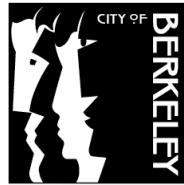


AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, September 15, 2020

6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/88436979283>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial **1-669-900-9128** and enter Meeting ID: **884 3697 9283**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

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

Preliminary Matters

Roll Call:

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

1. Pledge of Allegiance to the Flag
2. Adjourn in memory of Dr. Elmer Grossman, Pediatrician and City Commissioner

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

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

Consent Calendar

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

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

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

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

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

Recess Items

- 1. Contract: Orsolya Kuti, DVM to Provide On-site Veterinary Services for Berkeley Animal Care Services**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract and any amendments with Orsolya Kuti, DVM for on-site veterinary services for Berkeley Animal Care Services (BACS) for FY2021-2023, which establishes a contract in an amount not to exceed \$180,000.
Financial Implications: General Fund - \$180,000
Contact: Erin Steffen, City Manager's Office, (510) 981-7000
- 2. Revenue Grants: California Office of Traffic Safety (OTS) for the 2021 “Selective Traffic Enforcement Program (STEP)” and “Traffic Records Improvement Project (TRIP) Grants**
From: City Manager
Recommendation: Ratify the action taken by the City Manager, or designee, during recess to accept both the “Selective Traffic Enforcement Program (STEP)” and “Traffic Records Improvement Project (TRIP) grants and enter into the resultant grant agreements and any amendments, with the California Office of Traffic Safety (OTS) to fund increased levels of impaired or distracted driving enforcement, nighttime seatbelt enforcement, motorcycle safety enforcement, and educational programs regarding bicycle and pedestrian safety along with traffic records improvement through automated collection and submission of collision data to the California Highway Patrol, Statewide Integrated Traffic Records System (SWITRS) database. These tentative OTS grants are for \$205,000 and \$40,000 respectively for the period of October 1, 2020 through September 30, 2021 which is Federal Fiscal Year 2021.
Financial Implications: See report
Contact: Andrew Greenwood, Police, (510) 981-5900
- 3. Contract No. 31900031 Amendment: Downtown Streets Team**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess amending Contract No. 31900031 with Downtown Streets Team to add additional scope of work to provide a low-barrier Volunteer Work Experience model in which unhoused participants beautify their community in exchange for case management, employment services and a non-cash basic needs support, increase the contract by \$225,000 for a new not to exceed amount of \$870,304 and extend the Contract term to June 30, 2022.
Financial Implications: Measure P Fund - \$225,000
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

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

From: City Manager

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

Financial Implications: See report

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

Consent Calendar

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

From: City Manager

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

First Reading Vote: All Ayes.

Financial Implications: See report

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

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

From: City Manager

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

First Reading Vote: All Ayes.

Financial Implications: See report

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

7. General Plan Redesignation and Rezone of The Rose Garden Inn at 2740 Telegraph Avenue (APN 054-1716-002-00), 2744 Telegraph Avenue (APN 054-1716-003-00), and 2348 Ward Street (APN 054-1716-031-00)

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,731-N.S. amending the Zoning Map for the portion of parcels that comprise the Rose Garden Inn from Restricted Two-Family Residential District (R-2) to General Commercial District (C-1).

First Reading Vote: All Ayes.

Financial Implications: See report

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

Consent Calendar

- 8. Measure T1 Loan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to loan \$600,000 from the Parks Tax Fund and \$600,000 from the Measure BB – Local Streets & Roads Fund to the Measure T1 Fund for a total of \$1.2 million in FY 2021 to complete Phase 1 projects.
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000
- 9. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the council meetings of July 2, 2020 (closed), July 7, 2020 (special and special), July 14, 2020 (regular), July 21, 2020 (special and special), July 23, 2020 (closed, special and special), July 28, 2020 (closed and regular) and July 30, 2020 (special and special).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 10. Voting Delegates – League of California Cities Annual Conference**
From: City Manager
Recommendation: Designate, by motion, a voting delegate and alternate for the business meeting of the Annual League of California Cities meeting to be held virtually on Friday, October 7, 2020.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 11. Renaming Shattuck Avenue ‘East’ to Kala Bagai Way** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: City Manager
Recommendation: Adopt a Resolution renaming the two block portion of Shattuck Avenue ‘East’ from Center Street to University Avenue, including the eastern facing block faces of Shattuck Square and Berkeley Square to Kala Bagai Way as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy (FITES) Committee and affirming the western segment of Shattuck Avenue, including the western facing block faces of Shattuck Square and Berkeley Square will be known as Shattuck Avenue.
Financial Implications: See report
Contact: Dave White, City Manager's Office, (510) 981-7000

Consent Calendar

- 12. Civil Enforcement of Face Covering Orders; Amending BMC Section 2.55.040**
From: City Manager
Recommendation: Adopt an urgency ordinance amending Berkeley Municipal Code Section 2.55.040 to authorize the City of Berkeley Public Health Officer or her designee to issue administrative citations for violation of a Health Officer order.
Financial Implications: See report
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
- 13. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 15, 2020**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Sanitary Sewer Operations Fund - \$4,100,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 14. Memorandum of Understanding with Alameda County Behavioral Health Care Services for Wellness Center operations**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to adopt a Memorandum of Understanding (MOU) between the City of Berkeley and Alameda County Behavioral Health Care Services (ACBHCS) for the term July 1, 2019 through June 30, 2021 for an expenditure of up to \$775,000 to fund the operational costs of a Mental Health Wellness Center (Wellness Center) located in the City of Berkeley.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

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

From: City Manager

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

Financial Implications: See report

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

16. Contract No. 32000201 Amendment: The Eikenberg Institute for Relationships for Cultural Humility Training Consultant

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000201 with The Eikenberg Institute for Relationships through June 30, 2022, with a total contract NTE of \$90,000 to fund the Cultural Humility Training Consultant position with Dr. Kenneth Hardy. The contract term will not change.

Financial Implications: Short Doyle Fund - \$15,000

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

Consent Calendar

- 17. Contract No. 122411-2 Amendment: Communication Strategies for Consulting Services for Voice over IP (VoIP) 911 Compliance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 122411-2 with Communication Strategies for Consulting Services for Voice over IP (VoIP) Support and Maintenance, increasing the contract amount by \$6,000 for a total not-to-exceed amount of \$82,811 from July 1, 2017 to June 30, 2021.
Financial Implications: IT Cost Allocation Fund - \$6,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 18. Contract No. 114382-1 Amendment: MC Dean Inc. for Uninterrupted Power Supplies (UPS) Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9747 (ERMA Contract No. 114382-1) with MC Dean, Inc. for Uninterrupted Power Supplies (UPS) Maintenance, increasing the amount by \$51,698 for a total not to exceed \$146,906 from July 1, 2014 to June 30, 2023.
Financial Implications: IT Cost Allocation Fund - \$51,698
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 19. Contract No. 32000082 Amendment: Mar Con Builders, Inc. for Live Oak Community Center Seismic Upgrade Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000082 with Mar Con Builders, Inc. for the Live Oak Community Center Seismic Upgrade Project, increasing the contract amount by \$200,000 for a total amount not to exceed of \$5,905,668.
Financial Implications: Parks Tax Fund - \$200,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 20. Memorandum of Agreement: Construction of Gilman Street Sanitary Sewer Line Extension as part of the I-80 Gilman Street Interchange Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a Memorandum of Agreement (MOA) with the Alameda County Transportation Commission (Alameda CTC) to provide an initial \$290,000 in Measure T1 Infrastructure Bond funding for the construction of a new sanitary sewer line extension on Gilman Street to serve the future fieldhouse restroom at the Tom Bates Regional Sports Complex (TBRSC).
Financial Implications: Measure T1 Fund - \$290,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 21. Purchase Order: TYMCO, Inc. For One (1) Model 435 Regenerative Air Sweeper**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in HGACBuy contract bid procedures, and authorizing the City Manager to execute a purchase order for one (1) TYMCO model 435 Regenerative Air Sweeper in an amount not to exceed \$165,000.
Financial Implications: Zero Waste Fund - \$165,000
Contact: Liam Garland, Public Works, (510) 981-6300
- 22. 100% Sustainable Trips by 2040** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Community Environmental Advisory Commission
Recommendation: Adopt the attached Resolution, setting a goal of achieving 50% of trips taken by sustainable modes by 2030 and 100% by 2040, and refer to the Community Environmental Advisory Commission, the Energy Commission, and the Transportation Commission to develop relevant proposals and recommendations for accomplishing that goal.
Financial Implications: See report
Contact: Viviana Garcia, Commission Secretary, (510) 981-7460

Council Consent Items

- 23. Amending Ordinance No. 7,692-N.S. extending the grace period for Fair Chance Housing Ordinance**
From: Mayor Arreguin (Author)
Recommendation: Adopt an ordinance amending Ordinance No. 7,692-N.S. (Fair Chance Housing Ordinance) to extend the grace period for landlords to be held liable to January 1, 2021 so that staff has adequate time to complete the intended outreach prior to the ordinance going into full effect.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 24. Letter to East Bay Regional Park District supporting renaming Vollmer Peak**
From: Councilmember Davila (Author)
Recommendation: Send the attached letter to the East Bay Regional Park District Board of Directors supporting renaming Vollmer Peak.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Council Consent Items

- 25. Centennial Proclamation Honoring the Passage of the United States 19th Amendment and the National Women's Suffrage Movement**
From: Councilmember Harrison (Author); Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a resolution honoring 2020 as the centennial of the winning of women's suffrage at the federal level in the United States.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 26. Resolution Congratulating Kamala D. Harris on her Nomination for Vice President of the United States**
From: Councilmember Hahn (Author), Councilmember Davila (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Mayor Arreguin (Co-Sponsor)
Recommendation: Adopt a Resolution congratulating Kamala Harris on her nomination for Vice President of the United States.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 27. Outreach and Technical Assistance for Berkeley Small Businesses Eligible to Participate in the California Rebuilding Fund**
From: Councilmember Hahn (Author)
Recommendation: Refer to the City Manager to engage in robust outreach to small businesses and organizations in Berkeley that may be eligible to participate in the California Rebuilding Fund, a new public-private partnership based on the SOS Small Business Loan model Berkeley passed in April 2020, that will leverage government backed capital to support small enterprises in California. It is our understanding that loans will be made in part on a first come, first served basis, so time is of the essence for staff to do outreach.
The City Manager is requested to focus outreach in particular on underserved small businesses and nonprofits, entrepreneurs in historically disenfranchised communities, and enterprises serving children, including childcare providers, preschools, and camps.
The City Manager is further recommended to partner with the Berkeley Chamber, Downtown Berkeley Association, Visit Berkeley, and Business Improvement Districts (BIDs) to ensure that eligible small businesses and nonprofits are aware of this opportunity, and receive any technical assistance they need in order to apply and participate in a timely manner. The City Manager is also recommended to partner with the Haas Business School at UC Berkeley for additional guidance.
Financial Implications: Staff time
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Council Consent Items

- 28. Resolution: No Police Revolving Door** *(Reviewed by the Public Safety Committee)*
From: Councilmember Robinson (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a resolution designating a history of serious misconduct and the act of previously resigning in the middle of a serious misconduct investigation as immediate disqualifiers in the Berkeley Police Department recruitment and selection process.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 29. Resolution: Opposition to Proposition 20**
From: Councilmember Robinson (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution opposing Proposition 20 on the November 2020 ballot, which would authorize felony charges for repeat or organized petty theft, require tougher penalties for noncriminal parole violations, expand DNA collection for people convicted of certain nonviolent crimes, and exclude those who have been convicted of domestic violence and certain nonviolent crimes from early parole consideration. Copies of the resolution are to be sent to Assemblymember Buffy Wicks and State Senator Nancy Skinner.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 30. Chancellor's Community Partnership Fund Grant for Paid Internships**
From: Councilmember Robinson (Author)
Recommendation: Adopt a Resolution accepting a \$15,000 grant from the UC Berkeley Chancellor's Community Partnership Fund (CCPF) to fund paid City internships for high school and college students, in partnership with the ASUC, the Public Service Center, and the Institute for Governmental Studies.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 31. Preserving Our Children's Recreation Areas**
From: Councilmember Droste (Author), Mayor Arreguin (Author)
Recommendation: Request the City Manager to implement the following recommendations for Willard Park and utilize them for other parks where appropriate: 1. Increase nighttime enforcement and enable the police to enforce park rules and ordinances. 2. Consider the presence of needles and feces a Public Health threat and enable the Public Health Department to cordon off areas of encampment for the purpose of clearing the areas of contamination and ensuring the areas are safe for public use. 3. Determine where additional signage is needed to clarify rules regarding camping and park hours, as well as compliance with public health orders regarding COVID, included but not limited to facial coverings.
Financial Implications: Staff time
Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

Action 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

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

From: City Manager

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

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

Financial Implications: See report

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

Action Calendar – Old Business

33. Annual Housing Pipeline Report (Continued from July 28, 2020)

From: City Manager

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

34. Contract 9274A Amendment: Ascentis Corporation 9274A for Biometric Time Card Services (Continued from July 28, 2020)

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9730A with Ascentis Corporation for biometric time card services to extend the contract term by one year to June 30, 2022, and increase the contract amount by \$25,000 for a total contract amount not to exceed \$75,000.

Financial Implications: Various Funds - \$25,000

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

Action Calendar – Old Business

- 35. Urgency Ordinance: Updates to the COVID-19 Emergency Response Ordinance; Resolution: Request UC Berkeley Voluntarily Comply with Local Ordinances Restricting Evictions, Delaying Rent Payments, and Empowering Tenants to Terminate their Leases Without Penalty** (*Continued from July 28, 2020*)
From: Councilmember Davila (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation:
1. Adopt an urgency ordinance amending Berkeley Municipal Code 13.110, Title 13, “The COVID-19 Emergency Response Ordinance,” to enhance emergency tenant protections consistent with recently adopted Alameda County laws, action in other jurisdictions, and consultation with community stakeholders.
2. Adopt a Resolution Requesting University of California at Berkeley voluntarily comply with local eviction moratoriums and rent suspension ordinances.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Council Action Items

- 36. Vote of No Confidence in the Police Chief**
From: Councilmember Davila (Author)
Recommendation: Adopt a resolution taking a Vote of No Confidence in the Police Chief.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Information Reports

- 37. City Council Short Term Referral Process – Quarterly Update**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 38. FY 2021 Civic Arts Grant Awards**
From: City Manager
Contact: Dave White, City Manager's Office, (510) 981-7000
- 39. Berkeley Public Library Uses Tax Funds by the Book, But More Internal Controls Needed**
From: Auditor
Contact: Jenny Wong, Auditor, (510) 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 to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

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

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

COMMUNICATION ACCESS INFORMATION:

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



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

I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on September 3, 2020.

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

Mark Numainville, City Clerk

Communications

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

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

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

Evictions – Residential and Commercial

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

Redistricting

7. Phil Allen

Support of Transportation Network Companies (TNC) Tax

8. Ben Paulos

Residential Preferred Parking

9. David Lerman

Property Tax Disparity Based on Square Footage

10. Bob Flasher
11. Roxanne Schwartz

Climate Funding and Climate Change

12. Sheila Jacobs
13. Vivian Warkentin

Housing at 2650 Telegraph

14. Kayle Barnes

Sugar Sweetened Beverage Tax

15. Schneider Consulting

Unbound Mini-Fest

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

Brown Act and Public Meeting Callers

17. Katarine Vidt
18. Councilmember Kesarwani
19. Thomas Lord

Electric Mobility Roadmap

20. Donna Graves

Distance Learning

21. George Torgun (2)

22. Nathan Francis

Fund Housing Project at 1367 University Avenue

23. Diana Bohn

AC Transit

24. Kevin Burke

In Memory of John Lewis

25. Melissa Weaver

Board of Immigration Appeals Overturned

26. Diana Bohn

Satellite Affordable Housing Associates (SAHA)

27. TLM

Arson at The Way Church

28. Betsy Strode

Mental Health

29. Boona Cheema

30. Margaret Fine

31. Elisa Mikiten

32. Andrea Prichett

Wild Fires and Smoke

33. Moni Law

34. Phoebe Anne Sorgen

North Berkeley and Ashby BART

35. Laura Klein

36. Walter Wood

37. Alisa Foster

38. David Brandon

39. Liz Horowitz (2)

40. Janice Schroeder

41. Steve Gilmartin

42. Melissa Riley

43. Wanda Warkentin

44. Toni Casal

45. Eileen Hughes

46. Deborah Gouailhardou
47. Lynda Caesara
48. Andrea Altschuler
49. Kathy Labriola
50. Sheila Goldmacher
51. Donald Goldmacher
52. Linda Franklin

Adeline Corridor

53. 29 form-letters
54. Matthew Lewis
55. Brian Troutwine
56. Watson Ladd
57. Matt Nichols
58. Peter Waller
59. Eric Smillie
60. David Soffa
61. Ariella Granett
62. Caleb Jones
63. Jeremy and Shelly Kaller
64. Claire Norris
65. Laura Stevens
66. Betsy Thagard

5G and Telecom

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

Encampments and Homelessness

84. Thomas Lord
85. Chris Denny-Brown

86. Liz Wiener
87. Peter Wen
88. Max Ventura
89. Remi Omodele
90. Russbumper

Black Lives Matter

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

COVID-19 Related Communications

94. David Lerman (4)
95. Alice Lee
96. Sharon Donovan
97. Blair Beekman
98. Ryan Bradley
99. Thomas Lord (2)
100. Camille Watts-Zagha
101. Evan Hamilton DeSerio
102. Will Schieber
103. Ruben Lizardo, on behalf of Cal
104. Vivian Warkentin
105. Anne Herrick
106. Hilary Pinkston
107. City of Berkeley and Rainbow Rubin
108. Bryce Nesbitt
109. George Torgun

Police Funding, Matters, Etc.

110. Jane Dulay
111. Richard Martin
112. Randy Parker
113. Gene Hendrix
114. Steven Schuyler
115. Tony Corman
116. Mimi Mougovan
117. Jeru Fend
118. June Greenawalt
119. Barbara Boyka
120. Julia Beers
121. Fran Haselsteiner
122. Florence Kragen
123. Barbara Fisher
124. Juli Dickey
125. Catherine Epstein

126. Tree Fitzpatrick
127. Rabi'a Keeble
128. Sally Hendrickson
129. Christine Garibian
130. Alina Fryer
131. Ellen Widess
132. Steve Block
133. Mark Etzbach
134. Charles Smith
135. Margo Tolins-Mejia
136. Jonathan Simon
137. Ellen Zucker
138. Irving Zucker
139. Barbara Fisher
140. Carol Denney
141. Three Stone Hearth
142. Lola Aruda
143. Shauna Wright
144. Josn Buswell-Charkow
145. Maris Arnold
146. 21 similarly worded form letters (I demand)

ADU/Golden Duplexes

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

Ashby Flea Market

151. Enythe Green

Addison Street Bike Blvd

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

Illegal Removal of Five Coast Live Oak at 1915 Berryman Street

154. Deborah Kropp

Supplemental Communications and Reports

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

RECESS ITEM
CONSENT CALENDAR
 September 15, 2020

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Erin Steffen, Assistant to the City Manager
 Subject: Contract: Orsolya Kuti, DVM to Provide On-site Veterinary Services for Berkeley Animal Care Services

RECOMMENDATION

Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract and any amendments with Orsolya Kuti, DVM for on-site veterinary services for Berkeley Animal Care Services (BACS) for FY2021-2023, which establishes a contract in an amount not to exceed \$180,000.

NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS

The purchase order maximum amount for veterinary care will be exceeded prior to September 15, 2020. If the action is delayed until after the City Council recess, the City will be unable to provide essential veterinary care services at the Berkeley animal shelter, such as State and Berkeley Municipal Code mandated spay and neutering for stray or adopted animals; prescription or use of medication or anesthesia; and suturing of wounds. All necessary procedures would likely be referred to an emergency vet clinic, which is prohibitively expensive.

FISCAL IMPACTS OF RECOMMENDATION

Berkeley Animal Care Services regularly contracts with a Doctor of Veterinary Medicine (DVM) to provide veterinary services two days per week onsite at the Dona Spring Animal Shelter. The previous DVM contract was terminated by the DVM in February 2020. The new contract will be for a three-year period from July 16, 2020 to July 15, 2023. The total contract cost of \$180,000 will come from the Berkeley Animal Care Services General Fund budget code 011-21-203-000-0000-000-424-612410, which has sufficient funds in the FY 2021 Budget to fund the first year of the contract.

CURRENT SITUATION AND ITS EFFECTS

In FY 2018-2020, Berkeley Animal Care Services (BACS) contracted with a local veterinarian to provide 16 hours per week of onsite veterinary service at the Dona Spring Animal Shelter. The contracted veterinarian terminated the contract in February 2020. Since that time, BACS has used DVMs to provide onsite veterinary services on a per-diem basis as well as using community veterinary clinics to provide offsite services.

BACS is a full-service municipal animal care and control agency, enforcing local and state laws throughout the City of Berkeley (COB) and the City of Albany. BACS is also contracted to shelter animals for the cities of Emeryville and Piedmont. BACS is an open-door facility accepting approximately 1,700 stray and homeless animals annually.

BACS has a constant influx of animals that need to receive affordable veterinary care, treatment and spay/neuter services. The BACS shelter is open to the public seven days a week to receive stray, surrendered and confiscated animals. Additionally, field services are provided seven days week during which Animal Control Officers impound stray, surrendered and confiscated animals. Many animals arrive at the shelter sick or injured and in need of immediate veterinary care. On-site veterinary services include, but are not limited to: examining and diagnosing shelter animals, treating sick or injured animals, performing spay/neuter surgeries, performing other routine surgeries.

In order to adhere to the BACS Euthanasia Policy and to maintain the current high live release rate of 90%, sick or injured animals must obtain necessary treatment so that they have a much better chance of rescue or adoption.

BACKGROUND

The FY 2019/20 Veterinary Services contract, Specification No. 20-11389-C, was released for bids in February 2020. There were three respondents. Orsolya Kuti DVM was selected from among the respondents, due to their shelter medicine experience and schedule availability.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Orsolya Kuti is a local veterinarian who has practiced veterinary medicine since 2014 and has specialized in animal shelter medicine since 2017. Dr. Kuti can be consistently available to the animal shelter and is able to provide a wide range of general and specialized services at an hourly rate consistent with the local market.

ALTERNATIVE ACTIONS CONSIDERED

The alternative to engaging in a contract with Dr. Kuti is to continue using Dr. Kuti and a second available veterinarian on a per diem basis. The limit of spending for per diem veterinarian is \$5000 within a Fiscal Year. The need for on-site veterinary services is 16 hours per week and the cost of veterinary services needed would exceed the limit of permitted spending for per diem vendors in sixty (60) days.

CONTACT PERSON

Amelia Funghi, Animal Services Manager, (510) 981-6603

Attachments:
1: Resolution

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

CONTRACT: ORSOLYA KUTI, DVM FOR ONSITE VETERINARY SERVICES FOR
BERKELEY ANIMAL CARE SERVICES

WHEREAS, BACS has a constant influx of animals that need to receive immediate and affordable veterinary care and treatment; and

WHEREAS, sick or injured animals that obtain necessary procedures and/or treatment/s have a much better chance of rescue or adoption; and

WHEREAS, it is necessary to provide veterinary care and oversight on the premises for 16 hours per week; and

WHEREAS, Dr. Orsolya Kuti submitted a highly qualified bid to provide on-site veterinary services at the Dona Spring Animal Shelter; and

WHEREAS, the contract will be funded as a General Fund allocation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager authorizing the establishment of a contract for \$180,000 and any amendments with Dr. Orsolya Kuti, DVM, for on-site veterinary services for Berkeley Animal Care Services (BACS). The contract will be for \$60,000 per year for FY2021-2023, with a total amount not to exceed \$180,000 and will be subject to the City's annual appropriation process.



Office of the City Manager

RECESS ITEM
CONSENT CALENDAR
 September 15, 2020

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

RECOMMENDATION

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

NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS

The OTS requires “Governing Body Approval” which in this case, is City Council Approval to award grants each year. The grants agreement dates correspond with the Federal Fiscal Year which starts October 1 of each calendar year. To ensure the grant agreements are able to be fully executed and commence on October 1, the OTS has requested the grant agreements be reviewed, processed, signed, and returned to them no later than September 16, 2020, to allow them time to process the numerous grant agreements throughout the state. In order for staff to meet the OTS timelines, ensure on-time processing of the grant agreements, and secure the earliest project initiation timelines, the City Manager’s recess approval was necessary. Furthermore, the OTS requirements stipulate that funding is not available to be spent and projects are not allowed to commence unless the grant agreements are fully executed.

FISCAL IMPACTS OF RECOMMENDATION

Total cost of these two projects will not exceed \$245,000. Grant revenues will be deposited into budget code 017-7302-331-1067 to offset expenditures. Appropriation of the expenditures is being included in the First Amendment to the Appropriations Ordinance. These grants will fund overtime, benefits, equipment, training costs, and software and reduce additional General Fund expenditures.

CURRENT SITUATION AND ITS EFFECTS

Securing OTS grant funding is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city.

Currently the Traffic Bureau at the Berkeley Police Department is staffed by four 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.

BACKGROUND

Office of Traffic Safety (OTS) rankings place the City of Berkeley number one for the past six years in pedestrian and bicycle related injury collisions when compared to fifty-eight other cities with comparable populations. Each year hundreds of people are injured in traffic collisions that occur in the City of Berkeley. Berkeley maintains a high ranking in total fatal and injury collisions, hit and run injury collisions, speed related collisions, nighttime collisions, and motorcycle involved collisions. With assistance from the 2021 Office of Traffic Safety Grants, 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 2017, the City of Berkeley was number one (1/58) for injury collisions involving pedestrians; number one (1/58) for collisions involving bicyclists; number three (3/58) for injury collisions involving bicyclists under 15 years of age; and number four (4/58) 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. The fault for the bicycle injury collisions rested equally between the bicyclist and the motor vehicle operator.

Between February 2009 and December 2019, there have been twenty-eight fatal auto collisions in the City of Berkeley. Fifteen of those resulted in a pedestrian being killed,

and five resulted in a bicyclist being killed. In 2019 alone, Berkeley Police investigated four fatal collisions.

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 would result in preserving the shrinking General Fund resources while increasing the safety of the citizens of Berkeley.

CONTACT PERSON

Lieutenant Randy Files, Police, Traffic Bureau Lieutenant, (510) 981-5983

Attachments:

1: Resolution

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

REVENUE GRANTS: CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FOR THE 2021 "SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP)" AND "TRAFFIC RECORDS IMPROVEMENT PROJECT (TRIP) GRANTS

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 017-7302-331-1067, to offset both grants project expenditures.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager, or designee, to accept both the "Selective Traffic Enforcement Program (STEP)" and "Traffic Records Improvement Project (TRIP) grants and enter into the resultant grant agreements and any amendments, with the California Office of Traffic Safety (OTS) to fund increased levels of impaired or distracted driving enforcement, nighttime seatbelt enforcement, motorcycle safety enforcement, and educational programs regarding bicycle and pedestrian safety along with traffic records improvement through automated collection and submission of collision data to the California Highway Patrol, Statewide Integrated Traffic Records System (SWITRS) database. These OTS grants are for \$205,000 and \$40,000 respectively for the period of October 1, 2020 through September 30, 2021.



Office of the City Manager

RECESS ITEM
CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Liam Garland, Director, Public Works
Subject: Contract No. 31900031 Amendment: Downtown Streets Team

RECOMMENDATION

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

NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS

Delayed action would negatively impact Downtown Streets Team ability to implement program changes that would expand their services to serve a larger segment of the community.

FISCAL IMPACTS OF RECOMMENDATION

The funding for this contract amendment is not currently budgeted for in FY 2021 and will need to be appropriated as part of the First Amendment to the FY 2021 Annual Appropriations Ordinance. The funds will be budgeted and spent from the General Fund Measure P Budget.

CURRENT SITUATION AND ITS EFFECTS

Downtown Streets works cooperatively with local community agencies to ensure local, low-income and homeless residents have access to, and receive training for, jobs created by this contract. This additional funding will provide Downtown Streets Team with the opportunity to expand their services to support a larger segment of the community.

BACKGROUND

Since August, 2018¹ Downtown Streets Team has provided support to City of Berkeley's Clean City program through leaf and litter removal, graffiti abatement, and poster and advertising removal in a variety of commercial districts throughout the City.

ENVIRONMENTAL SUSTAINABILITY

Clean City programs are an integral part of the City's Zero Waste Goal.

RATIONALE FOR RECOMMENDATION

The City Council approved additional funding for the Downtown Streets Team as part of the Measure P allocations at the January 21, 2020 City Council meeting². The additional funding was designed to expand the program, areas served, and number of unhoused who participate, which this item does.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

John Hurtado, Maintenance Superintendent, Public Works (510) 981-6484

Attachments:

1. Resolution
2. Scope of Work
3. Budget

¹ https://www.cityofberkeley.info/Clerk/City_Council/2018/06_June/Documents/2018-06-26_Item_25_Contract_Downtown_Streets_Team.aspx

² https://www.cityofberkeley.info/Clerk/City_Council/2020/01_Jan/Documents/2020-01-21_Item_45_Confirm_Council_Action_on_Measure.aspx

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

CONTRACT NO. 31900031 AMENDMENT: DOWNTOWN STREETS TEAM

WHEREAS, in August, 2018 City Council authorized Resolution No. 68,497 N.S. authorizing Contract No. 31900031 with Downtown Streets Team for leaf and litter removal and related services; and

WHEREAS, the City Manager authorized an extension through June 30, 2021; and

WHEREAS, Downtown Streets Team is an organization committed to helping low-income and homeless in the local community achieve health and self-sufficiency; and

WHEREAS, additional funding will allow Downtown Streets Team to expand their programs to serve a larger segment of the community; and

WHEREAS, funding for this contract amendment is not currently budgeted for in FY 2021 and will need to be appropriated as part of the First Amendment to the FY 2021 Annual Appropriations Ordinance and the funds will be budgeted and spent from the General Fund Measure P Budget.

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

SCOPE OF WORK

A. Services to be provided: Berkeley Downtown Streets Team

Model: Low-Barrier Volunteer Work Experience Program for unhoused persons

Overview

Grantee will operate a low-barrier Volunteer Work Experience model in which unhoused participants, (“Team Members”) beautify their community in exchange for case management, employment services and a non-cash basic needs support. Through their volunteer shifts, Team Members gain a sense of confidence, purpose, and pride in taking an active role to better their community while improving their own circumstances. Participants take on leadership opportunities, gain motivation, receive access to services both internal to DST and through partner agencies, and ready themselves to reenter the workforce and housing through the support of a positive community.

DST is typically a 1-year long program. We build a community social safety net that springboards individuals affected by homelessness into a higher quality of life. Team Members can return back to our services as needed and continue to access support once they have graduated into housing and or employment.

DST’s services are client-centered and opt-in. Services are not limited to people participating in the Volunteer Work Experience component of the Program.

Population Served: DST will work with unsheltered and at-risk individuals in Berkeley. Participants must be 18 years or older.

Participant Recruitment:

Grantee will recruit Berkeley participants by providing peer- to-peer outreach on the street in Berkeley during Team Member’s volunteer shifts and by collaborating with other homeless service providers in Berkeley, including City of Berkeley staff. DST will also recruit through strategic partnerships with a network of organizations, providing representation at libraries and community events as available.

Scope of Services:

Program

- a. Low Barrier Volunteer Work Experience program. Five days a week Team Members participate in community beautification guided by peer leaders.
- b. Weekly Success Meetings – DST will host a weekly community hub for half hour to one and a half hours to share resources, food, celebrate our Team, and provide basic needs stipends. (length depends on what’s advisable with COVID).

- c. Team Members will provide peer-to-peer outreach to individuals experiencing homelessness.
 - i. During volunteer shifts Team Members will reach out to their un-housed peers and provide resources and hygiene kits
 - ii. Three Team Members will be trained as peer outreach specialists and perform targeted outreach with our staff twice weekly for 2 hours each session.
 - iii. AmeriCorps Fellow provides greater community outreach to shift perceptions around homelessness.
- d. Staff and partners will provide Monthly Skill-building workshops and trainings. Team Members will receive stipends to incentivize and acknowledge attendance. Workshops typically take place for one hour. We typically provide 2 workshops or trainings each month and will do so outdoors during COVID.
 - i. Employment Workshops
 - 1. Communication skills
 - 2. Motivation
 - 3. Cultural competency
 - ii. Other skills
 - 1. Financial Literacy
 - 2. Outreach
 - 3. Leadership
- e. Provision of wrap-around supportive services to program participants including case management, employment services with pathways to legal assistance, therapy, housing resources and more with the goal of reintegration into the community at large.
 - i. DST's Employment Specialist will provide: resume building, mock interviewing, interview clothes, soft-employment skill building, communication. Our services are tailored to those with barriers to employment.
 - 1. DST will arrange for access to cultivated employment pipelines in multiple fields and supported employment to guide Team Member's transition back into the workplace.
 - 2. The Employment Specialist will provide targeted Employment service to partner sites on a bi-weekly basis. Partner sites are to be determined. We welcome feedback on partner opportunities. (appointments may be offered through Zoom during COVID or at a social distance. DST works with a facilitator from the partner site to setup Zoom with participants)
- f. Building strategic community partnerships to address Team Members' diverse needs.
 - i. Strategic partnerships with medical, mental health, housing, employers, legal assistance, and more.
- g. Providing for basic needs: gift cards or direct payment to vendors designed to assist with food, clothing, hygiene, communication, transportation, storage and rent.

Project Location(s):

Team Meetings: Location TBD due to COVID

Office: 3284 Adeline St. Unit C, Berkeley, CA 94703

Outreach:

During Work Experience Program Shifts – Peer to Peer outreach:

- *In serving **Downtown** we primarily focused on Shattuck from University to Bancroft, University from Oxford to Milvia, and lastly Center and Allston between Oxford and Milvia. We operate in Downtown Telegraph Monday, Tuesday, & Thursday from 1pm-5pm and Wednesdays 8am-11:30am*
 - *We operate on **Telegraph Avenue** from Parker Street to Bancroft Way, Durant Street from Sather gate alley to Bowditch Street, & Bancroft way from Sather gate alley to Bowditch Street. We operate in Telegraph Monday and Tuesday from 1pm-5pm and Wednesdays 8am-11:00am.*
 - *We operate twice a week in **South Berkeley** on Tuesdays and Fridays from 8:30am-12:30pm. We work on Adeline from Russell to 63rd, intersections of San Pablo and Ashby, Sacramento and Ashby, Sacramento Street and Alcatraz, Shattuck avenue from Stuart to Ashby, and Alcatraz from King to Dover.*
- North Shattuck** from Hearst to Rose St. on Shattuck. We operate on Thursdays from 1pm-5pm.*
- ***Elmwood** – On Fridays between 8:00am and 12:00 pm Area covered is from Russell St to Webster Street. Along Ashby Avenue to Benevenue Ave. The Team works on the regular trash and debris removal and also attends to weeds growing on the shop fronts. The tree wells will also be maintained.*
 - **Solano** – coming soon
 - Additional outreach locations can be determined by The City as needed at partner sites.

Employment Services:

- At DST office by appointment
- STAIR Center – twice monthly
- Dorothy Day House – twice monthly
- Other locations determined by The City

B. Reporting Schedule and Format

Contractor shall submit Quarterly reports with the following elements to document progress toward the deliverables above.

- Reports shall be submitted to: Paul Buddenhagen, pbuddenhagen@cityofberkeley.info; or 2180 Milvia, Berkeley 94704 attn: Paul Buddenhagen

Outcomes

- DST will serve 75+ unduplicated individuals affected by homelessness in the Volunteer Work Experience Program and connected services.
- DST staff will remove 125+ barriers in partnership with Team Members. Staff will problem solve with Team Members to remove barriers and create access to medical services, dental, mental health, obtaining vital documents, shelter, housing, and employment.
- DST will assist 20 Team Members and un-housed persons in gaining employment.

Budget Narrative:

Berkeley Downtown Streets Team

1. Staffing includes FTE Project Manager (25%), Case Manager (5%) and Employment Specialist (75%. Also including, FTE Director of East Bay (10%), Chief Program Officer (9%), Manager of Program Operations (7%), and Data and Impact Manager (5%)
2. Associated employment costs include all employee benefits, payroll taxes, WC, etc. at roughly 23% of salary.
3. The AmeriCorps Fellow (75% Fellowship time dedicated to Berkeley) will provide community outreach and engagement to shift perspectives around the experience of homelessness in the community. Their role is to coordinate community events and education, foster volunteerism from the broader community, and garner in-kind support from community resources to benefit Team Members in meeting their basic needs.
4. Office supplies are to sustain normal business operations
5. Program supplies are for Team Member uniforms and supplies for beautification efforts within the community such as: supply storage, waste carts, pickers, gloves, trash bags, etc.
6. Marketing and Promotional Material is for materials to advertise Team Member contributions to the community.
7. General Fundraising covers base costs to host a fundraising event to diversify funding.
8. Telephone and Internet is the cost of connecting staff members to Team Members, partnered service providers, and the organization.
9. Program Outreach provides funding for supplies to carry out outreach, hygiene supplies, water, PPE, etc.
10. Client Events is an expense category designed to build morale and motivate Team Members.
11. Client Flex Fund provides support for Team Member costs that are not covered in other line items.
12. Occupancy is rent for local office and a space for our Weekly Team Member Meetings
13. Utilities covers electric and water
14. Waste processing is for our garbage and recycling service at our office.
15. Basic Needs Stipends are the stipends for Team Members for their program participation in community beautification and personal development through workshops and trainings.
16. Transportation and Mileage constitutes staff mileage as it pertains to their work within this scope of services, connecting with other DST staff for training, and with building new partnerships to further goals of Team Members.
17. Networking provides funds to support cross city/ county collaboration
18. Meetings and Trainings refers to relevant trainings and professional development for staff.
19. Subscriptions and Memberships is for our Berkeley Chamber of Commerce membership which can be helpful in efforts to meet employers that will hire Team Members.
20. Insurance for general liability and other organizational insurance liabilities associated with new programs.
21. License covers our Clarity licenses for our client database

22. License Taxes and Fees covers our business license

23. Accounting, Legal, G&A refers to an independent audit overhead rate at 19.

Staffing & Roles:

1. East Bay Director who provides staff oversight, strategic planning, fundraising, and high-level leadership.
2. Project Manager will run operations for the Work Experience Program, supervises direct service staff and Team Members, runs a weekly Team Meeting open to the public, fundraises and develops new partnerships to expand service opportunities.
3. Employment Specialist prepares Team Members for employment by teaching a set of regular classes and workshops, developing vocational programming and recruiting employers to provide Team Members with employment opportunities.
4. Case Manager guides Team Members towards permanent housing, reducing recidivism and interactions with law enforcement, and assists with improved well-being and goal attainment.
5. In addition to staff efforts, an AmeriCorps Fellow will help expand DST's volunteer and community engagement capacity.
6. Chief Program Officer supports Regional Director.
7. Manager of Program Operations helps support program quality and backend support for Project Manager.
8. Data and Impact Manager ensures effective data management and capturing of impact.
9. A combination of staff and Team Members will perform regular outreach to the unhoused community for participation in the program and to connect them with services.

