\$10,000	
Install found & removed Poetry Plaques - Addison Street	4 Plaques removed from Center St Garage project area and 7 found	\$10,000	
Homeless Social Practice Project		\$10,000	
Restoration of Artworks in Collection	Implement top recommendations from Collection Assessment	\$25,000	
Conservation and Installation of Turtles & Medallions	ROM	\$25,000	
BART Plaza Cultural Programming FY20		\$10,000	
Big People Relocation - Installation costs		\$50,000	
Worthington Referral for "Family Friendly Art"		\$50,000	
Sargent Johnson Plaque at San Pablo Park	Not artwork, but commemorative plaque for artist	\$2,000	
<b>Total</b>		<b>\$192,000</b>	

PRIVATE PERCENT FOR ART FUND BUDGET - FY20			
<b>BUDGET CODE: 148-21-208-252-0000-000-446</b>			
<b>Date: 6/13/19</b>			
		AMOUNT	TOTAL
<b>FY20 FUNDING</b>			
FY19 CARRYOVER		\$140,771	
In-Lieu Payment in FY19	2510 Channing Way	\$106,664	
In-Lieu Payment in FY19	739 Channing	\$20,388	
In-Lieu Payment in FY19	2621 Tenth Street	\$84,000	
In-Lieu Fee Administration Set Aside FY20 (20% per guidelines)		-\$42,210	
<b>TOTAL FUNDS AVAILABLE FOR FY20 PROJECTS</b>			<b>\$ 309,613</b>
<b>FY19 BUDGET CARRYOVER PROJECTS</b>			
Conservation Set Aside from FY19		\$18,659	
John Toki Sculpture Restoration		\$7,000	
EarthSong Restoration		\$12,000	
Installation of Queen Sculpture		\$20,000	
Removal of Big People		\$60,366	
Cube Space Contingency		\$8,003	
BART Plaza Cultural Programming		\$5,000	
Legal Consulting on Public Art Guidelines		\$6,000	
<b>TOTAL FY19 PROJECTS NOT YET STARTED</b>			<b>\$ 137,028</b>
<b>FY20 PRIVATE PERCENT FOR ART PROJECTS</b>		Amount	Total
FY20 Conservation Set Aside (10% per guidelines)		\$21,105	
Cube Space Curator	4 Exhibitions (3 months each)	\$10,000	
Cube Space Artist Fees	4 Exhibitions @ \$1,000 each	\$4,000	
Ohlone Mural Project Additions	Carved Seating, Grinding Rock	\$34,000	
John Toki restoration and reinstallation	Project costs - higher than anticipated in last FY	\$12,000	
Contract with Wang Po Shu - Earthsong modifications	ROM Cost Estimate	\$20,000	
Photography of Cube Space Exhibitions and other public art		\$10,000	
Vinyl Signage for Cube Space Exhibitions	4 Exhibition @ \$300 each	\$1,200	
Purchase of Artwork for 1947 Permit Center		\$5,000	
Artwork Preparator	Install Purchased Works and security mount works in Collection	\$2,000	
Graphic Design (Exhibition Announcements + Signage)		\$5,000	
Projects Contingency (10% of projects)		\$12,430	
<b>Total FY20 Projects</b>			<b>\$ 136,735</b>
<b>Remaining Balance After FY20 Projects</b>			<b>\$ 35,850</b>
<b>Possible Future Projects (Can be funded out of either Public Art Fund or Private Percent for Art Fund)</b>		<b>Budget Estimate</b>	
Install Diana Rossi Mosaic - Live Oak Community Center Playground		\$10,000	
Install found Poetry Plaques - Addison Street		\$10,000	
Homeless Social Practice Project		\$10,000	
Restoration of Artworks in Collection	Implement top recommendations from Collection Assessment	\$25,000	
Conservation and Installation of Turtles & Medallions	ROM	\$25,000	
BART Plaza Cultural Programming FY20		\$10,000	
Big People Relocation - Installation costs		\$50,000	
Worthington Referral for "Family Friendly Art"		\$50,000	
Temporary Art Installation South Berkeley (MLK and Adeline)		\$15,000	
Sargent Johnson Plaque at San Pablo Park		\$2,000	
<b>Total</b>		<b>\$207,000</b>	

PRIVATE PERCENT FOR ART FUND BUDGET - FY20			
BUDGET CODE: 148-21-208-252-0000-000-446			
Approved by Civic Arts Commission: 6/26/19			
FY20 FUNDING		AMOUNT	TOTAL
FY19 CARRYOVER		\$140,771	
On-Site Art Admin Fee FY19	2503 Haste	\$16,423	
In-Lieu Payment in FY19	2510 Channing Way	\$106,664	
In-Lieu Payment in FY19	739 Channing	\$20,388	
In-Lieu Payment in FY19	2621 Tenth Street	\$84,000	
TOTAL FUNDS AVAILABLE FOR FY20 PROJECTS			\$ 368,246
FY20 PRIVATE PERCENT FOR ART ADMINISTRATION		AMOUNT	TOTAL
On-Site Art Administration Set Aside FY20 (5% of Art Cost)		\$16,423	
In-Lieu Fee Administration Set Aside FY20 (10% per guidelines)		\$42,210	
Total FY20 Administration Funds			\$ 58,633
FY19 BUDGET CARRYOVER PROJECTS		AMOUNT	TOTAL
Conservation Set Aside from FY19		\$18,659	
John Toki Sculpture Restoration		\$7,000	
EarthSong Restoration		\$12,000	
Installation of Queen Sculpture		\$20,000	
Removal of Big People		\$60,366	
Cube Space Contingency		\$8,003	
BART Plaza Cultural Programming		\$5,000	
Legal Consulting on Public Art Guidelines		\$6,000	
TOTAL FY19 PROJECTS NOT YET STARTED			\$ 137,028
FY20 PRIVATE PERCENT FOR ART PROJECTS		AMOUNT	TOTAL
Conservation Set Aside FY20 (10% per guidelines)		\$21,105	
Cube Space Curator	4 Exhibitions (3 months each)	\$10,000	
Cube Space Artist Fees	4 Exhibitions @ \$1,000 each	\$4,000	
Ohlone Mural Project Additions	Carved Seating, Grinding Rock	\$34,000	
John Toki restoration and reinstallation	Project costs - higher than anticipated in last FY	\$12,000	
Contract with Wang Po Shu - Earthsong modifications	ROM Cost Estimate	\$20,000	
Photography of Cube Space Exhibitions and other public art		\$10,000	
Vinyl Signage for Cube Space Exhibitions	4 Exhibition @ \$300 each	\$1,200	
Purchase of Artwork for 1947 Permit Center		\$5,000	
Artwork Preparator to Install Purchased Works		\$2,000	
Graphic Design (Exhibition Announcements + Signage)		\$5,000	
Install Diana Rossi Mosaic - Live Oak Community Center Playground		\$5,000	
Install found Poetry Plaques - Addison Street		\$10,000	
Homeless Social Practice Project		\$15,000	
Projects Contingency (10% of projects)		\$13,320	
Total FY20 Projects			\$ 167,625
Remaining Balance After FY20 Projects			\$ 4,960
Possible Future Projects (Can be funded out of either Public Art Fund or Private Percent for Art Fund)		Budget Estimate	
Restoration of Artworks in Collection	Implement top recommendations from Collection Assessment	\$25,000	
Conservation and Installation of Turtles & Medallions	ROM	\$25,000	
BART Plaza Cultural Programming FY20		\$10,000	
Big People Relocation - Installation costs		\$50,000	
Worthington Referral for "Family Friendly Art"		\$50,000	
Temporary Art Installation South Berkeley (MLK and Adeline)		\$15,000	
Sargent Johnson Plaque at San Pablo Park		\$2,000	
Total		\$177,000	



Rent Stabilization Board

INFORMATION CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of City Council  
From: Jay Kelekian, Executive Director, Rent Stabilization Program  
Submitted by: Matthew Siegel, Staff Attorney, Rent Stabilization Program  
Subject: Report on B.M.C. 13.79.050 ("Buyout Offers and Agreements")

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BACKGROUND

In March 2016 the City Council amended B.M.C. 13.79 ("Tenant Protections: Automatically Renewing Leases and Buyout Agreements") by adding Section 13.79.050 ("Buyout offers and agreements").

Promulgated in response to concerns about tenants not being fully informed about their substantive and procedural rights when entering into negotiations and settlement discussions with property owners and/or their attorneys or agents regarding the surrender of their tenancy, council amended B.M.C. 13.79 to mandate a disclosure requirement from the owner to the tenant; a requirement that all buyout agreements be in writing and be filed with the Berkeley Rent Board and a provision that tenants may rescind a buyout agreement within thirty days of its execution (B.M.C. 13.79.050 et seq.).

In addition, landlords are obligated to retain copies of their buyout agreements for five years and provide a copy of each agreement to the Rent Board. The Ordinance further states the Rent Board is to maintain buyout agreements in a separate file and collect data that includes the amount of compensation paid and the neighborhood of each affected unit (B.M.C. 13.79.050H).

This report synthesizes the data collected since the inception of the passage of B.M.C. 13.79.050 and covers the period from the March 2016 amendment to the ordinance through June 30, 2018. We will provide annual updates moving forward.

2125 Milvia Street, Berkeley, California 94704  
TEL: 510.981.7368 TDD: 510.981.6903 FAX: 510.981.4940  
E-MAIL: [rent@ci.berkeley.ca.us](mailto:rent@ci.berkeley.ca.us) INTERNET: [www.ci.berkeley.ca.us/rent/](http://www.ci.berkeley.ca.us/rent/)

## SUMMARY AND OVERVIEW

For calendar year 2017, 45 buyouts were reported. For the first half of 2018, 43 buyouts have been recorded, almost the amount for the entire 2017 calendar year.