Berkeley Downtown Streets Team FY 20-21 Measure P Budget

Line Item	%FTE	Project Budget
Personnel		
Director	10%	\$ 9,200
Project Manager	25%	\$ 16,250
Employment Specialist	75%	\$ 41,250
Case Manager	5%	\$ 2,750
Data impact manager	5%	\$ 4,000
Manager of Program Operations	7%	\$ 5,000
Chief Program Officer	9%	\$ 8,250
<i>Staff Total</i>	<i>136%</i>	<i>\$ 86,700</i>
Associated Employment Costs (23%)		\$ 19,941
Professional Fees		
AmeriCorps Fellow	75%	\$ 15,000
Total		\$ 121,641
Operational Costs		
Supplies - Office		\$ 700
Supplies - Program		\$ 3,000
Marketing and Promotional Material		\$ 300
General Fundraising Event Expenses		\$ 500
Telephone and Internet		\$ 1,530
Program Outreach Services		\$ 3,500
Client Events		\$ 500
Client Flex Fund		\$ 1,000
Occupancy		\$ 8,600
Utilities		\$ 1,000
Waste Processing		\$ 276
Basic Needs Stipends		\$ 34,913
Transportation and Mileage		\$ 750
Networking		\$ 200
Meetings and Training		\$ 1,000
Subscriptions and Memberships		\$ 340
Insurance		\$ 1,400
Licenses		\$ 1,000
Licenses, Taxes and Fees		\$ 100
Accounting, Legal. G&A (19%)		\$ 42,750
Total		\$ 103,359
Total		\$ 225,000



Office of the City Manager

RECESS ITEM
CONSENT CALENDAR
 September 15, 2020

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Liam Garland, Director, Department of Public Works
 Subject: Authorization to Apply for CalRecycle Waste Reduction, Reuse, Recycling, and Composting Grants and Payment Programs

RECOMMENDATION

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

NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS

Delayed action would prevent the Public Works Zero Waste Division from applying to grants with State of California Department of Resource Recycling and Recovery (CalRecycle). Public Works intends to apply for Reuse Grant Program FY 2019-20¹ which is due September 10, 2020. The Reuse Grant Program is funded by California Climate Investments, a statewide program that puts billions of cap-and-trade dollars to work reducing greenhouse gas emissions, strengthening the economy and improving public health and the environment -- particularly in disadvantaged and low-income communities.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley is eligible to apply for various CalRecycle grants in amounts ranging from \$10,000 to \$500,000 annually. No City matching funds are required. The grant funds are utilized to implement/expand City programs to support Zero Waste goals through source-reduction; salvaging/reuse; and to increase recycling and composting of green/food waste materials.

CURRENT SITUATION AND ITS EFFECTS

CalRecycle has released a new grant this year, the Reuse Grant Program that is intended to promote reuse and reduce single-use disposable foodware. If applied for

¹ <https://www.grants.ca.gov/grants/reuse-grant-program-fy-2019-20/>

and awarded, these grants will assist the City of Berkeley with implementing City ordinances, such as the Single Use Foodware and Litter Reduction Ordinance, and state legislative requirements, such as SB1383 the Short-Lived Climate Pollutants Reduction Act.

CalRecycle releases numerous grants and payment programs on an annual basis which can fund City of Berkeley waste reduction and recycling programs. CalRecycle has indicated that they will release additional grants related to reducing single-use disposable foodware and reducing organics sent to the landfill over the next few years. CalRecycle requires a City Council Resolution for each grant submittal to allow the City to apply for these CalRecycle grants and payment programs. The attached City Council approved Resolution will comply with CalRecycle's grant application requirements and streamline the grant submittal process. A five (5) year Resolution allowing City submittal for grants versus requesting a Resolution for each grant submittal separately will allow the City to apply for any available grants for which the City is eligible to apply within a five-year time frame. A five year term is the maximum timeframe allowed by CalRecycle's grant process.

This authorization supports the City's Strategic Plan Goal of being a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

BACKGROUND

Public Works Department and Zero Waste Division staff apply for and manage many CalRecycle grants and payment programs annually, such as the City/County Beverage Container Recycling Payment Program and the Used Oil Payment Program, all of which provide funding for City programs and services that align with City goals and benefit Berkeley community members.

The City has an existing Resolution authorizing the City Manager to apply for the City/County Beverage Container Recycling Payment Program (Resolution No. 68,698 - N.S.) and the Used Oil Payment Program (Resolution No. 65,028 - N.S.). However, these resolutions are specific to these payment programs and do not allow the City to apply for any other CalRecycle grants, which often have short application timelines. The City does have an existing Resolution authorizing the City Manager to apply for all CalRecycle grants (Resolution No. 56,776 - N.S.). However, this Resolution was approved November 24, 1992. Current CalRecycle grant applications require Council Resolutions to be approved within the last five years.

ENVIRONMENTAL SUSTAINABILITY

CalRecycle grant funding is utilized to implement waste-reduction, reuse, recycling and composting for green/food materials programs that will support the City's Zero Waste goal and Climate Action Plan Goals.

RATIONALE FOR RECOMMENDATION

If approved, the attached resolution will allow staff to apply for CalRecycle grants and payment programs as they become available to help fund programs to reduce waste and benefit community members.

ALTERNATIVE ACTIONS CONSIDERED

None. Without an updated resolution, staff cannot apply for CalRecycle grant funding, such as the upcoming Reuse Grant Program, or other available waste reduction, recycling, and composting grants.

CONTACT PERSON

Heidi Obermeit, Recycling Program Manager, Zero Waste Division, Public Works (510)
981-6357

Attachment:

1: Resolution

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

AUTHORIZING SUBMITTAL OF APPLICATIONS FOR ALL CALRECYCLE GRANTS
FOR WHICH THE CITY OF BERKELEY IS ELIGIBLE

WHEREAS, Public Resources Code sections 48000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various grant programs (grants) in furtherance of the State of California's (state) efforts to reduce, recycle and reuse solid waste generated in the state thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and

WHEREAS, CalRecycle grant application procedures require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley ratifies the action of the City Manager to apply for Reuse Grant Program FY 2019-20, and further authorizes the submittal of application(s) to CalRecycle for all grants for which the City of Berkeley is eligible; and

BE IT FURTHER RESOLVED that the City Manager, or his/her designee, is hereby authorized and empowered to execute in the name of the City of Berkeley all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project; and

BE IT FURTHER RESOLVED that these authorizations are effective for five (5) years from the date of adoption of this resolution.

ORDINANCE NO. 7,729-N.S.

LEASE: 1001 UNIVERSITY AVENUE WAREHOUSE TO THE BERKELEY FOOD NETWORK

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

Section 1. FINDINGS:

The warehouse located in University Avenue Center (“UAC”), owned by the City of Berkeley and consisting of two parcels with three buildings and an additional parcel with a surface parking lot. UAC is located on the northern side of University Avenue between Ninth Street and Tenth Street. The warehouse address is 1001 University Avenue and shares a parcel with 1007 University Avenue, the Mobilized Women of Berkeley City Landmark building (currently Bauman College) on the northeasterly corner of University Avenue and Ninth Street. The entrance is located at the rear of the building from the parking lot (1925 Ninth Street). The door fronting on University Avenue is a fire exit only. The loading dock fronts on Ninth Street. The warehouse is approximately 9,625 square feet of rentable space with two floors of offices, one ADA compliant restroom, two storage rooms, one enclosed trash room, and a loading dock. The Berkeley Food Network plans to continue operating a food rescue and distribution center which it has been operating from this location since March 1, 2019.

Section 2. AUTHORIZATION FOR CITY MANAGER TO ENTER INTO LEASE AT 1001 University Avenue, Berkeley, California.

The City Manager is hereby authorized to enter into a three (3)-year lease agreement with the option for two (2), 1-year extensions with The Berkeley Food Network for real property located at 1001 University Avenue, Berkeley, California. Such lease shall be on substantially the terms set forth in Exhibit A.

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 28, 2020, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.

CITY OF BERKELEY
IMPROVED PROPERTY LEASE

Between

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

As Landlord,

And

The Berkeley Food Network

As Tenant

For the Property at
1001 University Avenue at the University Avenue Center
Berkeley, CA

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PROPERTY LEASE

BASIC LEASE INFORMATION

- 1. **Landlord:** City of Berkeley, a California municipal corporation
2180 Milvia Street
Berkeley, CA 94704
Attention: Director, Public Works
Telephone: (510) 981-6700 / Facsimile: (510) 981-6710
- 2. **Tenant:** The Berkeley Food Network
- 3. **Tenant Trade Name:** Tenant shall operate under the trade name The Berkeley Food Network (BFN)
- 4. **Effective Date:** September 1, 2019
- 5. **Premises:** Approximately 9,625 rentable square feet comprising the entirety of the building located at 1001 University Avenue and one dedicated parking space in the parking lot located at 1925 Ninth Street (“**Premises**”). The Premises includes the area as shown in Exhibit A.
- 6. **Permitted Uses:** The Premises are to be used to operate and coordinate food provision services, including a food distribution hub and a mobile pantry, for individuals, families, schools and other organizations living in and/or operating in Berkeley.
- 7. **Initial Term:** Three (3) years, commencing September 1, 2019 (“**Commencement Date**”) and terminating August 31, 2022 with two, one year options to extend.
- 8. **Base Rent:** \$1.00 per month; with Tenant prepaying Base Rent for the entire Initial Term of Thirty Six Dollars (\$36.00) on or before the Effective Date
- 9. **Improvements:** See Exhibit C for list of improvements tenant is required to complete.
- 10. **Security Deposit:** \$0.00

The Basic Lease Information set forth above and the Exhibits attached hereto are incorporated into and made a part of the following Lease. In the event of any conflict between the Basic Lease Information and terms of the Lease, the terms of the Lease shall control.

LANDLORD’S INITIALS _____ TENANT’S INITIALS _____

LEASE

THIS LEASE is made by and between the CITY OF BERKELEY, a Charter City organized and existing under the laws of the State of California ("Landlord or City") and Berkeley Food Network, a California non-profit corporation, doing business at 1569 Solano Avenue, #243, Berkeley, CA 94707 ("Tenant").

WITNESSETH

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

1. DEFINITIONS

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

1. "Affiliate," as to any person, shall mean such person's partners, members, commissioners, officers, employees, volunteers and agents.
2. "Building" shall mean the building(s) on the Premises as described in Exhibit A.
3. "Lease Year" shall mean each twelve-month period during the term of the Lease commencing upon the effective date of the Lease.
4. "Premises" shall mean the warehouse Building at 1001 University Avenue in Berkeley, California and measuring approximately 9,625 square feet consisting of a main storage area, a smaller storage room, one restroom, a loading dock, trash room, and offices on the first and second floor, and one dedicated parking space in the parking lot located at 1925 Ninth Street, as further described in Exhibit A, attached to and made a part of this Lease.
5. "Property" shall mean University Avenue Center consisting of the warehouse building at 1001 University Avenue, Bauman Cooking School at 1007 University, the retail-office building at 1011 University Avenue, and the parking lot at 1925 Ninth Street in Berkeley, California.

2. TERM

A. Initial Term and Option to Extend. The initial term is for a period of three (3) years with a start date of September 1, 2019. Tenant has the option, under certain terms and conditions as described below, to extend this lease for two additional one-year terms. This Lease shall take effect once duly approved by the Berkeley City Council and executed by both Landlord and Tenant with a the Effective Date").

B. Procedure for Extension. After the Initial Lease Term, the Lease may be extended for up to two additional terms of one (1) year each subject to the following terms and conditions. If Tenant wishes to extend the Lease beyond the Initial Lease Term, Tenant must provide written

notice of such intent to Landlord at least **one hundred and eighty (180) days** prior to the expiration of the Lease. **At least sixty (60) days prior to expiration of the Lease**, Landlord shall provide written notice to Tenant of (1) any additional improvements that will be required to be completed by Tenant during the extension lease terms and (2) notice of Landlord’s determination to grant an extension of the lease upon condition that Tenant agrees to the additional improvements and rental rate at least thirty (30) days prior to the expiration of the Lease.

C. Procedure for Early Termination.

- a. If at any time prior to actual expiration of the Lease, Landlord determines, at its sole discretion, that Tenant has failed to comply, following notice and cure periods, with any term or condition of the Lease, Landlord may revoke the granting of the additional term and seek applicable remedies under the Lease, including, but not limited to Paragraph 20.
- b. If at any time prior to the actual expiration of the lease, provided Tenant has completed the improvements set forth on Exhibit C, then Tenant may terminate the lease with six (6) months’ written notice for any reason.
- c. If at any time prior to the actual expiration of the lease, the Landlord has finalized constructions plans and is ready (or will be ready within 6 months)to begin construction of low-income housing on the property, the purpose for which the property was purchased, Landlord may terminate the lease with six (6) months’ written notice to the Tenant.

D. Expiration of Term. At the expiration of the term, or any sooner termination of this lease due to default, Tenant agrees to quit and surrender possession of the Premises and its appurtenances to Landlord in good order and condition. Tenant will ensure that all scheduled capital improvement projects have been completed through the particular date of termination. Tenant agrees to reimburse the Landlord for any damage done to the property caused by Tenant’s occupation or tenancy excepting reasonable wear and tear and external damage from the weather or elements. Tenant shall not leave or allow to remain on the property any garbage, refuse, debris, or personal property. Tenant will pay Landlord any removal costs incurred by Landlord. At the end of the tenancy, Tenant agrees to deliver the property keys to the Landlord in person or by mail to the Landlord’s designated agent.

3. RENT

A. Minimum Rent. Tenant shall pay to Landlord as a minimum rental for its use and occupancy of the Premises a monthly rent of ONE DOLLAR (\$1.00) for the initial three (3) year term or Thirty Six Dollars (\$36.00) and, if exercised, each of the renewal option periods.

<u>Initial Period</u>	<u>Monthly Amount</u>
09/01/2019 – 08/31/2022	\$1 or \$36.00 prepaid
<u>Renewal Option Period</u>	
09/01/2022 – 08/31/2023	\$1 or \$12.00 prepaid
09/01/2023 – 08/31/2024	\$1 or \$12.00 prepaid

B. Annual Reporting Requirement. In recognition of the nominal Minimum Rent, Tenant agrees to the following: On or about March 1, 2020 and on or about March 1st annually thereafter during the Term and any Renewal Option Period, Tenant agrees to submit a copy of its

annual statistics for the prior calendar year including a) pounds of food distributed; b) individuals served (duplicated and unduplicated); c) amount of food received by program participants; d) value of food distributed including calculation methodology; and e) a list of Berkeley-based organizations and City of Berkeley sponsored or supported programs served.

C. Manner of Payment. All rent and other payments due from Tenant shall be made to Landlord in lawful money of the United States of America at Landlord's address below or to such other person or at such other place as Landlord may from time to time designate in writing. Payments shall be made payable to the "City of Berkeley" and delivered in person or by mail to the:

Finance Department
Customer Service Counter
1947 Center Street, 1st Floor
Berkeley, CA 94704

4. PROPERTY AND OTHER TAXES

A. Taxes. As used in this Lease "Taxes" means Possessory Interest Taxes and Personal Taxes. Tenant's obligations for Taxes for the last full or partial year of the Term and for any prior unpaid Taxes shall survive the expiration or earlier termination of this Lease.

B. Possessory Interest Taxes. This Lease creates a possessory property interest in Tenant. Tenant's property interest may be subject to property taxation, and Tenant or the party in whom the possessory interest is vested shall be responsible for payment of any and all property taxes levied on the interest (collectively, "**Possessory Interest Taxes**").

C. Personal Taxes. Tenant shall pay directly to the taxing authority all taxes and assessments levied upon the trade fixtures, alterations, additions, improvements, partitions, cabling, wiring, furniture, equipment, inventories and other personal property located and/or installed on the Premises by or on behalf of Tenant (individually and collectively "**Tenant's Property**") and any Tenant Improvements (collectively, "**Personal Taxes**").

D. Payment of Taxes. Tenant shall pay all Taxes prior to delinquency. To the extent any such taxes are not separately assessed or billed to Tenant by the taxing authority, Landlord shall deliver to Tenant copies of the assessment and tax bill. Tenant shall pay such amount directly to the taxing authority no later than ten (10) business days prior to the date on which such Taxes are due. Should Tenant fail to pay its Taxes, Landlord may elect to do so on Tenant's behalf within five (5) days of Landlord's demand therefore. Tenant shall reimburse Landlord for such Taxes and any penalties and fines, together with interest at the Applicable Interest Rate, from the date Landlord tendered payment.

E. Tenant's Right to Contest. Tenant may, at no cost to Landlord, reasonably contest the legal validity or amount of any taxes, assessments, or charges for which Tenant is responsible under this Lease, and institute such proceedings as Tenant considers necessary; provided, however, that Tenant shall at all times protect Landlord from foreclosure of any lien,

and that Landlord shall not be required to join in any proceeding or contest brought by Tenant.

5. **USE OF PREMISES**

A. The Premises shall be used to operate and coordinate food provision services, including a food distribution hub and a mobile pantry, for individuals, families, schools and other organizations living in and/or operating in Berkeley. Tenant may operate seven days per week to maintain its programs and services for a term of three (3) years with two one year options to extend. The Premises may not be subleased or rented to the public or other organizations. Landlord's granting of this Lease is not to be construed as a promise or a guarantee that such approval will be granted by the City in its regulatory capacity.

B. Tenant shall operate its business on and about the Premises in a manner consistent with the use permitted herein and the standards of this Lease, including those described in Exhibit B.

C. At all times, Tenant agrees to provide adequate personnel to ensure the safe and efficient management of its use of the Premises.

D. Tenant will comply with all applicable safety standards in effect at any given time, and take all necessary steps to ensure that its participants and patrons are properly supervised to prevent injury to participants and others. Tenant will provide adequate supervision of the participants and patrons at all times while using the Premises.

E. Landlord shall have no responsibility for Tenant's furnishings, property or equipment that may be lost, stolen, or damaged.

F. Tenant acknowledges that the Premises is located within University Avenue Center, three parcels consisting of three buildings and one surface parking lot, and agrees to require its employees, participants, and patrons who use the Premises to abide by standards of this Lease, including those described in Exhibit B.

G. Business may be conducted with the public on the Premises at any time provided that Tenant shall have obtained all required permits and abide by rules and regulations as described in the Berkeley Municipal Code. Tenant shall obtain any required permits from the City if it sponsors any special events that require doing business after 10 p.m. on any day.

H. Tenant shall not, without the written consent of Landlord:

1. place, construct or maintain in, on, or about the Premises any advertisement media, including without limitation, searchlights, flashing lights, loudspeakers, or other similar media or device subject to Berkeley Municipal Code, Title 20;

2. place or permit the use in or on the Premises of any video games, pinball machines or other devices or equipment for amusement or recreation, or any vending machines, newspaper racks or other coin operated devices (excepting pay telephones).

3. warehouse or stock on the Premises any goods, wares or merchandise other than that which is directly related to the Tenant's use of the Premises;

4. store, display or sell goods or merchandise on the Premises other than that which is directly related to the Tenant's use of the Premises, or place or permit portable signs or other devices to be stored or to remain on the Premises;

5. use or permit any portion of the Premises to be used as living or sleeping quarters; and

6. sell, distribute, display, or offer for sale any item, which, in Landlord's good faith judgment, may tend to detract from the image of University Avenue Center or tenants of University Avenue Center including but not limited to Bauman College.

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

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

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

L. If any governmental license or permit, other than a certificate of occupancy, shall be required for the proper and lawful conduct of Tenant's business, Tenant shall procure and

maintain such license or permit and submit the same for inspection by Landlord. Tenant at all times shall comply with the terms and conditions of each such license or permit.

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

6. **USE OF 1001 UNIVERSITY AVENUE PREMISES**

A. Tenant agrees that except as otherwise provided in this Lease, it is not a covenant or condition of this Lease or of any other agreement with Tenant that Landlord undertake or cause to be undertaken any development or redevelopment of the Property (University Avenue Center) or the Premises (1001 University Avenue), and Landlord shall incur no liability whatsoever to Tenant for failure to undertake such development or redevelopment.

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

C. Landlord at all times shall have the sole and exclusive management and control of University Avenue Center, including without limitation, the right to lease, license or permit the use of space within University Avenue Center to persons for the sale of merchandise and/or services and the right to permit advertising displays, educational displays, displays of art, and promotional activities and entertainment.

D. Nothing contained herein shall be deemed to create any liability to Landlord for any personal injury, or any damage to motor vehicles, vessels, or other property of Tenant's members, employees or others, unless caused by the gross negligence or willful misconduct of Landlord, its agents, servants or employees. Tenant is solely responsible for the security of the Premises, and for the safety of those using the Premises pursuant to this Lease or any permits or licenses from the City. Tenant acknowledges that if Landlord provides security guards or police

patrols for University Avenue Center or any portion thereof, Landlord does not represent, guarantee or assume responsibility that Tenant or any person or entity will be secure from losses or injury caused by the acts of third parties and does not assume responsibility for any such illegal acts. Tenant hereby waives any present or future claims Tenant may have against Landlord, whether known or unknown, for bodily injury or property damage arising from the performance of such security agents. City shall not be obligated to provide any public liability or property damage or loss insurance for the benefit of Tenant or any other person or entity.

E. Tenant will use its best efforts to maintain effective relations with other tenants and users of University Avenue Center and with neighbors. Tenant shall park vehicles only in legal and/or designated parking areas and only for the legal period of time; shall deposit all trash in legal containers; shall not deposit food or material of any kind on adjacent Premises; and shall respect the environment of University Avenue Center.

F. Tenant shall not interfere with the free and unobstructed access by the public and/or other tenants to University Avenue Center. Tenant shall not preclude other users of the Property from exercising a different use without first obtaining any and all appropriate permits. However, the foregoing is not intended, and shall not be construed to confer any right of action upon any third party.

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

7. **SERVICES**

A. Tenant shall make all arrangements for and pay for the following utilities and services, including garbage, telephone, internet/cable, and all fees and periodic charges related thereto. Tenant shall be billed by Landlord on a regular and mutually agreeable basis and pay the Landlord, within 30 days of the date of the invoice, for the following utilities and services including but not limited to water, sewer, electricity and gas. For electricity, Tenant agrees to reimburse Landlord for 77% of the monthly electrical bill for 1001-1007 University Avenue and 100% of the gas bill (if any) for 1001 University under this Lease.

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

C. Landlord shall not be liable for damages to either person or property; nor shall

Landlord be deemed to have evicted Tenant; nor shall there be any abatement of any rent; nor shall Tenant be relieved from performance of any covenant on its part to be performed hereunder by reason of any (i) breakdown of equipment or machinery utilized in supplying utilities or services; (ii) interruption of or failure to supply or delay in supplying any such utilities or services; (iii) the limitation or restriction on use of water, electricity gas, or telecommunications service serving the Premises or University Avenue Center; or (iv) failure to repair or cure any of the foregoing, except in the case of Landlord's gross negligence or willful misconduct.

8. **OBLIGATION OF TENANT TO REMOVE PERSONAL PROPERTY**

Upon the expiration of this Agreement, Tenant is obligated to remove any personal property placed in the Premises by the Tenant. If any personal property does remain on the Premises upon the expiration of the Agreement it will be considered abandoned personal property, which will be removed by the City and the Tenant will be responsible for all costs associated with removing the personal property from the Premises.

9. **ALTERATIONS AND IMPROVEMENTS**

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

B. Tenant shall not make any alterations, additions or improvements to the Premises ("Tenant's Work") affecting the Building structure or utility systems, or attach any fixture or item of equipment thereto without Landlord's prior written consent. All such alterations, additions, or improvements shall be made at Tenant's sole expense in accordance with Landlord's General Design Requirements (if any) and the plans and specifications (including specifications for materials to be used in connection therewith) and a statement of the estimated cost of such work submitted to and approved by Landlord (collectively the "Plans and Specifications"). If the cost thereof exceeds \$5,000 for any single instance, or if such Tenant's Work involves the Building structure or utility systems, any contractor or person selected by Tenant must be a licensed contractor. Landlord, in its sole discretion, shall approve or disapprove Tenant's request and may disapprove Tenant's use of any materials or substances, including but not limited to asbestos and fiber glass, which Landlord, in its sole discretion, deems potentially hazardous, toxic or threatening to health. To the extent that Tenant's Work shall require a building permit or other permits from the City of Berkeley, and/or any other governmental agency, Tenant shall not perform any of Tenant's Work until Tenant has obtained all requisite permits. As the Property owner, all permits must be approved and signed by the Director of Public Works or his/her designee. Tenant further shall comply with all prevailing wage requirements of California Labor Code Sections 1720 et seq., to the extent such requirements are applicable to Tenant's work.

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

D. This Lease specifically prohibits Tenant, or any other party, from expanding uses or structures allowed on the Premises beyond those designated in use permits approved by the City of Berkeley. Notwithstanding approval of any new Use Permit allowing expansion, or any future expansion of the uses in existing buildings, or additions to existing buildings, construction of any new buildings, or moving existing buildings onto the Premises, are all subject to the prior written approval of the Landlord and all improvements (including Exhibit B) are subject to the environmental review and permit regulations and approvals of same by all applicable local, state, and federal agencies.

E. If Tenant proposes to make or construct any alterations, improvements, additions or fixtures that affect any portion of the Premises or any structures located on the Premises that are allowed under an existing use permit, Tenant shall first provide the Landlord with thirty (30) days prior written notice. If Landlord raises no objections within thirty (30) days after receipt of such notice, Tenant may proceed, provided Tenant obtains all required permits.

F. 1. Tenant shall not substantially deface or change any floors, walls, ceilings, roofs, or partition any of the structures or improvements on the Premises without first providing thirty (30) days written notice to Landlord. If Landlord raises no objections within thirty (30) days after receipt of such notice, Tenant may proceed, provided Tenant obtains all required permits. If required in writing by Landlord, Tenant shall require all contractors to provide a labor and materials bond for the full amount of any contract for improvements that exceed \$50,000. Tenant shall pay, when due, all sums of money that may be due or become due for any labor, services, materials, supplies or equipment furnished to or for Tenant in, at, upon or about the Premises and which may be secured by any mechanic's, material men's or other lien against the Premises or Landlord's interest therein.

2. All alterations, improvements or additions that are now or in the future attached permanently to the Premises shall be the Property of Landlord and shall remain with the Property at the termination of this Lease, except that Landlord can elect within thirty (30) days of the termination of the Lease to require Tenant, at its cost, to remove any equipment that Tenant has affixed to the Premises.

G. As of the date of this Lease, the Premises has not been inspected by a Certified Access Specialist (CASP). City makes no warranty or representation as to whether or not the Premises comply with the ADA or any similar legislation. In the event that Tenant's use of the Premises requires modifications or additions to the Premises in order to comply with the ADA or similar legislation, Tenant agrees to make any such necessary modifications and/or additions at Tenant's expense.

H. 1. Tenant agrees that to the extent it is required to comply with the prevailing wage requirements, Tenant shall assure that all workers are paid the prevailing rate of per diem wages, and travel and subsistence payments (defined in applicable collective bargaining agreements filed in accordance with Section 1773.8 of the California Labor Code), in effect on the date of Landlord's first approval of a building permit or other approval of the work. Copies of the applicable prevailing rate of per diem wages are on file at Landlord's principal office and will be made available to any interested party on request. Tenant agrees to post a copy of the prevailing rate of per diem wages at the Property. Tenant, as a penalty to Landlord, shall forfeit Twenty-Five Dollars (\$25) for each calendar day, or portion thereof (or such other sum as specified from time to time by Section 1775 of the California Labor Code), for each worker paid less than the applicable prevailing rates for such work or craft in which such worker is employed. The difference between such prevailing wage rates and the amount paid to each worker for each calendar day or portion thereof for which each worker was paid less than the prevailing wage rate shall be paid to each worker by Tenant.

2. Tenant agrees to keep or cause to be kept by each contractor and subcontractor an accurate payroll record for each worker employed on Tenant's Work covered by this subparagraph H showing all of the information specified in subsection (a) of Section 1776 of the California Labor Code. All such payroll records shall be certified, available for inspection and filed in accordance with the procedures specified in subsections (b)-€ inclusive of Section 1776 of the California Labor Code. In the event of noncompliance with the foregoing requirements concerning payroll records which continues for more than ten (10) days after Landlord gives Tenant written notice specifying in what respects Tenant must comply, Tenant shall forfeit, as a penalty to Landlord, for each worker Twenty-Five Dollars (\$25) for each calendar day, or portion thereof, until strict compliance is effectuated. Tenant shall be responsible for complying with Section 1777.5 of the California Labor Code concerning apprenticeable occupations, with respect to all work covered by that section. For purposes of the prevailing wage requirements of this subparagraph, Tenant shall be deemed to be "a contractor" as that term is used in Sections 1720 et seq., of the California Labor Code. Except where the context otherwise requires, the definitions of terms and phrases contained in the State prevailing wage law, Sections 1720 et seq., of the California Labor Code, and in the implementing administrative regulations, shall apply to the same terms and phrases which are used in the prevailing wage requirements of this subparagraph H.

10. **LIENS**

Tenant shall keep the property on which the Premises is situated, free from any liens arising out of any work performed, materials furnished or obligations incurred by Tenant. In the event that Tenant fails to cause any such liens to be released, Landlord shall have, in addition to all other remedies provided herein or by law, the right (but not the obligation) to cause the same to be released by such means as Landlord shall deem proper, including payment of the claim giving rise to such lien. All sums paid and all expenses incurred by Landlord in connection therewith shall be reimbursed by Tenant promptly on demand. Landlord shall have the right to post and keep posted on the Premises any notices (including, without limitation, notices of non-responsibility pursuant to California Civil Code Section 3094) that Landlord may deem proper

for protection of Landlord and the Premises. Tenant shall give Landlord at least ten (10) business days' prior notice of the date of commencement of any Tenant work on or in the Premises to allow Landlord to post such notices.

11. **TENANT AND LANDLORD MAINTENANCE OBLIGATIONS**

A. Tenant agrees that during the entire term of this Lease, at its own cost and expense, it shall keep and maintain the entire Premises, including the Building and all interior and exterior areas in the leased area, in good-quality order, repair and condition. Except as otherwise provided in this Lease, Tenant shall perform, at its own cost and expense, any and all maintenance, removal of graffiti, repairs, or rehabilitation to the Premises, whether required by deterioration or by operations of Tenant or otherwise.

B. To the extent applicable, Tenant hereby waives the provisions of Civil Code Sections 1941 and 1942, and any other provision of law now or hereafter in effect, with regard to the habitability of the Property and the Premises.

C. "Good-quality order, repair and condition", as used herein, shall mean the maintenance, repair, or renovation of the Premises necessary to keep and maintain the Building and Premises in safe, efficient, and attractive condition, given the nature and age of the Building, at any time during the term of this Lease.

D. Tenant shall provide its own janitorial service for the Premises, and all of Tenant's rubbish shall be removed by Tenant to such location(s) on the Premises or within University Avenue Center as may be designated by Landlord.

E. In the event of a dispute related to Tenant's maintenance and repair obligations under the Lease that Landlord and Tenant cannot informally resolve, Tenant's only remedy against Landlord shall be the right to terminate this Lease, effective thirty (30) days from the delivery of written notice to Landlord.

F. Nothing in this Paragraph 11 shall be deemed to affect or impair Landlord's rights under paragraph 9 of this Lease. Tenant acknowledges that Landlord has no obligation and has made no promises to alter, remodel, improve, repair, decorate or paint the Building or to improve the Premises, or any part thereof. Landlord has made no representations respecting the condition of the Building, the Premises, or University Avenue Center, except as specifically set forth in this Lease.

12. **DAMAGE OR DESTRUCTION**

A. In the event the Premises are damaged by fire, flood, earthquake, act of God, the elements, or other casualty, then Landlord shall forthwith repair the same, at its sole expense, unless Landlord or Tenant has the right to terminate pursuant to subparagraph 12.B below. Tenant shall be solely responsible for the loss, repair, and replacement of its all equipment and leasehold improvements.

B. Anything in subparagraph A to the contrary notwithstanding, Landlord shall not

have any obligation to repair or rebuild the Premises or the Building (and Tenant and Landlord shall each have the right to terminate this Lease): (i) following damage or destruction thereto if the damage or destruction is due to any cause or casualty other than one against which the responsible party is required to carry insurance or actually does carry insurance and such party reasonably estimates that the cost of repair or rebuilding exceeds ten percent (10%) of the then replacement cost of the Premises or Building, as the case may be. If the responsible party elects not to repair any damage or destruction pursuant to this provision, such party shall give the other party notice of such election within sixty (60) days after the date of such damage or destruction; and this Lease shall terminate as of the date of such damage or destruction.

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

13. **INDEMNIFICATION**

A. **Indemnity.** Except to the extent claims are caused by Landlord's sole or active negligence or willful misconduct, Tenant shall indemnify, protect, defend, and hold harmless Landlord and its elected officials, officers, employees, volunteers, lenders, agents, representatives, contractors and each of their successors and assigns from and against any and all claims, judgments, causes of action, damages, penalties, costs, liabilities, and expenses, including all costs, attorneys' fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon, arising at any time during or after the Term as a result (directly or indirectly) of or in connection with (i) any default in the performance of any obligation on Tenant's part to be performed under the terms of this Lease; (ii) Tenant's or Tenant's Parties use of the Premises, the Property, or any portion thereof, or the conduct of Tenant's business or any activity, work or thing done, permitted or suffered by Tenant or Tenant's Parties in or about the Premises, the Property or any portion thereof; (iii) any act, error or omission of Tenant or Tenant's Parties in or about the Property or any portion thereof; (iv) loss of, injury or damage to, or destruction of property (including but not limited to merchandise or inventory), including loss of use resulting from such loss, injury, damage, or destruction; or (v) any resulting economic loss, consequential damages, or exemplary damages (collectively, the "**Indemnification**"). Tenant shall provide such Indemnification by and through counsel reasonably acceptable to Landlord. The obligations of Tenant under this Section A shall survive the expiration or other termination of this Lease with respect to any claims or liability arising prior to such expiration or other termination.

B. **Exemption of Landlord from Liability.** Tenant, as a material part of the consideration to Landlord, hereby assumes all risk of damage to property including, but not limited to, Tenant's Property and any Tenant Improvements, and injury to or death of persons in, upon or about the Premises, the Property, or any portion thereof, arising from any cause, and Tenant hereby waives all claims in respect thereof against Landlord, except to the extent such claims are caused by Landlord's sole or active negligence or willful misconduct. Tenant hereby agrees that Landlord shall not be liable for injury to Tenant's business or any loss of income therefrom or for damage to the property of Tenant, or injury to or death of Tenant, Tenant's Parties or any other person in or about the Premises, the Property, or any portion thereof, whether such damage or injury is

caused by fire, steam, electricity, gas, water or rain, or from the breakage, leakage or other defects of sprinklers, wires, appliances, plumbing, air conditioning or lighting fixtures, or from any other cause, whether said damage or injury results from conditions arising within or about the Premises, the Property, or any portion thereof or from other sources or places, and regardless of whether the cause of such damage or injury or the means of repairing the same is inaccessible to Tenant, except damage or injury caused solely by Landlord's sole or active negligence or willful misconduct. Landlord shall not be liable for any damages arising from any act or neglect of any other tenant or occupant, if any, of the Premises, the Property, or any portion thereof, or Landlord's failure to enforce the terms of any agreements with parties other than Tenant.

14. **INSURANCE**

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

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

2. Special Form Property insurance for cost of damage to Tenant's improvements and personal property in the Premises, including, without limitation, during any term of construction of Tenant's Work, builders' All-Risk Insurance. Such insurance shall include coverage for vandalism and malicious mischief and cost of demolition and increased cost of construction by reason of changes in applicable ordinances/laws and shall not contain a co-insurance clause.

B. All policies of insurance and all renewals thereof shall be approved as to form and sufficiency by Landlord's Risk Manager and shall be issued by good and responsible companies qualified to do and doing business in California and rated A-: XIII or better in the most recent version of Best's Insurance Guide. Each of the required insurance coverages except for workers compensation (i) shall name Landlord, its officers, agents, employees and volunteers as additional insureds and, with respect to casualty insurance, as their respective interests may appear and (ii) if reasonably available, shall provide that it may not be canceled or altered by the insurer in such manner as to adversely affect the coverage unless sixty (60) days' prior notice is given by certified mail to Landlord at the address set forth in Paragraph 34 below, or to such place as Landlord may from time to time designate in a notice to Tenant.

C. An original certificate of each policy of insurance shall be delivered to Landlord prior to the date the Premises is delivered to Tenant and from time to time during the Term. If Tenant shall fail to procure or maintain any insurance required hereunder or shall fail to furnish

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

D. If any of the insurance required in this Paragraph 14 is provided under a claims-made form of policy, Tenant shall maintain such coverage continuously throughout the Term and without lapse for a period of not less than five (5) years beyond the termination of this Lease, to the effect that should occurrences during the Term give rise to claims made after termination of this Lease, such claims shall be covered by such claims-made policies.

E. Tenant's Property insurance policy insuring the Premises, Building, and Tenant's Property in the Premises shall include a waiver of the insurer's right of subrogation or, if such waiver should be unobtainable or unenforceable, (i) an express agreement that such policy shall not be invalidated if the assured waives, before the casualty, the right of recovery against any party responsible for a casualty covered by the policy or (ii) any other form of permission concerning the assured's right to waive its right of recovery. If such waiver, agreement or permission shall not be, or shall cease to be, obtainable, Tenant shall so notify Landlord promptly after learning thereof. To the extent that a loss occurs for which the Landlord has coverage through the Alliant Property Insurance Program, Landlord waives its right to recovery from Tenant for amounts in excess of the self-insured retention of the Bay Cities Joint Powers Insurance Authority (which as of execution of this Lease is \$250,000 consisting of a \$10,000 deductible for Landlord and a \$240,000 deductible for the Insurance Authority.) Notwithstanding the foregoing, Tenant's Property insurance shall be primary and the Landlord's property insurance shall be secondary.