A review of the data collected shows that most buyouts occur in properties that range from four to nine units and most involve long-term tenants. A vast majority of the buyouts that occurred in duplexes resulted in owner-occupancy of the tenants' unit. Many of the units are now listed as vacant but many others still show the tenant as residing in the unit which is more a result of the owner's failure to update their records with our agency than a rescission of the agreement.

## FINDINGS

Since the passage of B.M.C. 13.79.050 in March 2016 through June 30, 2018, the Rent Board has collected one hundred three (103) buyout agreements. It is impossible to ascertain whether additional buyout agreements have been made between landlords and tenants since there may be other agreements entered into that have not been reported to the agency.

Of the 103 agreements collected by the Rent Board, ninety-five (95) have been filed within the statutorily mandated time-frame of no later than sixty days of their execution. Eight agreements were filed late.

The ordinance prescribes that the Rent Board collect the following data from each agreement:

- 1) Amount of compensation.
- 2) Neighborhood of subject property.

In addition to collecting the above data for those units that fall under the jurisdiction of the rent ordinance, the Board also collects data on the length of tenancy and the number of bedrooms in each unit. The following is a breakdown of the above categories.

A. Amount of Compensation

Of the 103 reported agreements, one has been filed without disclosing the amount of compensation. The average amount of compensation is \$24,518 and the median buy-out agreement is for \$20,960.

Amount	# of Cases
\$3,000 - \$10,000	35
\$10,001 - \$20,000	14
\$20,001 - \$30,000	24
\$30,001 - \$40,000	12
\$40,001 - \$50,000	9
\$50,000 - \$60,000	3
\$60,001 - \$70,000	2
\$70,001 - \$80,000	2
\$100,000>	1

B. Length of Tenancy

Of the 103 reported cases, the Rent Board has data regarding length of tenancy for 73. Of the 73 reported cases, tenancies range between nine months and thirty-three years.

Length of Tenancy	# of Cases
Up to 5 years	22
5-10 years	20
11-15 years	3
16-20years	3
>20 years	23

C. Number of Bedrooms in Unit

Of the 103 reported cases, the Board was able to verify the number of bedrooms for 86 units.