F. Tenant hereby releases Landlord with respect to any claim (including a claim for negligence) which Tenant might otherwise have against Landlord for loss, damage or destruction of Tenant's Property occurring during the Term to the extent to which Tenant is insured under a policy (ies) containing a waiver of subrogation or agreement or permission to release liability, as provided in subparagraph E above. If, notwithstanding the recovery of insurance proceeds by Tenant for such loss, damage or destruction, Landlord is liable to Tenant with respect thereto or is obligated under this Lease to make replacement, repair, restoration or payment, then (provided Tenant's right of full recovery under its insurance policies is not thereby prejudiced or otherwise adversely affected) the amount of the net proceeds of the Tenant's insurance against such loss,

damage or destruction shall be offset against Landlord's liability to Tenant therefore or shall be made available to Landlord to pay for replacement, repair or restoration, as the case may be. Nothing contained herein shall relieve either party of any duty to repair, restore or rebuild imposed elsewhere in this Lease or shall nullify any abatement of rent provided for elsewhere in this Lease.

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

H. If a death, serious personal injury, or substantial Property damage occurs in connection with the performance of this Lease, Tenant shall immediately notify the Landlord's Risk Manager. If any accident occurs in connection with this Lease, Tenant shall promptly submit a written report to Landlord, in such form as the Landlord may require. This report shall include the following information: 1) name and address of the injured or deceased person(s); 2) name and address of Tenant's subtenant, if any; 3) name and address of Tenant's liability insurance carrier; and 4) a detailed description of the accident, including whether any of Landlord's equipment, tools or materials were involved.

I. Tenant or Tenant's designated agent shall forward all insurance documents to:

Director, Public Works Department (Attn: Real Property)
City of Berkeley
2180 Milvia St., 3rd Floor
Berkeley, CA 94704

15. **COMPLIANCE WITH LAWS**

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

B. Tenant acknowledges that conducting its operations at the Premises and making certain alterations and improvements may require an authorization, approval or permit (collectively, "Regulatory Approval") from a governmental authority having jurisdiction over the Premises. Tenant shall be solely responsible for obtaining any such Regulatory Approval, and

Tenant shall not seek any Regulatory Approval without first obtaining the approval of Landlord. All costs associated with applying for and obtaining any necessary Regulatory Approval shall be borne by Tenant. Tenant shall be solely responsible for complying with any and all conditions imposed by regulatory agencies as part of a Regulatory Approval; however, Landlord shall not take any action that would materially interfere or prevent Tenant from complying with all such conditions. Any fines or penalties imposed as a result of the failure of Tenant to comply with the terms and conditions of any Regulatory Approval shall be paid and discharged by Tenant, and Landlord shall have no liability, monetary or otherwise, for said fines and penalties, except to the extent that such fines or penalties were caused by the willful acts or omissions of Landlord. To the fullest extent permitted by law, Tenant agrees to indemnify and hold Landlord and its officers, agents and employees harmless from and against any loss, expense, cost, damage, attorneys' fees, penalties, claims or liabilities which Landlord may incur as a result of Tenant's failure to timely obtain or comply with the terms and conditions of any Regulatory Approval. Landlord agrees to cooperate (but only to the same extent and in the same manner as a non-public entity could so cooperate, and not as an exercise of Landlord's police or regulatory power) with Tenant in filing, processing and obtaining all Regulatory Approvals, and upon request of Tenant, to join with Tenant as co-applicant in filing, processing and obtaining all Regulatory Approvals; provided, however, that Landlord may refuse to file, process or obtain Regulatory Approvals or to join Tenant as a co-applicant if Landlord determines in its sole and absolute discretion that it is not in Landlord's best interest to do so. Nothing contained herein shall be deemed to limit or otherwise constrain Landlord's discretion, powers, and duties as a regulatory agency with certain police powers.

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

16. ASSIGNMENT AND SUBLEASE

A. Except as otherwise expressly allowed herein, Tenant shall not directly or indirectly, by operation of law or otherwise, transfer, assign, pledge, encumber or hypothecate this Lease or all or any portion of the Premises or Tenant's interest in and to the Premises (collectively, an "Assignment") or sublet the Premises or any portion thereof or permit the Premises or any portion thereof to be used, occupied or managed by anyone other than Tenant pursuant to any Lease, use or concession agreement or otherwise (collectively, a "Sublease") without first obtaining Landlord's written consent. Any assignment, encumbrance, or sublease

without Landlord's written consent shall be voidable and, at Landlord's election, shall constitute a default. City has the sole discretion to determine whether to agree to any sublease or assignment. No consent to any assignment, encumbrance, or sublease shall constitute a further waiver of the provisions of this paragraph.

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

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

17. **INSPECTION**

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

18. **DEFAULT**

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

A. **Failure to Use Premises.** Abandonment and vacation of the Premises or failure to occupy and use the Premises as specified in paragraphs 5 and 6.

B. Nonpayment of Rent. Failure to pay any installment of rent or any other sum due and payable hereunder upon the date when such payment is due, such failure continuing for a period of ten (10) days after written notice of such failure; provided, however, that Landlord shall not be required to provide such notice more than twice during any consecutive twelve (12) months with respect to non-payment of any portion of rent, the third such non-payment during any consecutive twelve (12) months constituting an event of default without requirement of notice.

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

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

E. Bankruptcy. The filing of a voluntary petition in bankruptcy by Tenant, or the filing of an involuntary petition by Tenant's creditors, which involuntary petition remains undischarged for a period of thirty (30) days. In the event that under applicable law the trustee in bankruptcy or Tenant has the right to affirm this Lease and to continue to perform the obligations of Tenant hereunder, such trustee or Tenant, in such time period as may be permitted by the bankruptcy court having jurisdiction, shall cure all defaults of Tenant hereunder outstanding as of the date of affirmance and shall provide to Landlord such adequate assurances as may be necessary to ensure Landlord of the continued performance of Tenant's obligations hereunder. Any transferee (by operation of law or otherwise) must provide Landlord with adequate assurance of its future performance under this Lease. In the event of Tenant's bankruptcy, insolvency or reorganization, the parties specifically intend that the actions of the trustee or Tenant in assuming and/or assigning this Lease shall be governed by Sections 362 – 365 of Title 11 of the United States Code applicable to executory contracts and expired leases..

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

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

H. Release of Hazardous or Toxic Substances or Materials and Other Environmental

Impacts. Any release or discharge in, on, under, around, or from the Premises and/or University Avenue Center by Tenant, its agents or employees of Hazardous Substances which has not been fully cleaned up within ten (10) days after such release or discharge. Any negative impacts to the natural habitat and environment of University Avenue Center caused by Tenant that are documented by a qualified, independent source and for which reasonable remediation measures are not available, or the Tenant fails to cooperate with the Landlord in implementing in a timely manner reasonable measures intended to mitigate any negative impacts.

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

J. Non-compliance with lease terms. Failure to perform any of the obligations, and improvements listed on Exhibit B, such failure continuing for 30 days after notice from the landlord of said default.

19. REMEDIES UPON DEFAULT

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

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

C. Damages upon Termination. Should Landlord terminate this Lease pursuant to subparagraph A above, in addition to any other rights and remedies to which it may be entitled under applicable law, Landlord shall be entitled to recover from Tenant: (i) the worth at the time of the award of the unpaid rent and other amounts which had been earned at the time of termination; plus (ii) the worth at the time of the award of the amount by which the unpaid rent which would have been earned after termination until the time of the award exceeds the amount of such rent loss that Tenant proves reasonably could have been avoided; plus (iii) the worth at the time of the award of the amount by which the unpaid rent for the balance of the Term after the time of award exceeds the amount of such rent loss that Tenant proves reasonably could be avoided; plus (iv) any other amount necessary to compensate Landlord for all the detriment proximately caused by Tenant's failure to perform its obligations under this Lease or which, in the ordinary course of things, would likely result therefrom, including without limitation, the costs and expenses (including brokerage commissions and advertising costs) incurred by Landlord, with or without terminating the Lease, (1) in retaking possession of the Premises; (2)

in cleaning and making repairs and alterations to the Premises reasonably necessary to return the Premises to good condition for the use permitted by this Lease and otherwise to prepare the Premises for reletting; (3) in removing all persons and personal property from the Premises and transporting and storing any of Tenant's personal property left at the Premises, although Landlord shall have no obligation to remove, transport, or store any of such personal property; and (4) in reletting the Premises for such term, at such rent and upon such other terms and conditions as Landlord in its sole discretion may deem advisable; plus (v) such other amounts in addition to or in lieu of the foregoing as may be permitted from time to time under California law. The "worth at the time of award" of the amounts referred to in (i) and (ii) shall be computed with interest at the maximum rate allowed by law. The "worth at the time of award" of the amount referred to in (iii) shall be computed by discounting such amount at the discount rate of the Federal Reserve Bank of San Francisco at the time of the award plus one percent (1%).

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

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

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

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

20. ENVIRONMENTAL OBLIGATIONS

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

employees or invitees, shall be used, stored, treated, released and disposed of in accordance with all applicable laws and regulations.

B. If Tenant knows or has reasonable cause to believe that any Hazardous Substance has been released on or beneath the Premises, Tenant shall immediately notify the Berkeley Police Department and the Toxic Management Office and promptly give written notice of same to Landlord. If Tenant knows or has reasonable cause to believe that such substance is an imminent and material danger to public health or safety, Tenant shall take all actions necessary to alleviate such danger. Tenant shall provide to Landlord as promptly as possible, and in any event within five business days after Tenant first receives or sends the same, copies of all claims, reports, complaints, notices, warnings or asserted violations relating in any way to the Premises or Tenant's use thereof and concerning Hazardous Substances. Tenant shall not negotiate or enter into any settlement agreement, consent decree or other compromise in respect of Hazardous Substances affecting the Premises or the Premises without first giving Landlord prior written notice and full opportunity to appear, intervene or otherwise protect Landlord's rights and interests.

C. Without limitation of the provisions of paragraph 13 hereof, Tenant shall indemnify, defend and hold Landlord and its affiliates harmless from any and all claims, judgments, damages, penalties, fines, costs, liabilities or losses which arise during or after the term of this Lease as a result of the handling of Hazardous Substances on the Premises, or University Avenue Center by Tenant, its agents or invitees, including without limitation, all costs of monitoring, investigating, and remediation of the same, damages for diminution in the value of the Premises, damages for the loss or restriction on use of rentable or usable space or of any amenity of the Premises, damages arising from any adverse impact on marketing of any such space and sums paid in settlement of claims, attorneys' fees, consultant fees and expert fees. This indemnification by Tenant includes, but is not limited to, costs incurred in connection with any investigation of site conditions or any clean-up, remediation, removal or restoration work requested by Landlord or required by any federal, state or local governmental agency or political subdivision because of Hazardous Substance present in the soil or groundwater in, on or under the Premises or in any improvements. Without limiting the foregoing, if the presence of any Hazardous Substance in, on, under or about the Premises caused or permitted by Tenant results in any contamination of the Premises or University Avenue Center, Tenant, at its sole expense, promptly shall take all action that is necessary to return the Premises to the condition existing prior to the introduction of such Hazardous Substance in, on, under or about the Premises; provided that Landlord's approval of such actions shall first be obtained, which approval shall not be unreasonably withheld so long as such actions could not potentially have any material adverse effect upon the Premises. Tenant's obligations under this paragraph 20.C. shall survive the expiration or termination of this Lease.

D. Tenant's obligations under the Lease regarding Hazardous Substances apply only in connection with, and to the extent of, Hazardous Substances brought onto the Premises or University Avenue Center by Tenant and/or Tenant's employees, agents, invitees or contractors.

21. **ENVIRONMENTAL DUTIES**

A. Tenant shall minimize waste and recycle and compost. Tenant must participate in a recycling service provided by the City or provide an acceptable alternative with the approval of

the City's Recycling Program Manager. To that end, Tenant shall:

1. Assign someone to be in charge of its recycling programs, and to communicate needs and questions to the Zero Waste Division in the City's Public Works Department.
2. Recycle corrugated cardboard, office papers and beverage containers (glass bottles, plastic bottles, and cans)
3. Place collection containers for paper at convenient locations.
4. Educate employees and program participants about recycling procedures.
5. Recycle batteries and office equipment (contact the City's Zero Waste Division for information about vendors).
6. Tenant shall recycle construction waste from tenant improvements.

22. **LANDLORD'S RIGHT TO CURE**

All covenants to be performed by Tenant shall be performed at Tenant's sole cost and expense and without abatement of rent. Without limiting Landlord's rights under any other provision of this Lease, if Tenant shall fail to pay any sum of money or shall fail to perform any other act and such failure shall have become an event of default under paragraph 18, Landlord, without waiving or releasing Tenant from any of its obligations, may make (but shall not be obligated to make) any such payment or perform any such other act. All sums so paid by Landlord and all necessary incidental costs shall be deemed additional rent and shall be payable to Landlord immediately upon Landlord's written demand.

23. **EMINENT DOMAIN**

A. If all or any part of the Premises shall be taken as a result of the exercise of the power of eminent domain, this Lease shall terminate as to the part so taken on the earlier of the dates that title vests in the condemning authority or such authority takes possession of the Premises. In the case of a partial taking, either Landlord or Tenant shall have the right to terminate this Lease as to the balance of the Premises by written notice to the other party within thirty (30) days after such date of taking; provided, however, that Tenant shall have no right to terminate this Lease unless the portion of the Premises taken shall be of such extent and nature as substantially to impede or impair Tenant's use of the balance of the Premises. In the event of any such taking, Landlord shall be entitled to all compensation, damages, income, rent, awards and interest that may be paid or made in connection with such taking. Tenant shall have no claim against Landlord for the value of any unexpired Term; however, Landlord shall cooperate with Tenant if Tenant seeks to recover, at its sole expense, proceeds or awards paid to compensate for damage to the "goodwill" associated with Tenant's business. Any such amounts recovered shall belong to Tenant.

B. If any part of the Premises shall be so taken and this Lease shall not be terminated, then this Lease shall continue in full force and effect, except that the Rent shall be reduced in the same proportion that the rentable area of the Premises taken bears to the original rentable area of the Premises. Landlord, upon receipt of the award, shall make all necessary repairs and alterations (exclusive of Tenant's trade fixtures, furniture, furnishings, personal Premises, decorations, signs and contents) to restore the portion of the Premises remaining to as near its former condition as the circumstances will permit and to restore the Building to the

extent necessary to constitute the portion of the Building not so taken a complete architectural unit. Landlord, in any event, shall not be required to spend for such repairs and alterations an amount in excess of the amount received by Landlord as damages for the taking of such part of the Premises and/or Building; and Tenant, at its sole cost and expense, shall make all necessary repairs and alterations to Tenant's trade and lighting fixtures, furniture, furnishings, personal Premises, decorations, signs and contents.

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

24. **SUBORDINATION**

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

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

25. **NO MERGER**

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

26. **TRANSFER BY LANDLORD**

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

27. **ESTOPPEL CERTIFICATES**

From time to time, Tenant shall execute and deliver to Landlord promptly upon request a certificate certifying (i) that this Lease is unmodified and in full force and effect or, if there has been any modification, that this Lease is in full force and effect as modified, and stating the date and nature of each such modification; (ii) the date to which rent and other sums payable hereunder have been paid; (iii) that no notice has been received by Tenant of any default which

has not been cured, except as to defaults specified in such certificate; (iv) that Landlord is not in default under this Lease and that Tenant has no claims, charges, offsets or defenses against Landlord, or specifying the nature of any such default or claim, charges, offsets or defense; and (v) such other matters as may be reasonably requested by Landlord. Any such certificate may be relied upon by any prospective purchaser, vendee, or other party. If Tenant fails to execute and deliver any such certificate within ten (10) business days after Landlord's written request, such failure, at Landlord's election, shall be conclusive against Tenant that this Lease is in full force and effect, without modification (except as may be represented by Landlord), that there are no uncured defaults in Landlord's performance, and that not more than one year's rent has been paid in advance.

28. **HOLDING OVER**

If, after the expiration of the Term of the Lease, Tenant remains in possession of the Premises with Landlord's consent all provisions of this Lease shall remain in effect with the following exceptions: (1) Tenant shall become a tenant from month-to-month, such tenancy terminable on thirty (30) days' notice given at any time by either party.

29. **GOVERNING LAW**

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

30. **SECURITY DEPOSIT**

Landlord is waiving the security deposit.

31. **SIGNAGE**

The size, design, material and location of any sign, marquee, awning, decoration or other attachment, advertising material or lettering on the Premises or on the exterior of the Building (collectively "signage") shall be subject to Landlord's prior written approval. All such signage shall comply with the criteria outlined in Berkeley Municipal Code, Title 20 and shall be subject to the following provisions:

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

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

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

D. Upon Landlord's request, Tenant immediately shall remove any signage that Tenant has placed or permitted to be placed in, on or about the Premises or Building contrary to the terms of this paragraph 31. If Tenant fails to do so, Landlord may enter upon the Premises and remove the same at Tenant's expense. Tenant, at its sole expense, shall maintain and replace all approved signage and shall repair, at its sole expense, any damage to the Premises caused by the erection, maintenance or removal of any signage, including any damage caused by Tenant's removal of its signage at the expiration or earlier termination of the Lease. Tenant also shall comply with such regulations as may from time to time be promulgated by Landlord governing the signage of all tenants in University Avenue Center.

32. NO PARTNERSHIP

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

33. NO WAIVER

Landlord's waiver of Tenant's breach of any covenant or condition shall not be deemed a waiver of any subsequent breach of the same or any other covenant or condition, nor shall any custom or practice which may develop between the parties in the administration of the terms hereof be construed to waive or to lessen the right of Landlord to insist upon Tenant's performance in strict accordance with the terms of this Lease.

34. NOTICES

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

To Tenant: The Berkeley Food Network
1569 Solano Avenue
Berkeley, CA 94707

To Landlord: City of Berkeley
Public Works Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704

With copies to: City Manager Real Property – Public Works

City of Berkeley
2180 Milvia Street, 5th Floor
Berkeley, CA 94704

City of Berkeley
1947 Center Street, 5th Floor
Berkeley, CA 94704

Notices to Landlord regarding Hazardous Substances required by paragraph 20 hereof shall be sent both to the above addresses and to such other place as either party may from time to time designate in a written notice to the other party, or in the case of Tenant, delivered to the Premises.

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

35. **COMPLETE AGREEMENT**

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

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

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

37. **INTERPRETATION**

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

38. **SUCCESSORS AND ASSIGNS**

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

39. **AUTHORITY**

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

40. **UNAVOIDABLE DELAYS**

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

B. Notwithstanding any provision of this paragraph 40 or any other provision of this Lease to the contrary, it is understood and agreed that there shall be no abatement of, or delay in the commencement of, or payment of any sum due to Landlord under this Lease.

41. **TIME OF THE ESSENCE**

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

42. **BROKERAGE**

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

43. **CITY NON-DISCRIMINATION ORDINANCE**

A. Tenant hereby agrees to comply with the provisions of the Berkeley Municipal Code ("B.M.C."), including without limitation Chapter 13.26, as amended from time to time. In

the performance of its obligations under this Lease, Tenant agrees as follows:

1. Tenant shall not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, age (over 40), sex, pregnancy, marital status, disability, sexual orientation or AIDS.

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

B. Tenant understands that this Lease is governed by City Council by Ordinance No. 6579, and Chapter 6.46 of this ordinance. This resolution, as may be amended from time, stipulates that Tenant's membership policies may be reviewed by the City for compliance therewith at any time, and that unsatisfactory membership policies may result in non-renewal of this Lease or termination by the City.

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

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

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

45. **CONFLICT OF INTEREST PROHIBITED**

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

B. In accordance with California Government Code Section 1090 and the Political Reform Act, (Government Code Section 87100 *et seq.*) no person who is a director, officer,

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

C. Interpretation of this paragraph shall be governed by the definitions and provisions used in the Political Reform Act, Government Code section 87100 *et seq.*, its implementing regulations, manuals and codes, Government Code section 1090, Berkeley City Charter section 36 and B.M.C. Chapter 3.64, as amended from time to time.

46. **NUCLEAR FREE BERKELEY**

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

47. **OPPRESSIVE STATES**

A. In accordance with Resolution No. 59,853 – N.S., Tenant certifies that it has no contractual relations with, and agrees during the term of this Lease to forego contractual relations to provide personal services to, the following entities:

- (1) The governing regime in any Oppressive State.
- (2) Any business or corporation organized under the authority of the governing regime of any Oppressive State.
- (3) Any individual, firm, partnership, corporation, association, or any other commercial organization, and including parent-entities and wholly-owned subsidiaries (to the extent that their operations are related to the purpose of this Lease) for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State.

B. For purposes of this Lease, the Tibet Autonomous Region and the provinces of Abo, Kham, and U-Tsang shall be deemed oppressive states.

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

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

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

B. Tenant shall be required to maintain all reasonable records and documents that would establish whether Tenant is subject to Berkeley's Living Wage Ordinance. If Tenant is subject to the LWO, as defined therein, Tenant shall be further required to maintain monthly records of those employees located on the leased premises. These records shall include the total number of hours worked, the number of hours spent providing service on the leased Premises, the hourly rate paid, and the amount paid by Tenant for health benefits, if any, for each of its employees providing services under the lease. The records described in this paragraph shall be made available upon the City's request. The failure to produce these records upon demand shall be considered a default, subject to the provisions contained in paragraph 18 herein.

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

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

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

In addition, at City's sole discretion, Tenant may be responsible for liquidated damages in the amount of \$50 per employee per day for each and every instance of an underpayment to an employee. It is mutually understood and agreed that Tenant's failure to pay all of its eligible employees at least the applicable living wage rate will result in damages being sustained by the City; that the nature and amount of the damages will be extremely difficult and impractical to fix; that the liquidated damages set forth herein is the nearest and most exact measure of damage for such breach that can be fixed at this time; and that the liquidated damage amount is not intended as a penalty of forfeiture for Tenant's breach.

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

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

B. If Tenant is currently or becomes subject to the Berkeley Equal Benefits Ordinance, Tenant agrees to supply the City with any records the City deems necessary to determine compliance with this provision. Failure to do so shall be a considered a default, subject to the provisions of paragraph 19 of this lease.

C. If Tenant fails to comply with the requirements of this Section, City shall have the

rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

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

In addition, at City's sole discretion, Tenant may be responsible for liquidated damages in the amount of \$50.00 per employee per day for each and every instance of violation of this Section. It is mutually understood and agreed that Tenant's failure to provide its employees with equal benefits will result in damages being sustained by City; that the nature and amount of these damages will be extremely difficult and impractical to fix; that the liquidated damages set forth herein is the nearest and most exact measure of damages for such breach that can be fixed at this time; and that the liquidated damage amount is not intended as a penalty or forfeiture for Tenant's breach.

50. **AUDIT**

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

51. **CITY BUSINESS LICENSE, PAYMENT OF TAXES, TAX I.D. NUMBER**

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

52. **SURVIVAL**

The provisions of this Lease and obligations of Tenant that, by their nature, are to be performed after or are to survive termination of this Lease shall survive such termination.

53. **EXHIBITS**

Exhibit A, and any other exhibit, addendum or schedule referenced in this Lease are made a part hereof by this reference.

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

TENANT:

THE BERKELEY FOOD NETWORK, a non-profit organization

By: Sara Webber
Sara Webber, Executive Director

3/9/20
Date

LANDLORD:

CITY OF BERKELEY, a municipal corporation

By: _____
Dee Williams-Ridley, City Manager

Date

Approved as to form:

Registered by:

City Attorney Date

City Auditor Date

Attest:

City Clerk Date

TENANT INFORMATION

Tax Identification No. **81-4942342**

Incorporated: Yes **X** No

Certified Woman Business Enterprise: Yes ___ No **X**

Certified Minority Business Enterprise: Yes ___ No **X**

Certified Disadvantaged Business Enterprise: Yes No **X**

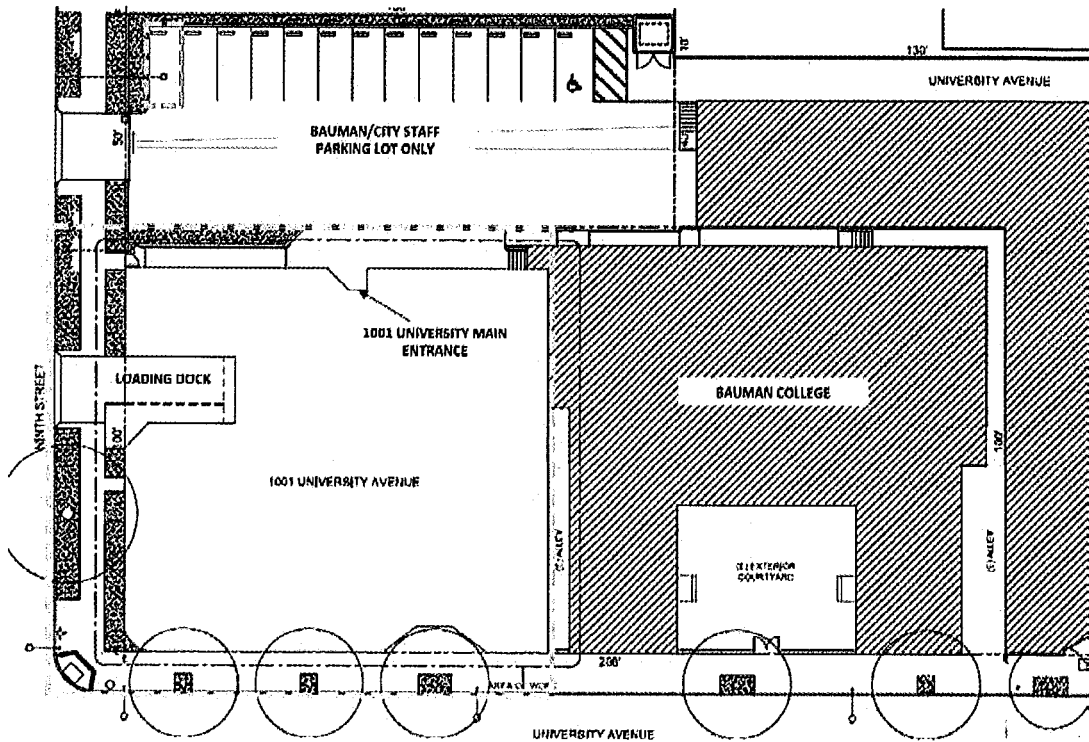
City Business License No. _____, or Exempt pursuant to B.M.C. Section _____

**EXHIBIT A
PREMISES DESCRIPTION**

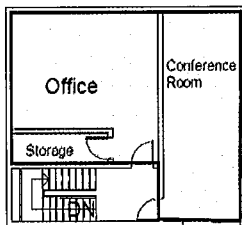
1001 University Avenue at University Avenue Center:

Lease of 1001 University Avenue (main entrance 1925 Ninth Street) include usage of the following:

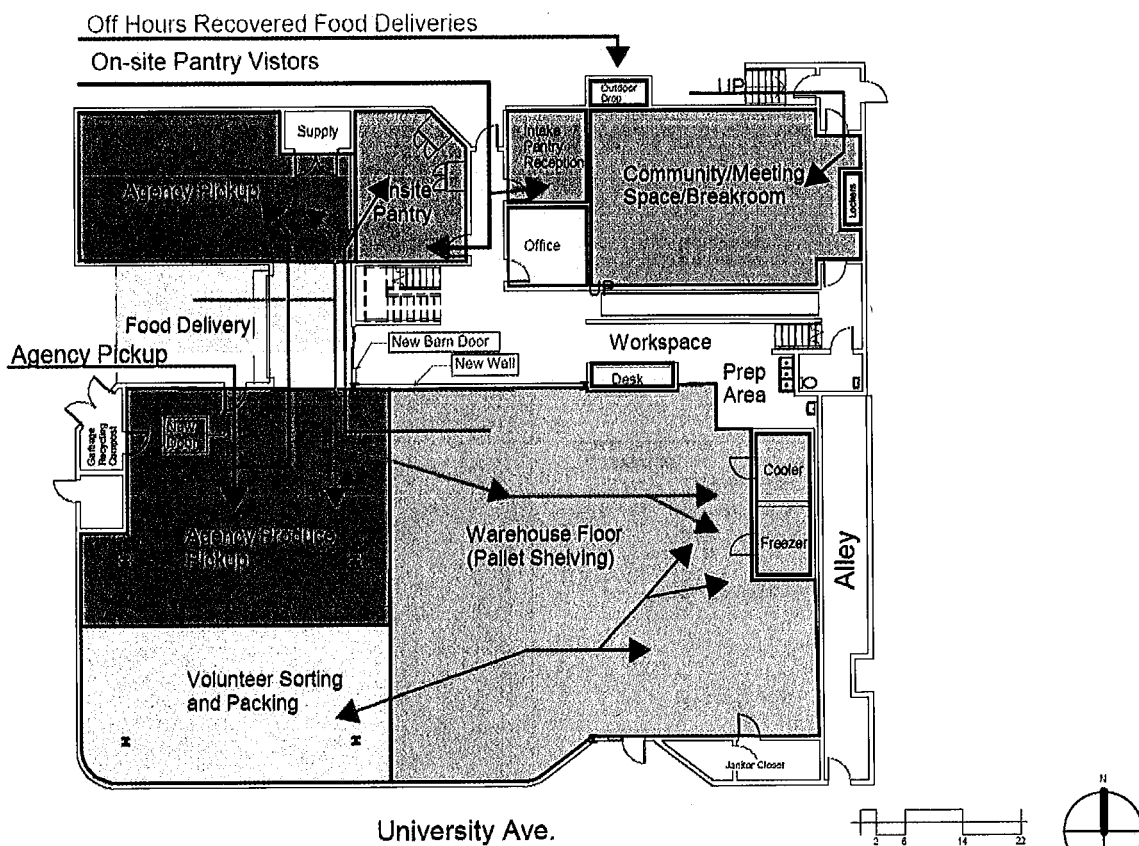
- The main warehouse;
- The smaller warehouse/storage room;
- The offices on the first and mezzanine levels;
- The loading dock;
- The bathroom;
- The attached trash enclosure/ trash room; and
- One dedicated parking space in the lot located at 1925 Ninth Street.



PRELIMINARY FLOOR PLAN



② Second Floor
3/64" = 1'-0"



① First Floor
3/64" = 1'-0"

	The Berkeley Food Network 1001 University Berkeley, CA	Preliminary Floor Plans (for illustration only)	
		001	107
		04/16/19	
		Drawn by	SS
Checked by	SS		

**EXHIBIT B
USE OF PROPERTY**

1. Tenant's use of the building located at 1001 University Avenue shall be exclusive.
2. Tenant shall use and occupy the Premises for the purpose of operating and coordinating food provision services, including a food distribution hub and a mobile pantry. The Premises shall be used by Tenant for no other purpose. Licensor represents that the Premises may lawfully be used for such purpose.
3. The Premises is available for use seven days per week, 24 hours per day.
4. The loading dock may be used to load and unload supplies, materials, etc., but shall not be used as a public entrance unless or until it is compliant with local, state and federal ADA regulations.
5. The Tenant must sign up for garbage, compost, and recycling service through the City of Berkeley. The Tenant is responsible for payment of the service. The Tenant's dumpsters/bins must be stored in the trash room/enclosure in the building.
6. Tenant shall not permit the facility to be used for:
 - a. Disruptive or destructive activity;
 - b. The creation or maintenance of a public nuisance;
 - c. Anything which is against the laws or regulations of any public authority;
 - d. Any purpose or in any manner which will obstruct, interfere with, or infringe upon the rights of neighbors.
7. The following conduct is prohibited and not permitted in any area of the facility:
 - a. Smoking of tobacco or cannabis;
 - b. Possession and/or consumption of alcoholic beverages, drugs or controlled substances;
 - c. Gambling;
 - d. The use of abusive, intimidating, threatening, or harassing language.
8. Portable heating units shall be used only with the express permission of the Berkeley Fire Department.
9. The Tenant has the right to park one (1) car in the adjacent lot located at 1925 Ninth Street, Berkeley, CA.

**EXHIBIT C
IMPROVEMENTS
“TENANT’S WORK”**

1. Tenant Improvements. Landlord will not provide any Tenant Improvements to the Premises. In lieu of market rate rent, the Tenant has directed funds toward roof improvements identified in the assessment provided by ABBAE and other improvements to the facility. Tenant hired and paid its own architect in designing the use of the Premises, hired and paid its own bonded Contractor (insurance required by Contractor), and paid for any building permits with Alameda County and/or City of Berkeley Planning Department. All improvements were approved by the Director of Public Works prior to the start of work. This work has been completed and cost approximately \$100,000.

2. Roof. City hired Allana Buick and Bers (ABBAE) to complete a condition assessment of the existing roof coverings and related flashings. Tenant completed the repairs listed for the Premises, identified in the report as 1001 University Avenue. Tenant is not required to complete any work on 1011 University Avenue, the other property assessed in the report. Tenant has completed the work and it has been inspected by designated City of Berkeley staff.

ORDINANCE NO. 7,730-N.S.

AMENDING URGENCY ORDINANCE NO. 7,725-N.S. ADOPTED JULY 7, 2020 TO INCLUDE ADDITIONAL ALLOWABLE COMMERCIAL ACTIVITIES AND TO INCLUDE ADDITIONAL OPERATIONAL CRITERIA ON PRIVATE PROPERTY WITHOUT REQUIRING A DISCRETIONARY PERMIT IN ORDER TO SAFELY SUPPORT LOCAL BUSINESSES DURING THE COVID-19 PANDEMIC

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

Section 1. That Berkeley Municipal Code Chapter 23E.18 is readopted to read as follows:

BMC Chapter 23E.18 Temporary Outdoor Uses on Private Property

Sections:

- 23E.18.010 Purpose
- 23E.18.020 Definitions
- 23E.18.030 Applicability
- 23E.18.040 Requirements
- 23E.18.050 Operating Standards
- 23E.18.060 Remedies

23E.18.010 Purpose

The purpose of this chapter is:

- A. To relax regulation on private property to support existing or new legally established businesses during the locally declared state of emergency related to COVID-19.
- B. To expand customer access to businesses during the locally declared state of emergency related to COVID-19.
- C. To establish requirements and operating standards associated with relaxed regulation during the locally declared state of emergency related to COVID-19.

23E.18.020 Definitions

The definitions set forth in this Section shall govern the meaning of the following terms as used in this Chapter:

- A. Temporary Outdoor Use – An allowable temporary use on private property conducted by a legally established business in the same zoning district as it currently operates.
- B. Temporary Fixtures and Structures – Physical equipment necessary to safely conduct business outdoors.

23E.18.030 Applicability

- A. Regulation in this Chapter is valid during and up to 90 days after the locally declared state of emergency related to COVID-19.
- B. Regulation in this Chapter applies to existing and new businesses with a valid City of Berkeley Business License.
- C. Regulation in this Chapter applies to private property in all Commercial zoning districts, the Mixed Use Light-Industrial (MU-LI) district, the Manufacturing (M) district, and the Mixed Manufacturing (MM) district.
- D. The following businesses are not eligible to obtain a Zoning Certification for Temporary Outdoor Use:
 - 1. Delivery-Only (Cannabis) Retailers
 - 2. Liquor Stores / Wine Shops
 - 3. Adult-oriented Businesses
 - 4. Smoke Shops
 - 5. Firearm/Munitions Businesses

23E.18.040 Requirements

- A. Legally established businesses authorized by the Governor's Executive Orders and Public Health Orders and the Public Health Orders of the City Health Officer, including appendices, to conduct outdoor business may conduct business outdoors on private property with a Zoning Certificate for Temporary Outdoor Use subject to compliance with the Executive Orders and Public Health Orders and other guidance related to phased reopening in Berkeley.
- B. Temporary Outdoor Uses may be conducted:
 - 1. On private property at the address listed on a business's City of Berkeley business license, and/or
 - 2. On private property at an address other than that listed on a business's City of Berkeley business license if the property is used solely for commercial purposes, is a vacant lot, or is a vacant building, and/or
 - 3. As a new stand-alone outdoor business, subject to obtaining a City of Berkeley Business License for the temporary location.
- C. The operator of the Temporary Outdoor Use must have the written permission of the property owner.
- D. An application for a Zoning Certificate for a Temporary Outdoor Use must be accompanied by a site plan, business description and operational plan that certifies compliance with Section 23E.18.050 [Operating Standards]

23E.18.050 Operating Standards

A Zoning Certificate does not constitute permission to operate unless businesses comply with the following regulations:

- A. Businesses shall comply with State and local regulations for normal business operations, including previously-imposed conditions of approval related to hours of operation and other conditions of approval not in conflict with the allowances in this ordinance, in addition to State regulations for outdoor operations.
- B. Businesses shall follow the Governor's Executive Orders Public Health Orders and the City of Berkeley Public Health Orders, including Appendices.
- C. Businesses shall comply with Americans with Disabilities Act (ADA) requirements and Berkeley Building Code (BMC Chapter 19.28).
- D. Temporary Outdoor Uses shall maintain a 10-foot setback adjacent to property in a Residential District.
- E. Food Service Establishments with incidental alcoholic beverage service must comply with all applicable regulations of the California Department of Alcohol Beverage Control and obtain a COVID-19 temporary catering authorization.
- F. Sanitation
 - 1. Businesses shall provide garbage, recycling and compost services in accordance with the Alameda County Mandatory Recycling Ordinance.
 - 2. Food service establishments shall provide restrooms and sanitation during hours of operation.
 - 3. Food service establishments shall comply with Berkeley's Single Use Foodware and Litter Reduction Ordinance effective July 1, 2020.
- G. Operating Hours for Temporary Outdoor Uses shall be limited to 9 a.m. to 9 p.m. Hours of operation include the time that the business is open for customer access to the departure of the last patron. These limitations do not apply to the delivery, maintenance, security, product preparation and other pre-opening activities, and, cleanup, shutdown, and other post-closure activities which do not involve presence of customers.
- H. Safety:
 - 1. If Temporary Outdoor Uses are located within an active parking lot, businesses shall provide temporary barriers to separate vehicle traffic from pedestrians and commercial activity.
 - 2. If Temporary Outdoor Uses fully occupy a parking lot, businesses shall provide temporary barriers to prevent vehicle traffic from entering the parking lot.