Bedrooms	# of Units
0	10
1	31
2	34
3	10
4	1

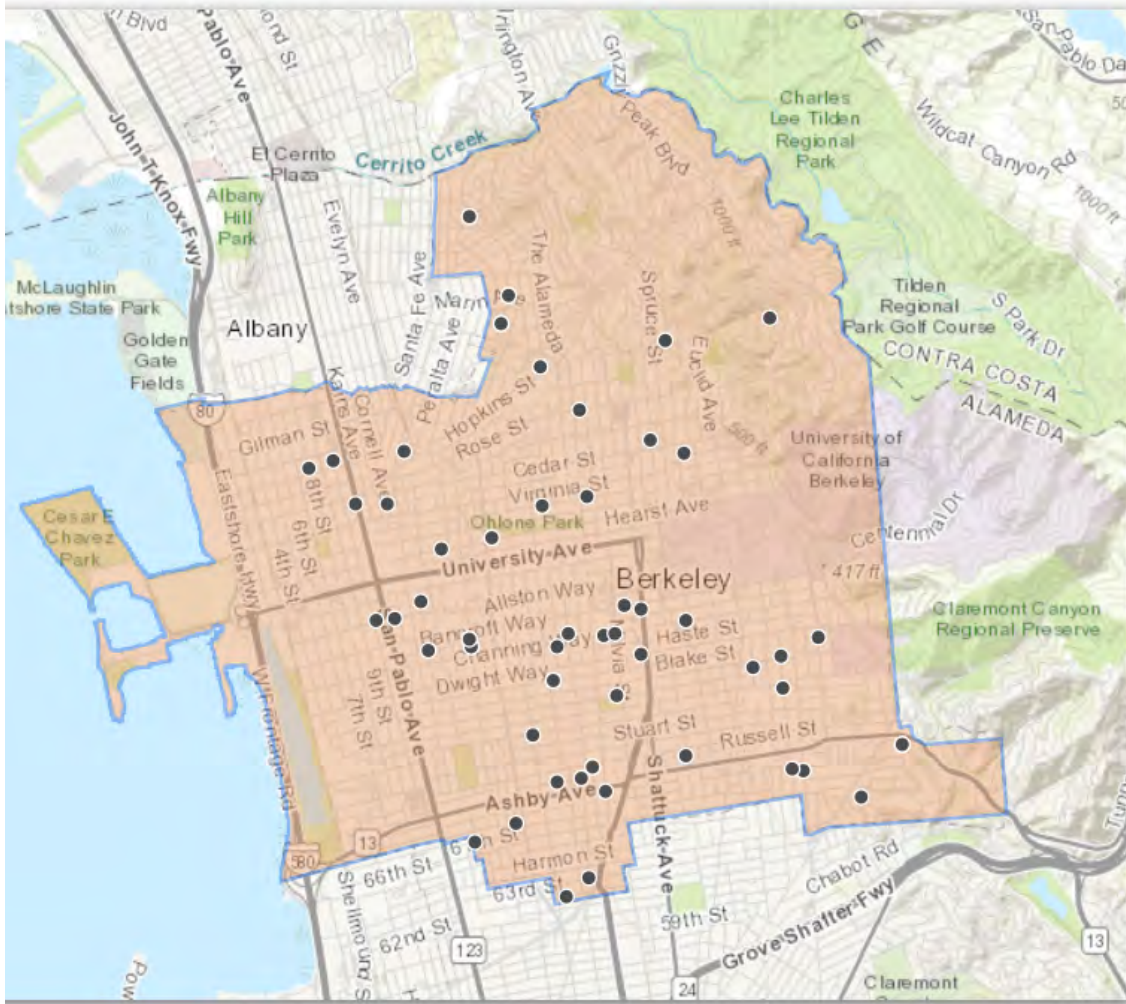
D. Number of Units on Property

The Board has data for seventy-six (76) properties. These properties range from single-family homes to one apartment complex with 105 units. The most common property is a triplex.

# Units on Prop	# of Prop's
Single Fam. Homes	10
Duplexes	21
Triplices	8
4-9 units	24
10-20 units	10
>21 units	3

E. Neighborhood Data

The mapping below shows where, in the City, these buyouts have occurred.





The 103 recorded buyout agreements represents 81 properties. Thirty-four of the fifty-two are South of University Ave. with twenty properties bordered by University Ave, Ashby Ave., Shattuck Ave. and San Pablo Ave.

As the buyout provisions of the ordinance enter its third year, tenants will continued to receive counseling services from both the Rent Board and contract providers to further understand their rights as they enter into settlement negotiations and possible agreements. Owners will also continue to receive counselling services from the Rent Board so they too will be fully aware of their rights and obligations as it relates to the ordinance. Rent Board staff will continue to monitor such agreements and maintain the public database.

### **Recommendations**

As continuing pressures are put on tenants to vacate, especially those with rents below the prevailing market, the buy-out provisions of the TBO remain a useful tool which provides tenants a level of transparency in buy-out proceedings and a pathway to access legal assistance from the City's/Board's contract providers as well as core housing counseling services from Rent Board staff.

Both the City and Rent Board staff should remain vigilant in their efforts monitoring the TBO. In order to ascertain whether additional protections and safeguards may need to be added either to the language in the TBO or how it is administered, the 4x4 Committee may also want to follow-up and discuss the contents of this report.





Zero Waste Commission

INFORMATION CALENDAR  
July 23, 2019

To: Honorable Mayor and Members of the City Council  
 From: Zero Waste Commission  
 Submitted by: Christienne de Tournay, Chairperson, Zero Waste Commission  
 Subject: Zero Waste Commission 2019-20 Work Plan

INTRODUCTION

The Zero Waste Commission (ZWC) is responsible for making recommendations on City solid waste policy and goals, including commercial and residential garbage and recycling services, budgets, and other decisions relating to solid waste in the City of Berkeley. The ZWC adopted the FY 2019-20 Work Plan on May 28, 2019.  
 M/S/C: Poliwka/Schueler; Ayes: Unanimous; Abstain: None; Absent: de Tournay, Stein

CURRENT SITUATION AND ITS EFFECTS

Over the last year, the City of Berkeley has made a number of important changes to its Zero Waste services and long-term plans, including:

- Beginning the process to redesign and rebuild the municipal Transfer Station
- Shifting collection of refuse recycling from franchisees to in-house City staff
- Adapting to changes in the recycling export markets
- Implementing the Single Use Foodware and Litter Reduction Ordinance

ZWC is currently looking at ways to follow through with developing the Zero Waste Strategic Plan and Transfer Station rebuild, as well as evaluate new proposed legislation to target some of the larger remaining components of avoidable waste.

These projects advance the City’s Strategic Plan goals to:

1. Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities
2. Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment

The following goals have been identified for the upcoming year:

Goal	Resources	Program activities	Outputs	Outcomes
Transfer Station Rebuild	RFP issued for consultant for Feasibility Study	Consultant presentation at ZWC June 24  Gather public input	Develop preliminary Commission recommendations to City Council in July	Ongoing Commission feedback

Goal	Resources	Program activities	Outputs	Outcomes
Zero Waste Strategic Plan	RFP to be issued for consultant in Q3 2019	Consultant presentation at ZWC  Gather public input	Commission recommendations to City Council	Ongoing Commission Feedback
Food Recovery and Organics Diversion	Assistance from Community Health Commission and Berkeley Food Network	Continue updates with Berkeley Food Network  Consider compost quality and SB 1383 compliance  15 day comment period 6/18-7/3, 2019	Provide recommendations as needed to Council and other stakeholders	Reduce volume of food waste disposal in black bins from current 35% - single largest item in Alameda County waste stream
Reduce Use of Single-Use Foodware	Zero Waste Berkeley (which includes the Ecology Center)	Follow implementation of Single-Use Disposable Reduction Ordinance including stakeholder and public feedback  Ecology Center pilot of reusable cup program Fall 2019	Content for educational materials  Identify preferable compostable product options	Provide feedback to Council on Ordinance Implementation  Phase II all prepared food vendors change materials Jan 1, 2020
Reduce Landfilling of Construction Debris	Deconstruction Subcommittee	Work with builders, material resellers, CEAC, Community Health, Landmarks, Disaster/Fire Safety and Planning to increase reuse of old growth wood debris	Recommendations for Council	Recommendations for Council by end of year 2019  Bay Area Deconstruction Working Group recommendations
Annual Updates	Culture of Repair - (Fix it Clinics), Urban Ore, Community Conservation Centers, Ecology Center, CAW, NCRA, CPSC, Budget Review, Status of Export Markets	Presentations at ZWC  Review and recommend relevant legislation  Review ZW division budget and tonnage/metrics with City staff	Commission feedback to organizations and to Council	Commission feedback to organizations and to Council
Public Education and Communication	Subcommittee	Develop educational articles for Berkeleyside, Daily Cal; How to recycle in Berkeley; Single use foodware; How to recycle holiday trees	Improve community understanding and compliance with recycle and trash pickup	Commission articles to local publications and social media

Goal	Resources	Program activities	Outputs	Outcomes
Cal Sustainable Moveout	UC Berkeley	Support UCB sustainable moveout  Provide outreach for Cal Yard Sale		Work with UCB Zero Waste Department to identify community support needs

**BACKGROUND**

- Transfer Station Rebuild: Community meetings have been held in past several months. The EIR will study two conceptual plans.
- Zero Waste Strategic Plan: Current plan is for RFP to be issued later this year.
- Food Recovery: Berkeley Food Network is starting its Food Recovery operations.
- Reduction of Single-Use Foodware: The new Foodware Ordinance's first phase has started, 2<sup>nd</sup> phase starts 1/1/2020, will require all disposable foodware to be compostable and includes a 25 cent charge for disposable cups. 3<sup>rd</sup> phase (reusables for dine in) begins 7/1/2020.
- Reducing Landfilling of Construction Debris: Carpet recycling program is starting up at the Transfer Station. Due to multi-city operations of the construction industry, Deconstruction Ordinance likely to be introduced at regional level.
- Public Education and Communication: There is still room to improve in getting existing recyclable and compostable materials into the blue and green bins.
- Cal Sustainable Moveout: In the last few years, there have been small and medium scale efforts to manage Cal Moveout. A larger citywide program could divert additional materials.

**ENVIRONMENTAL SUSTAINABILITY**

Potential to reduce quantity of material sent to landfill and reduce consumption of new materials.

**POSSIBLE FUTURE ACTION**

Future Action Items that ZWC may send to City Council include:

- Resolution to support a Regional Deconstruction Ordinance
- Resolution to support creating a new Zero Waste Strategic Plan
- Resolution to support a Citywide Reusable Food Container program
- Resolution to support a citywide yard sale during Cal moveout

**FISCAL IMPACTS OF POSSIBLE FUTURE ACTION**

Reusable Food Container program and citywide yard sale may require funding. The Zero Waste Strategic Plan will require hiring a consultant.

**CONTACT PERSON**

Heidi Obermeit, Recycling Program Manager, Public Works, (510) 981-6357



INFORMATION CALENDAR

July 23, 2019

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor

Subject: City Auditor Amended Fiscal Year 2019 Audit Plan and Fiscal Year 2020 Audit Plan

INTRODUCTION

The Berkeley City Charter requires the City Auditor to provide the City Council with a planned audit schedule by the beginning of each fiscal year and to notify Council when audits are dropped or added. In deciding what to audit, our office considers suggestions from the City Manager, staff, the City Council, commissioners, and other community members. We examine risks that might prevent the City from reaching its goals, including strategic, financial, regulatory, operational, and reputational risks.

CURRENT SITUATION AND ITS EFFECTS

On [July 24, 2018](#)<sup>1</sup>, we presented our Audit Plan for the 2019 fiscal year. As required by the City Charter, we are notifying the Council of a modification to our annual audit plan: We added **an audit of the City's Domestic Violence** Leave Policy to the fiscal year 2019 audit plan to determine whether the policy is in line with state law and best practices.

For Fiscal Year 2020, we have identified areas we hope to address in the upcoming year:

- Housing and homelessness
- Streets
- Recruitment and retention
- Fiscal accountability
- Climate change and disaster response
- Follow-up on prior audit recommendations
- Rollover from FY 2019 – Equipment Replacement Fund Follow-up audit, Library Tax audit, and Domestic Violence Leave Policy audit

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<sup>1</sup> City Auditor Fiscal Year 2019 Audit Plan (7/24/19) <http://bit.ly/2VBJwDO>

BACKGROUND

The mission of the Berkeley City Auditor is to promote transparency and accountability in Berkeley government. This is achieved through independent evaluations of City programs **and activities. The 2020 Audit Plan reflects Auditor Wong’s steadfast commitment to** continuous improvement by enhancing the value, products, staffing, communications, and **overall impact of the Berkeley City Auditor’s Office on behalf of Berkeley** residents, businesses, and visitors.