- I. Non-residential parking and loading requirements on private property are temporarily suspended if a Temporary Outdoor Use displaces areas designated for these purposes.
- J. Permits issued pursuant to this Section shall be posted in plain view within the commercial establishment for which the permit has been issued.
- K. Other Impacts
 - 1. Temporary Outdoor Uses shall be conducted in a manner that protects the residential character of surrounding neighborhoods from adverse impacts, including, but not limited to commercial noise and offensive odors.
 - 2. Smoking shall be prohibited in areas designated for Temporary Outdoor Uses as set forth in BMC Section 12.70.030 [Locations where smoking is prohibited].
 - 3. Temporary outdoor lighting fixtures must be oriented in a manner to direct the light away from adjacent parcels.
- L. Temporary Fixtures and Structures
 - 1. Temporary Fixtures and Structures intended to support Temporary Outdoor Uses must be identified on a site plan and show compliance with Section 23E.18.050 [Operating Standards]
 - 2. Movable fixtures such as tables/chairs, umbrellas, heaters, generators, trucks and trailers shall be stored in a secure place on private property when not in use.
 - 3. Fixed structures such as semi-permanent tents, shipping containers, portable sinks and toilets, shall occupy no more than 50% of the outdoor space dedicated to a Temporary Outdoor Use in order to allow for appropriate social distancing
 - 4. The location, type and operation of Temporary Fixtures and Structures must comply with the requirements of and be inspected by the Building and Safety Division, Health Department, Fire Department, Police Department and/or Public Works Department, as applicable.

23E.18.060 Remedies

- A. A Zoning Certificate for Temporary Outdoor Use may be revoked for non-compliance with any conditions designated herein and the Zoning Officer may issue a cease and desist order immediately.
- B. A Temporary Outdoor Use that meets the nuisance criteria set forth in Section 23B.64.020 [Nuisances Defined] shall be considered a public nuisance and is subject to abatement as set forth in Chapter 23B.64 [Nuisance Abatement].

Section 2. This Ordinance is adopted as an urgency ordinance pursuant to the Charter of the City of Berkeley, Article XIV, Section 93 and shall be effective immediately. The City Council finds and determines that the adoption of this Ordinance as an urgency ordinance is necessary for the immediate preservation of the public peace, health and safety of the residents of the City of Berkeley, as more fully set forth below.

Section 3. Findings

- a. In December 2019, an outbreak respiratory illness due to a novel coronavirus (COVID–19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, across the world, including the United States.
- b. COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance.
- c. The Center for Disease Control (“CDC”) activated its Emergency Response System to provide ongoing support for the response to COVID–19 on January 23, 2020.
- d. A national emergency was declared on March 13 to assist with combating COVID-19.
- e. Governor Gavin Newsom declared a state of emergency in California to “prevent, hinder, or delay appropriate actions to prevent and mitigation the effects of the COVOD-19” on March 14.
- f. Between March 16, 2020 and June 19, 2020, Berkeley’s Public Health Officer issued a series of health orders placing prohibitions on indoor activities and severe limitations on commercial business operations.
- g. In an effort to support businesses during the shelter in place orders, the City of Berkeley is establishing a Temporary Outdoor Use for commercial activities on private property to provide businesses with an option to operate safely and remain solvent during the duration of the public health emergency.
- h. In an effort to protect customers and employees of commercial businesses, the City of Berkeley is establishing a Temporary Outdoor Use for commercial activities on private properties to allow businesses to operate in compliance health guidelines and reduce risks of viral transmission.
- i. For these reasons, there is a current and immediate threat to the public health, safety, and welfare, and that failure to adopt the proposed amendments to the Zoning Ordinance would exacerbate that threat to public health, safety, and welfare.

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.

At a regular meeting of the Council of the City of Berkeley held on July 28, 2020, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.

ORDINANCE NO. 7,731-N.S.

AMENDING BERKELEY MUNICIPAL CODE (BMC) TITLE 23 (ZONING), OFFICIAL ZONING MAP, TO REZONE ASSESSOR PARCEL NUMBERS (APN) 054-1716-002-00, 054-1716-003-00, AND 054-1716-031-00 FROM RESTRICTED TWO-FAMILY RESIDENTIAL DISTRICT (R-2) TO GENERAL COMMERCIAL DISTRICT (C-1)

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

Section 1. The City Council has certified that the rezone amendment request is categorically exempt from CEQA pursuant to Classes 1, 3, 5, and 31, which apply to the proposed amendment as well as the pending future hotel renovation project.

Section 2. The City Council finds this rezoning from R-2 (Restricted Two-family Residential) to C-1 (General Commercial) serves the public interest by eliminating the legal non-conformity of a hotel use. The amendment serves the public interest by allowing the entire existing hotel use to continue by-right within the General Commercial zoning district. The rezoning would correct a mapping anomaly that splits three parcels and a building, resolving unnecessary complexity in land use permitting processes and decisions for the site.

Section 3. The City Council finds that the proposed zoning map amendment would align the boundary between the R-2 and C-1 Districts with existing property lines, approximately 50 feet to the west, to include the entire existing footprint of the Rose Garden Inn. The proposed rezoning is compatible with existing General Commercial zoning district to the east, north and south of the project site and would align with the proposed General Plan amendment described above. The R-2 zoning district to the west and south would remain undisturbed by this amendment and is consistent with similar compatible adjacencies in the area.

Section 4. The City Council finds that the proposed zoning map amendment moves the R-2/C-1 boundary approximately 50 feet west of its existing location. Adjacent parcels to the north and south have the same geometry as this block-face (i.e. C-1 parcels fronting Telegraph Avenue and R-2 parcels to the west of the C-1). The proposed rezoning of portions of the site from R-2 to C-1 would allow continuation of existing commercial uses at the project site that are compatible with commercial uses along the Telegraph Avenue corridor and have existed compatibly with the neighboring residential area. The proposed C-1 zoning would allow compatible mixed residential/commercial and higher density uses with approval of a Use Permit, which would be consistent with the remainder of properties along Telegraph Avenue.

Section 5. 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 28, 2020, this Ordinance was passed to print and ordered published by posting by the following vote:

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

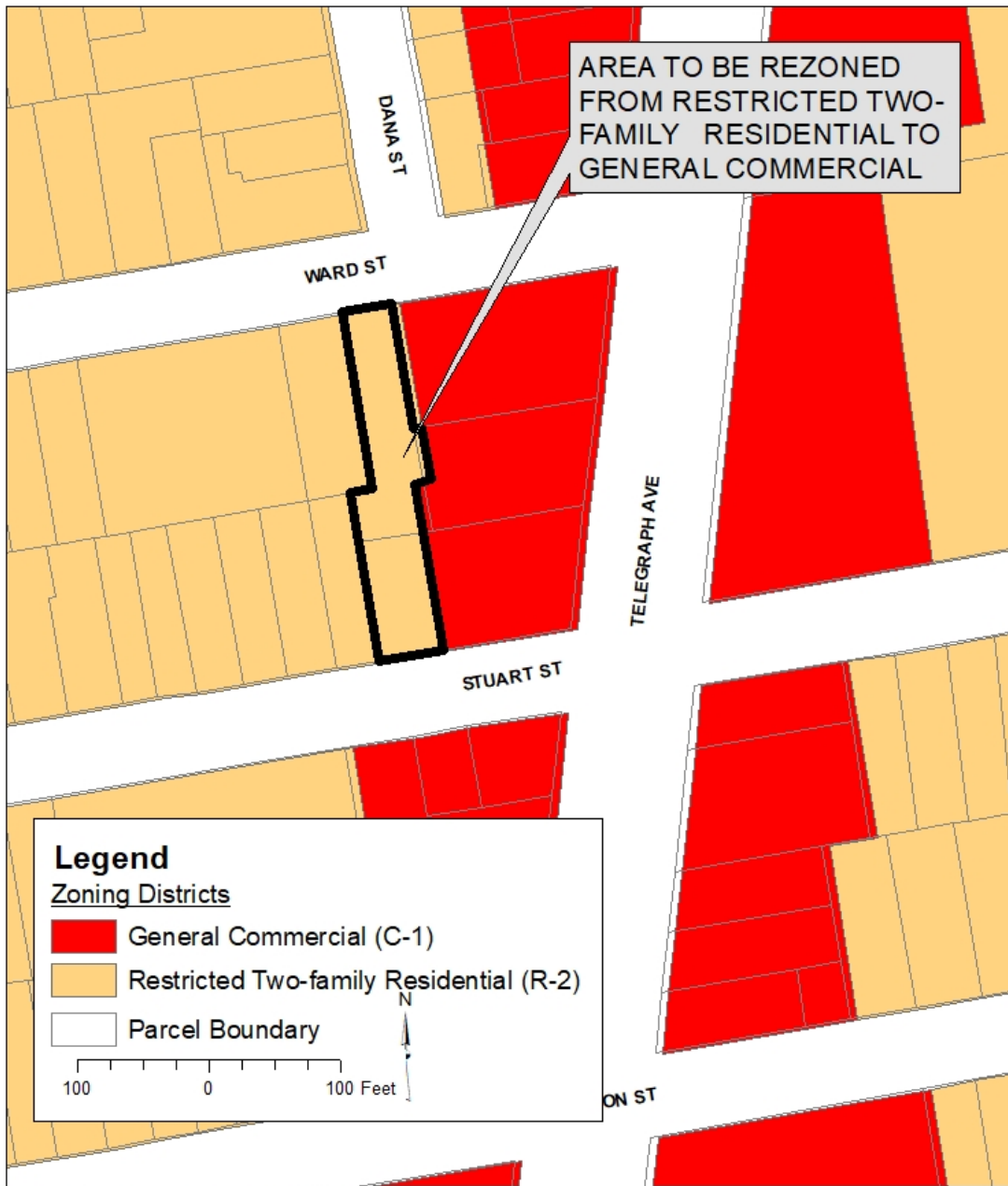
Noes: None.

Absent: None.

EXHIBIT A

ZONING MAP AMENDMENT

2740 Telegraph Avenue (APN 054-1716-002-00),
2744 Telegraph Avenue (APN 054-1716-003-00)
2348 Ward Street (APN 054-1716-031-00)





Office of the City Manager

CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Teresa Berkeley-Simmons, Budget Manager
 Subject: Measure T1 Loan

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to loan \$600,000 from the Parks Tax Fund and \$600,000 from the Measure BB – Local Streets & Roads Fund to the Measure T1 Fund for a total of \$1.2 million in FY 2021 to complete Phase 1 projects.

FISCAL IMPACTS OF RECOMMENDATION

The resolution approves a loan of \$1.2 million in FY 2021 to the Measure T1 Fund with \$600,000 coming from the Parks Tax Fund and \$600,000 from the Measure BB – Local Streets & Roads Fund. The loan funds in the Parks Tax Fund and Measure BB – Local Streets & Roads Fund will be appropriated as part of the First Amendment to the FY 2021 Annual Appropriations Ordinance. A rescheduled acceleration of the Phase 2 bond sale from November 2021 to late spring of 2021 will allow these funds to be reimbursed within the same fiscal year (bond offering will be conditioned on the market dynamics at that time and will follow the city's debt policy).

CURRENT SITUATION AND ITS EFFECTS

The cost to complete all Phase 1 T1 projects is approximately \$41.8 million. The City's T1 cash on hand is \$36.685 million, which includes \$35 million in bonds sold and \$1.685 million of estimated earned interest. This leaves an estimated funding gap of \$5.115 million. In March 2019, Council authorized \$5.3 million from the General Fund in FY 2021 to cover the gap and complete the Phase 1 projects.

With the advent of COVID-19 pandemic emergency, the City faced a \$28 million FY 2021 General Fund budget shortfall that would eventually increase to \$39 million after adding other necessary funding allocations. With the budget shortfall and the need for \$5.3 million to be used for FY 2021 operational needs, staff had to develop alternative strategies to fund Phase 1 projects without drawing on the additional General Fund allocation. These strategies included delaying selected Phase 1 projects, borrowing funding from Parks, Recreation & Waterfront ("PRW") Department and Public Works ("PW") Department special funds to be reimbursed by the Phase 2 bond sale, and accelerating the Phase 2 public process and bond sale.

On December 13, 2016, Council approved Resolution 67,681-N.S. authorizing the City to use bond proceeds to reimburse project expenditures that occurred prior to the bond sale. The Resolution did not limit this to the General Fund, but applies to any funding source for T1 project costs.

Excluding Grove Park and Marina Streets project costs in FY 2021, the T1 program would need an additional \$1.2 million in FY 2021 to complete Phase 1 projects. The City could borrow these funds from special funds for eligible projects. For example, Rose Garden and Live Oak Community Center projects are both Parks Tax-eligible. Streets projects like Monterey and Ward could be funded through a loan from the Measure BB Local Streets & Roads Fund.

If the bond sale is accelerated, these funds would be reimbursed within the same fiscal year so that there would be minimal impact on fund forecasts and budget projections. Given the \$1.2 million need, this would be structured as \$600,000 borrowed from the Parks Tax and \$600,000 borrowed from Measure BB Local Streets & Roads Fund.

Authorizing a loan of \$1.2 million and completing the Phase 1 Measure T1 projects is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

ENVIRONMENTAL SUSTAINABILITY

Actions included in the budget will be developed and implemented in a manner that is consistent with the City's environmental sustainability goals and requirements.

RATIONALE FOR RECOMMENDATION

The recommendation allows the City to complete the Phase 1 Measure T1 projects in a timely manner.

CONTACT PERSON

Teresa Berkeley-Simmons, Budget Manager, City Manager's Office, 981-7000
Rama Murty, Senior Management Analyst, City Manager's Office, 981-7000

Attachments:

1: Resolution

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

MEASURE T1 FUND LOAN FROM PARKS TAX FUND AND MEASURE BB – LOCAL STREETS & ROADS FUND

WHEREAS, Measure T1 cost to complete all Phase 1 T1 projects is approximately \$41.8 million and the City's T1 cash on hand is \$36.685 million leaving a gap of \$5.115 million; and

WHEREAS, in March 2019, Council authorized \$5.3 million from the General Fund for FY 2021 to cover the gap and complete Phase 1 projects; and

WHEREAS, with the advent of COVID-19 pandemic emergency, the City faced a \$39 million FY 2021 General Fund budget shortfall that made it necessary to use the \$5.3 million for other operational needs; and

WHEREAS, staff had to develop alternative strategies to fund Phase 1 projects without drawing on the additional General Fund allocation including delaying selected Phase 1 projects, borrowing funding from PRW and PW special funds to be reimbursed by the Phase 2 bond sale, and accelerating the Phase 2 public process and bond sale; and

WHEREAS, On December 13, 2016, Council approved Resolution 67,681-N.S. authorizing the City to use bond proceeds to reimburse project expenditures that occurred prior to the bond sale and did not limit this to the General Fund but applies to any funding source for T1 projects; and

WHEREAS, excluding the Grove Park and Marina Streets project costs in FY 2021 the T1 program would need an additional \$1.2 million in FY 2021 to complete Phase 1 projects; and

WHEREAS, the Parks Tax Fund and Measure BB – Local Streets & Roads Fund are allowable sources for loan funds for several of the Phase 1 Projects; and

WHEREAS, an appropriation of \$600,000 from the Parks Tax Fund and \$600,000 from the Measure BB – Local Streets & Roads Fund will be included in the First Amendment to the FY 2021 Annual Appropriations Ordinance; and

WHEREAS, a rescheduled acceleration of the Phase 2 bond sale from November 2021 to late spring of 2021 will allow these funds to be reimbursed within the same fiscal year so that there would be minimal impact on fund forecasts and budget projections (bond offering will be conditioned on the market dynamics at that time and will follow the city's debt policy).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to loan \$600,000 from the Parks Tax Fund and \$600,000 from

September 15, 2020

the Measure BB – Local Streets & Roads Fund to the Measure T1 Fund for a total of \$1.2 million in FY 2021 to complete Phase 1 projects.

BE IT FURTHER RESOLVED that the City Manager is authorized to repay the loans to the Parks Tax Fund and Measure BB – Local Streets & Roads Fund from the Phase 2 Measure T1 bond proceeds once they are available.



Office of the City Manager

CONSENT CALENDAR
September 15, 2020

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

RECOMMENDATION

Approve the minutes for the council meetings of July 2, 2020 (closed), July 7, 2020 (special and special), July 14, 2020 (regular), July 21, 2020 (special and special), July 23, 2020 (closed, special and special), July 28, 2020 (closed and regular) and July 30, 2020 (special and special).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. July 2, 2020 – Closed City Council Meeting
2. July 7, 2020 – Special City Council Meeting at 4pm
3. July 7, 2020 – Special City Council Meeting at 6pm
4. July 14, 2020 – Regular City Council Meeting
5. July 21, 2020 – Special City Council Meeting at 4pm
6. July 21, 2020 – Special City Council Meeting at 6pm
7. July 23, 2020 – Closed City Council Meeting at 3pm
8. July 23, 2020 – Special City Council Meeting at 4:30pm
9. July 23, 2020 – Special City Council Meeting at 6pm
10. July 28, 2020 – Closed City Council Meeting at 4pm
11. July 28, 2020 – Regular City Council Meeting at 6pm
12. July 30, 2020 - Special City Council Meeting at 4pm
13. July 30, 2020 - Special City Council Meeting at 6pm

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

THURSDAY, JULY 2, 2020

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/82486498013>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 and enter Meeting ID: 824 8649 8013. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 4:04 p.m.

Present: Harrison, Hahn, Wengraf, Robinson, Arreguin

Absent: Kesarwani, Davila, Bartlett, Droste

Councilmember Davila present at 4:05 p.m.

Councilmember Kesarwani present at 4:08 p.m.

Councilmember Droste present at 4:21 p.m.

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

CLOSED SESSION:

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

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

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

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 6:35 p.m.

I hereby certify that the forgoing is a true and correct record of the City Council closed session meeting held on July 2, 2020.

Mark Numainville
City Clerk

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

Tuesday, July 7, 2020

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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*To join by phone: Dial **1-669-900-9128** and enter Meeting ID: **876 6051 2181**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

Preliminary Matters

Roll Call: 4:03 p.m.

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

Absent: Kesarwani, Bartlett

Councilmember Kesarwani present at 4:11 p.m.

Councilmember Bartlett present at 4:13 p.m.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 1 speakers.

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

Vote: All Ayes.

A. Urgency Ordinance Allowing Temporary Outdoor Uses on Private Property

From: City Manager

Recommendation: Adopt an urgency ordinance that creates Berkeley Municipal Code (BMC) Chapter 23E.18 [Temporary Outdoor Uses on Private Property] and BMC Section 23B.20.045 [Zoning Certificate for Temporary Outdoor Uses] to allow outdoor dining and commerce on private property without requiring a discretionary permit in order to safely support local businesses during the COVID-19 pandemic.

Financial Implications: None

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

Action: Adopted Ordinance No. 7,725-N.S. Additional direction provided to the City Manager to pursue further amendments to expand the applicability of temporary outdoor uses.

Action Calendar

Action: M/S/C (Arreguin/Wengraf) to accept revised materials from the City Manager and Councilmember Davila on Item 1.

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

1. Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Excavations for Video and Telecommunications Systems) and Revised Guidelines for Issuance of Public Right-of-Way Permits

From: City Manager

Recommendation: Adopt first reading of an ordinance amending Berkeley Municipal Code Chapter 16.10 (Excavations for Video and Telecommunications Systems), and adopt revised administrative guidelines for the issuance of Public Right-of-Way Permits.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, (510) 981-6300

Action: M/S/C (Harrison/Arreguin) to suspend debate and call the previous question on Item 1.

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

Action: M/S/Failed (Harrison/Hahn) on the severed portion of the main motion to include an amendment to increase the noticing radius to 1000 feet.

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

Action: 32 speakers. M/S/Carried (Harrison/Hahn) to 1) adopt first reading of Ordinance No. 7,726-N.S. as written in the materials submitted by the City Manager at the meeting, and further amended below; second reading scheduled for July 28, 2020; and 2) adopted revised administrative guidelines for the issuance of Public Right-of-Way Permits as amended below.