ENVIRONMENTAL SUSTAINABILITY

This report is not associated with identifiable environmental effects or opportunities.

POSSIBLE FUTURE ACTION

Our future audit recommendations will address the risks that could prevent the City from providing efficient, effective, and equitable service delivery. We will be asking Council to accept those recommendations and request that the City Manager report on its actions to implement them. We may also make recommendations requiring Council action.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Audit work leads to new or enhanced revenue, cost recovery, and increased efficiency, with economic impact well beyond the audit costs. Long-range financial benefits of our audits result in significant improvements to internal controls and service delivery.

Ensuring timely implementation of audit recommendations could result in additional savings and risk reduction, including fraud risk. Reducing fraud risk more than protects money; it builds trust in government. Maintaining a strong audit function and prudent program and fiscal management will reduce future costs and enhance public trust.

CONTACT PERSON

Jenny Wong, City Auditor, 510-981-6750

Attachment:

1. Audit Plan Fiscal Year 2020



# Audit Plan Fiscal Year 2020

## Inside

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BERKELEY CITY AUDITOR

# Letter from the Auditor



I am pleased to present the Berkeley City Auditor’s Fiscal Year 2020 Audit Plan.<sup>1</sup>

Our office is responsible for conducting performance audits of City functions - deep dives into the working of our various City programs with the goal of maximizing taxpayer dollars and delivering top-quality services. Since taking office, I have been meeting with my office’s staff, department heads, the City Manager, Council Members, former auditors, and others in the community to better understand how things have functioned in the past and how to effectuate these responsibilities going forward.

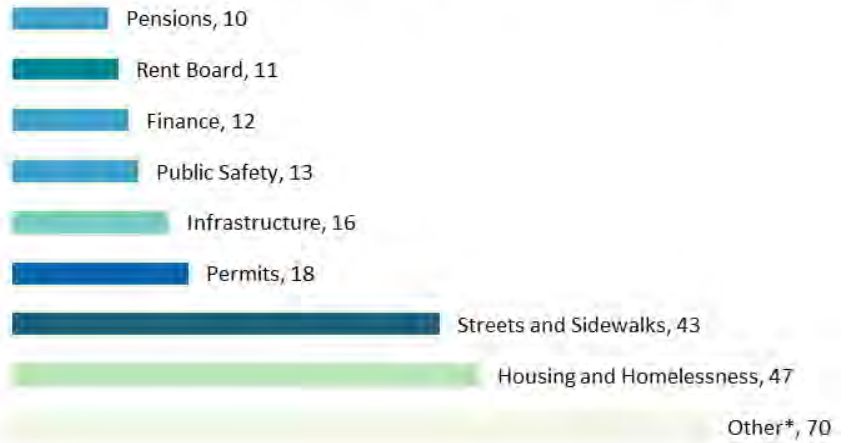
In drafting this plan, we considered input from a wide range of sources and the people of Berkeley. To gather community input, I talked with thousands of residents and conducted a survey where 300 Berkeley residents responded on issues of greatest concern. Since taking office, I have met with Berkeley elected officials and management about their unique operational risks and challenges. Finally, my staff and I identified existing or emerging areas of risk where we can add value, including reviewing issues that **haven’t been examined, such as** recruitment and retention practices.

While I want to address many issues of concern, resource limitations mean my office can only conduct a few audits a year. The top departments the community wants to be audited include Public Works (our streets); Health, Housing and Community Services (housing and homelessness); and Planning (permitting process). I recently learned that the Permit Center is taking initiative to gather public information about the permitting process. Our office can best add value to that area after this process has been completed.

The other areas, which include streets, homelessness, and housing – along with producing reports on the status of outstanding audit recommendations – **will form part of our office’s priorities. I will also be** conducting an audit of City payments to address one of the core functions of our office that has not been a focus in prior years. This will be another priority and will require additional resources.

I look forward to carrying out these audits to deliver independent, transparent, and accountable oversight, **thereby safeguarding the public’s investments in the City of Berkeley. I am committed to providing ongoing** information on how tax dollars are spent and how government operates on behalf of everyone who cares about Berkeley, including residents, business owners, visitors, workers, and decision-makers.

## Areas of Concern from Community Survey



\* Responses varied widely, including topics outside our jurisdiction.

Source: Community survey conducted by Jenny Wong, 2018

<sup>1</sup> We emailed this audit plan to City Council on June 28, 2019 as required by the Berkeley Municipal Code.

# Planned Engagements 2020

## Housing and Homelessness

Berkeley's strategic plan clearly lays out the first steps towards the City's goal to, "Create affordable housing and housing support services for our most vulnerable community members." Berkeley housing and homelessness problems are complex and involve a multitude of factors, both internal and external. The City has made strides to address homelessness through programs, services, and partnerships with community agencies.

## Streets

Berkeley did not pave any City streets in 2018, even though the City had set aside \$8.6 million for repairs. The delay means that the conditions of **Berkeley's streets, which are not very good to begin with, will deteriorate** further. Ultimately, the longer the City takes to repair streets the more costly the repairs become.

## Recruitment and retention

**People are the City's greatest resource. An immediate threat to** operations and strategic planning is workload capacity: The City may not have the staffing resources to provide expected and critical services.

## Fiscal accountability

**The Auditor's office will review selected City contracts, payments, and** agreements as required under Berkeley City Charter Section 61, to evaluate and ensure performance, value, and proper City oversight.

## Climate change and disaster response

Is the City of Berkeley adequately adapting to the risks posed by climate change? In response to climate change risks, Berkeley voters committed **to reduce the entire City's greenhouse gas emissions by 80 percent below** 2000 levels by 2050 with the passage of Measure G in 2006 and the City adopted the Berkeley Climate Action Plan. Our region has also faced increased fire risk to wildland-urban interface zones. As a city, we have a responsibility to mitigate these risks to the City through appropriate policies and emergency response plans. The ability to undertake this will be contingent upon the availability of staffing resources.

## Follow-up

**The Auditor's office tracks and follows-up** on all audit recommendations to determine if they were properly implemented by City government.

## Rollover from FY 2019

- Equipment Replacement Follow-up
- Domestic Violence Leave Policy
- Library Tax

# Plan Description

The mission of the Berkeley City Auditor is to promote transparency and accountability in Berkeley government. This is achieved through independent evaluations of City programs and activities. The 2020 **Audit Plan reflects Auditor Wong's steadfast commitment to continuous improvement by enhancing the value, products, staffing, communications, and overall impact of the Berkeley City Auditor's Office on behalf of Berkeley residents, businesses, and visitors.**

## Auditing Under the City Charter

The Charter provides that the Auditor shall have the authority to conduct:

- Performance and financial audits or special studies of all phases of the City of Berkeley government in accordance with government auditing standards;
- Financial, compliance, efficiency and economy, and program results auditing; and
- Examinations of payrolls, bills, and other claims and demands made against the City.

The 2020 Audit Plan ensures broad audit coverage throughout the City while also addressing specific performance, financial, contractual, and system risks. Audit resources are limited, thus prohibiting one hundred percent coverage each year. This significant limiting factor is inherent in the concept of using risk assessment to help prioritize audits. According to the City Charter, the ultimate decision to perform any audit shall be at the sole discretion of the Auditor. Our approach to scheduling audits is flexible and subject to change throughout the year based on newly identified risks.

## Audit Follow-up Program

Audit follow-up activities are conducted for every audit to assess whether City personnel implemented the **agreed-upon audit recommendations. The Auditor's Office issues follow-up** audit reports to City Council on the status of our recommendations. We will issue a report this fall on outstanding recommendations. Our office measures the audit recommendation implementation rate as an indicator of the degree to which the City is using information provided by our audit reports to mitigate identified risks and to enhance efficiency, effectiveness, and economy of operations.

## Focus on Integrity, Independence, Impact, and Inclusion

The concepts of integrity, independence, impact, and inclusion are core tenets of operations within the **Berkeley City Auditor's Office. Although the Auditor operates independently from other City entities,** Auditor Wong and staff meet regularly with the Mayor, City Council, City personnel, neighborhood groups, and civic leaders to solicit input regarding risks. The objective of this strategy is to improve services and stewardship of City resources.

# Audit Selection Process

Developing an annual Audit Plan is an iterative process, conducted by assembling ideas from a variety of internal and external stakeholders, examining a broad range of City programs and activities, and assessing risk factors together with additional considerations. This approach results in a diverse list of departments, programs, and activities that are examined to determine whether they are operating efficiently, effectively, and in accordance with the law and other requirements.

In developing a list of potential audits, ideas come from a variety of sources:

- Input from the community, elected officials, department staff, and City management;
- Assessment of operations and controls in previous audit reports;
- Assessment of Citywide risks;
- Consideration of current local events, financial conditions, capital improvement projects, and public policy issues; and
- Consideration of risks identified in other government audits that could emerge in Berkeley.

Our office identifies and prioritizes potential audits and other assessments using a risk-based approach that examines a variety of factors that may expose the City to fraud, misuse of funds, waste, liability, or reputational harm. The following risk factors are used to determine the audits included in the audit plan:

- Perception of risk from management, City Council, the community, and audit staff;
- Economic factors such as financial impact, volume of transactions, number of personnel, and revenue generated;
- Changes in organization, management, key personnel, and information systems; and
- Time since last audit.

After the plan is finalized, new information may come to light; events, initiatives, priorities, and risks within the City may change. The flexible nature of the Audit Plan as a living document provides the ability to change course when it is in the best interest of the City.

# Auditor's Authority

The Berkeley City Auditor's Office provides independent oversight of City operations. Audits, conducted by the Office, provide the City Manager, City Council, and the public with objective, timely, and accurate information about City program performance. By providing this information and making recommendations for improvement, the Office helps to hold government accountable in its stewardship of public resources.

**Berkeley City Charter, Section 61, establishes this independence and provides for the Auditor's general authority and duties.** The Charter also establishes the duty to present a planned audit schedule to City Council at the beginning of each fiscal year.

**Several key components serve as the cornerstone for Berkeley's auditing framework. These elements provide the Auditor with the independence that results in the office's ability to conduct high-impact audits.**

**Elected Auditor** — The City of Berkeley has an elected Auditor who is independent from all other elected officials and City management.

**Comprehensive Access** — The City Charter and Municipal Code authorize the Auditor to have unrestricted access to all officials, employees, records, and reports maintained by the City, and to all external entities, records, and personnel related to contracted business interactions with the City.

**Audit Response Requirements** — City Municipal Code requires that City management formally **respond to all audit findings and recommendations, establishing the Auditor's ability to work in conjunction with audited departments while maintaining independence.**

**Recommendation Follow-up Requirements** — City Municipal Code requires that City management report back to Council on the status of audit recommendations every six months until **all recommendations are implemented, establishing the Auditor's ability to determine the adequacy, effectiveness, and timeliness of management's actions to correct reported issues and recommendations.**

**Adherence to Professional Auditing Standards** — **The Auditor's Office conducts all audits in accordance with Generally Accepted Government Auditing Standards produced by the United States Government Accountability Office.**

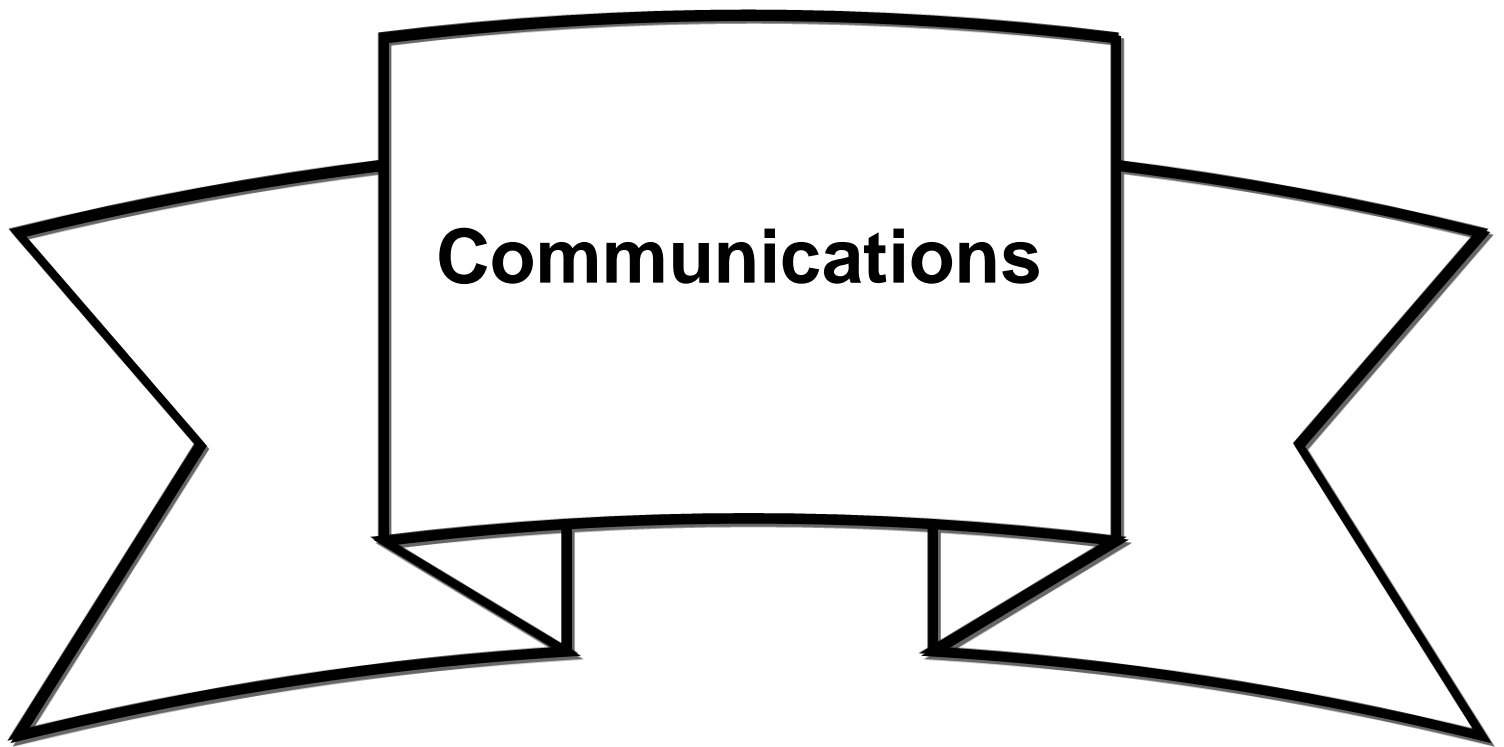


BERKELEY CITY AUDITOR

2180 Milvia Street, 3rd Floor, Berkeley, California 94704

510-981-6750

[www.cityofberkeley.info/auditor](http://www.cityofberkeley.info/auditor)



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