Amendments in the Ordinance

1. Amended Section 16.10.050 is to state that undergrounding shall be required where technically feasible
2. Require applicant to provide the Public Works Department with a list of addresses notified of an application submittal
3. Retain the radius for providing public notice of 500 feet
4. Revise section 16.10.060 to require mailing of the Director's decision to all property owners or residents within 500 feet of the proposed facility
5. Specify in Section 16.10.030.D that Surveillance Technology is defined in BMC Chapter 2.99
6. Revise Section 16.10.050.b to state: "The impact of the Facilities on views, parks, and on cultural resources protected by or eligible for protection under Chapter 3.24 of the Berkeley Municipal Code or the State Public Resources Code Section 5020.1(j)"

Amendments to the Guidelines

1. Revise Section 7(a)(11) to state: "any location within a historic district as defined in Chapter 3.24 of the Berkeley Municipal Code, or within 300 feet of a City park, school, or senior center, or of a historic district or a property designated as a landmark or structure of merit under Chapter 3.24, or a property that is eligible for protection under Chapter 3.24 or under the State Public Resources Code Section 5020.1(j)"

2. Revise Section 7(f)(4) to state: "not be placed in the line of sight of View Corridors, as defined in Section 23F.04 of the Berkeley Municipal Code, as viewed from the primary living area of a residence"
3. Revise Section 4(a)(12) to state that structural analysis may include wind analysis
4. Revise Section 8(h)(4) to state: "Horizontal projections are prohibited except where other designs are technically infeasible."
5. Revise Section 7(a) to state that strand-mounted assets are prohibited where "technically feasible"
6. Add the following to Section (4)(b): "If no voluntary pre-submittal community meeting is held, the applicant shall schedule a community meeting on or after the date the application is submitted."
7. Require additional structural engineering analysis in an Alquist-Priolo zone, high wind area, or liquefaction zone

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

Adjournment

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

Vote: All Ayes.

Adjourned at 8:05 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on July 7, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

Item #1: Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Installation of Video and Telecommunications Systems) and Revised Guidelines for Issuance of Public Right-of-Way Permits

1. Phoebe Anne Sorgen

Supplemental Communications and Reports 2

Item #1: Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Installation of Video and Telecommunications Systems) and Revised Guidelines for Issuance of Public Right-of-Way Permits

2. Ariel Strauss, on behalf of Greenfire Law
3. Mark Pollock, on behalf of Pollock & James Law Firm
4. Ellen Marks
5. Lindsay Vurek
6. Joyce Kawahata
7. Tony Brasunas
8. Anne Herrick
9. Meaveen O'Connor
10. Stephen Russell
11. Marti Love
12. Phoebe Anne Sorgen
13. Stephanie Thomas

Supplemental Communications and Reports 3

Item #1: Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Installation of Video and Telecommunications Systems) and Revised Guidelines for Issuance of Public Right-of-Way Permits

14. Revised material, submitted by the City Manager's Office
15. Heidi Davis
16. Aaron Shank, on behalf of AT&T
17. Signe Mattson
18. Steve Gilmartin
19. Elana Auerback
20. Cynthia McGrane
21. Kate Bernier
22. Sally Nelson
23. Jenny Miller (2)
24. Phoebe Anne Sorgen (2)
25. Kate Laurer
26. Sandy Nixon
27. Mary Ellen Sperling
28. Jura Midam
29. Max Ventura
30. Oren Leiman
31. KO
32. David Haddock
33. Mark McDonald
34. Annemarie Weibel
35. Gar Smith
36. Catherine Dodd (2)
37. Carol Wong
38. Sierra Murphree
39. Joyce Kawahata
40. Elizabeth Starr (2)
41. Mary White (2)
42. Yani Teichner
43. Carla Woshawny

- 44. Beth Jerde
- 45. Byrce Nesbitt
- 46. Natalie Logusch
- 47. Connie Anderson
- 48. Dillontree@
- 49. Tony Brasunas
- 50. Blair Beckman
- 51. Nancy Lemon

Urgency Item: Substitute Staff's Drafts and Use WIRED's Redlined Drafts or Include Most of the Deadlines

- 52. Time critical material, submitted by Councilmember Davila

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

Tuesday, July 7, 2020

6:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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Preliminary Matters

Roll Call: 8:26 p.m.

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

Absent: Droste

Councilmember Droste present at 8:52 p.m.

Action: M/S/C (Kesarwani/Robinson) to add two items (Resolution Authorizing Temporary Closure of the Designated Healthy Streets Network; and Ordinance Limiting Third-Party Food Delivery Service Fees) to the agenda from Councilmember Kesarwani pursuant to Government Code Section 54954.2(b)(2).

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

Action Calendar – Public Hearing

1. ZAB Appeal: 1449 Grizzly Peak Boulevard, Administrative Use Permit #ZP2019-0111

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board decision to approve Administrative Use Permit #ZP2019-0111 to construct a 500 square-foot major residential addition on the third story of an existing 2,791 square-foot, three-story single-family dwelling, increasing the average and maximum building height by approximately two feet, increase the number of bedrooms on the parcel from four to five, and constructing a perimeter fence over six feet in height, on a conforming residential parcel, and dismiss the appeal.

Financial Implications: None

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

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

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

Vote: All Ayes.

Action: M/S/C (Wengraf/Harrison) to adopt Resolution No. 69,486–N.S. affirming the Zoning Adjustments Board decision to approve Administrative Use Permit #ZP2019-0111 to construct a 500 square-foot major residential addition on the third story of an existing 2,791 square-foot, three-story single-family dwelling, increasing the average and maximum building height by approximately two feet, increase the number of bedrooms on the parcel from four to five, and constructing a perimeter fence over six feet in height, on a conforming residential parcel, and dismiss the appeal.

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

Action Calendar – Public Hearing

2. ZAB Appeal: 0 Euclid Avenue (Berryman Reservoir), Use Permit #ZP2018-0236

From: City Manager

Recommendation: Conduct a public hearing regarding an appeal of the Zoning Adjustments Board decision to deny Use Permit #ZP2018-0236, a request to establish a new 50' high monopole 4G LTE wireless facility operated by Verizon Wireless at the East Bay Municipal Utility District site consisting of six antennas, six remote radio units, and associated ground equipment and, upon conclusion, consider the record of proceedings and testimony to determine whether the findings for approval can be made regarding view protection and camouflage.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 28 speakers.

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

Vote: Ayes - Kesarwani, Davila, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Wengraf (Recused – lives within 500 feet of the project).

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

Vote: Ayes - Kesarwani, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Davila, Droste; Abstain – None; Absent – Wengraf (Recused – lives within 500 feet of the project).

Action: M/S/C (Hahn/Davila) to adopt Resolution No. 69,487–N.S. affirming the Zoning Adjustments Board decision to deny Use Permit #ZP2018-0236, a request to establish a new 50' high monopole 4G LTE wireless facility operated by Verizon Wireless at the East Bay Municipal Utility District site consisting of six antennas, six remote radio units, and associated ground equipment, and adopting revised findings in support of the decision.

Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Arreguin; Noes – Robinson; Abstain – Kesarwani, Droste; Absent – Wengraf (Recused – lives within 500 feet of the project).

Urgency Item: Resolution Authorizing Temporary Closure of the Designated Healthy Streets Network

From: Councilmember Rashi Kesarwani (Author), Councilmember Rigel Robinson (Co-Sponsor)

Recommendation: Adopt a resolution requesting: 1) Temporary closure of designated Healthy Streets (see Attachment 1 Map) pursuant to California Vehicle Code § 21101(e), which authorizes local resolution of street closures for the “safety and protection” of persons using such streets; and 2) That the closures be adequately marked with (1) diverters and/or semi-diverters positioned and secured to encourage alternative routes for motor vehicle traffic, and (2) durable reflective signage that indicates the presence of a temporary street closure.

Financial Implications: See report

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

Action: Councilmember Bartlett and Mayor Arreguin added as co-sponsors. 6 speakers. M/S/C (Kesarwani/Bartlett) to adopt Resolution No. 69,488–N.S.

Vote: All Ayes.

Urgency Item: Ordinance Limiting Third-Party Food Delivery Service Fees

From: Councilmember Rashi Kesarwani (Author), Councilmembers Kate Harrison and Rigel Robinson (Co-Sponsors)

Recommendation: Adopt an ordinance establishing a temporary limit on the charges imposed by third-party delivery services on retail food establishments to be in effect for the duration of the declared local state of emergency resulting from the Covid-19 pandemic.

Financial Implications: See report

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

Action: Councilmember Bartlett added as a co-sponsor. 2 speakers. M/S/C (Arreguin/Kesarwani) to adopt Ordinance No. 7,727–N.S.

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

Councilmember Droste absent 11:26 p.m. – 11:30 p.m.

Adjournment

Adjourned the meeting in memory of the victims of violence over the 4th of July weekend.

Adjourned at 11:30 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on July 7, 2020.

Mark Numainville
City Clerk

Communications

Item #2: ZAB Appeal: 0 Euclid Avenue (Berryman Reservoir), Use Permit #ZP2018-0236

1. 14 form letters "Deep Opposition"
2. 9 form letters "Live on Euclid"
3. 11 form letters "Do Not Want"
4. Isaac Kaplan
5. Jack Newman
6. Ellen Archilla and Jacques Watteyne
7. Elissa Berall
8. Allison Sell
9. Danielle Schanz
10. Debbie Lai
11. Julia MacMillan
12. Wolf Arnold
13. Lina Schweidel
14. Amber Turley
15. Brooke Dougherty
16. David Moren
17. Corien Anderson
18. Julie Therien
19. Rebecca Armstrong
20. Kristi Lentz Taylor
21. Janice Schroeder
22. John Williams
23. Mark Gonzalez
24. Ginger Parnes
25. Jane Eisenstark
26. Francine Foltz
27. Carolyn NcNiven
28. Leah Mazel-Gee
29. Julia Rogers
30. Jane Hansen
31. Debbie
32. Julieta Zuniga
33. Oliver Raisner
34. Susan Nunes (2)
35. Michael Burt on behalf of the Law Office of Michael Burt
36. Raissa Lerner
37. Anonymous
38. Loyal Nawfal, Associate Planner, Land Use Planning Division
39. Regina DiMaggio
40. Kaellyn Moss (2)
41. Mary McGann (2)
42. Andrea Lappen
43. Cynthia Li
44. Jennifer Monahan
45. Daniel Richheimer
46. Phyllis Peacock

47. Mayanne Stahl
48. Amanda Coggin
49. Jan Jarvis
50. Vivian Warkentin
51. Tiffany Fyans
52. Arthur Stopes III
53. Carol Hirth
54. Mary Ann Brewin
55. Lloyd Morgan

Supplemental Communications and Reports 1

Item #1: ZAB Appeal: 1449 Grizzly Peak Boulevard, Administrative Use Permit #ZP2019-0111

56. Kevin Kelly

Item #2: ZAB Appeal: 0 Euclid Avenue (Berryman Reservoir), Use Permit #ZP2018-0236

57. Michael Burt, Law Office of Michael Burt (3)
58. Susan Nunes (2)
59. Susan Reinold
60. Stanley Goldberg
61. Mary McGann
62. Wendy Stock
63. Lucinda Reinold (2)
64. Jo Ann Driscoll (2)
65. Phyllis Peacock
66. Oliver Raisner
67. Kelley Hart
68. Gay Pelletier
69. Angelina DeAntonis
70. Christian Raisner
71. Daniella Thompson
72. Steve Tracy
73. Dawn Hawk
74. Scasey@
75. Oren Leiman

Supplemental Communications and Reports 2

Item #1: ZAB Appeal: 1449 Grizzly Peak Boulevard, Administrative Use Permit #ZP2019-0111

76. Rod Ubillus, on behalf of Kristin Scott and Henk Roelink
77. Tetsu Tokunaga

Item #2: ZAB Appeal: 0 Euclid Avenue (Berryman Reservoir), Use Permit #ZP2018-0236

78. Paul Albritton, on behalf of Mackenzie & Albritton Law Firm
79. Jane Burak
80. Lance Courtland
81. Francie Jones

82. Diana Bohn

Supplemental Communications and Reports 3

Item #1: ZAB Appeal: 1449 Grizzly Peak Boulevard, Administrative Use Permit #ZP2019-0111

- 83. Pamela Sihvola (2)
- 84. Changiz Faizbakhsh

Item #2: ZAB Appeal: 0 Euclid Avenue (Berryman Reservoir), Use Permit #ZP2018-0236

- 85. Jeffrey Hunt (2)
- 86. Andy Katz, EBMUD Director, Ward 4
- 87. Paul Albritton, on of law firm of Mackenzie & Albritton
- 88. Wendy Stock
- 89. Bryce Nesbitt (2)
- 90. Mark Numainville, City Clerk
- 91. Oren Leiman
- 92. Phoebe Anne Sorgen

Urgency Item: Resolution Authorizing Temporary Closure of the Designated Healthy Streets Network

- 93. Urgent material, submitted by Councilmember Kesarwani
- 94. Travis Close

Urgency Item: Ordinance Limited Third-Party Food Delivery Service Fees

- 95. Urgent material, submitted by Councilmember Kesarwani
- 96. John Caner, on behalf of the Downtown Berkeley Association
- 97. Narendra Dev

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, July 14, 2020
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/83061922519>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial **1-669-900-9128** and enter Meeting ID: **830 6192 2519**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

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

Preliminary Matters

Roll Call: 6:05 p.m.

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

Absent: None

Ceremonial Matters:

1. Adjourn in memory of Paul Broadway, City of Berkeley Employee
2. Adjourn in memory of recently deceased Berkeley residents

City Auditor Comments:

The City Auditor provided a summary of the upcoming audits, including planned audits related to the Berkeley Police Department.

City Manager Comments:

The City Manager provided an update on the activities of the Emergency Operations Center, including efforts for the unhoused and the increase in testing.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Arreguin/Hahn) to accept supplemental materials from Mayor Arreguin on Item 18.

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

Action: M/S/C (Kesarwani/Robinson) to accept an urgency item from Councilmember Kesarwani pursuant to Government Code Section 54954.2(b)(2) entitled Letter of Support to State Officials Requesting Reclassification of the Oakland Zoo as an Outdoor Museum.

Vote: All Ayes.

Action: M/S/C (Wengraf/Hahn) to accept an urgency item from Councilmember Wengraf pursuant to Government Code Section 54954.2(b)(2) entitled Letter to UC Berkeley Chancellor Christ re: COVID and Fall 2020 Plans.

Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 37 speakers.

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

Vote: All Ayes.

Letter of Support to State Officials Requesting Reclassification of the Oakland Zoo as an Outdoor Museum

From: Councilmember Kesarwani (Author)

Recommendation: Send the attached letter as an e-mail to California state officials to request reclassification of the Oakland Zoo as an outdoor museum in order to enable it to reopen for outdoor recreation and education under strict healthy and safety guidelines and to support the zoo in remaining financially solvent. The letter is addressed to: Governor Gavin Newsom, State Public Health Officer and Director of the California Department of Public Health Dr. Sonia Angell, and the California Health and Human Services Agency Director Dr. Mark Ghaly.

Financial Implications: None

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

Action: Approve recommendation.

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

Letter to UC Berkeley Chancellor Christ re: COVID and Fall 2020 Plans

From: Councilmember Wengraf (Author), Councilmember Hahn (Author)

Recommendation: Send a letter to UC Berkeley Chancellor Carol Christ urging her to consider the health and safety of the greater Berkeley community and the resources necessary to manage potential additional COVID outbreaks when making Fall semester 2020 plans.

Financial Implications: None

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

Action: Councilmembers Droste and Harrison added as co-sponsors. Approved recommendation amended to remove “and how would these services be paid for” from the fourth to the last paragraph.

Consent Calendar

- 1. FY 2021 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,721-N.S. setting the FY 2021 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 with no increase in tax rate.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300; Dave Brannigan, Fire, (510) 981-5500
Action: Adopted second reading of Ordinance No. 7,721-N.S.
- 2. Amend One-Way Car Share Program: Electric Mopeds, Fees, Deposits**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,722-N.S. pursuant to Berkeley Municipal Code Chapter 14.62, renaming the One-Way Car Share Program as the One-Way Vehicle Share Program and removing obsolete references to parking permit stickers affixed to vehicles.
First Reading Vote: Ayes – Kesarwani, Bartlett, Harrison, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila, Hahn.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,722-N.S.
- 3. Amendments to the Berkeley Election Reform Act; Amending Berkeley Municipal Code Chapter 2.12**
From: Fair Campaign Practices Commission
Recommendation: Adopt second reading of Ordinance No. 7,723-N.S. amending the Berkeley Election Reform Act, BMC Chapter 2.12, regarding the public financing program.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
Action: Adopted second reading of Ordinance No. 7,723-N.S.

Consent Calendar

4. **FY 2021 Annual Appropriations Ordinance**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,724-N.S. adopting the FY 2021 Annual Appropriations Ordinance (AAO) in the amount of \$533,318,519 (gross appropriations) and \$447,702,457 (net appropriations).

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,724-N.S.

5. **Contract No. 9367 Amendment: Banking Services with Wells Fargo Bank**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to continue the work of unbundling the banking services with Wells Fargo and exercise the final three-year option period to extend Contract No. 9367 with Wells Fargo through May 31, 2023, in the amount of \$3,107,500 for a total of ten (10) year contract amount not to exceed \$10,356,000. This is to ensure business continuity and allow adequate time to continue pursuing the effort to determine alternative banking and related services solutions.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,489–N.S.

6. **Revenue Contracts: Families First Coronavirus Response Act (FFCRA) Funds for Aging Services Nutrition Programs**

From: City Manager

Recommendation: Adopt two 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 to seniors for the following programs for Fiscal Year 2021:

1. Congregate Meals in the amount of \$7,500; and
2. Home Delivered Meals in the amount of \$31,500.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,490–N.S. (Congregate Meals); Adopted Resolution No. 69,491–N.S. (Home Delivered Meals).

Consent Calendar

7. **Contract No. 32000117 Amendment: Berkeley Food & Housing Project for Administrative Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000117 with Berkeley Food & Housing Project (BFHP) to provide administrative services for Berkeley Mental Health (BMH) Flexible Spending Programs and the Russell Street Residence through June 30, 2021 in an amount not to exceed \$1,907,293. This will extend the existing contract by one year and add \$946,419 in funding.
Financial Implications: See report
 Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,492–N.S.

8. **Contract No. 10209 Amendment: Bay Area Hearing Voices Network for Hearing Voices Support Groups**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 10209 with vendor Bay Area Hearing Voices Network (BAHVN) to provide Hearing Voices Support Groups through June 30, 2021, increasing the amount of the contract by \$34,736 for a total not to exceed amount of \$103,178.
Financial Implications: See report
 Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,493–N.S.

9. **Local Housing Trust Fund Application**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California’s Local Housing Trust Fund program in an amount not to exceed \$5,000,000, and to apply such funds to the City’s existing funding reservations for affordable housing development at 2001 Ashby Avenue and 2527 San Pablo Avenue via the City’s Housing Trust Fund program.
Financial Implications: See report
 Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,494–N.S.

Consent Calendar

- 10. Contract: Sandstone Environmental Engineering, Inc. for Aquatic Park Central Tide Tubes Maintenance Sediment Removal and Inspection Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Aquatic Park Central Tide Tubes Maintenance Sediment Removal and Inspection Project (Bid Specification No. 20-11402-C); and 2. Accepting the bid of Sandstone Environmental Engineering, Inc. as the lowest responsive and responsible bidder on the Project; 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 Sandstone Environmental Engineering, Inc., for the Aquatic Park Central Tide Tubes Maintenance Sediment Removal and Inspection Project, in an amount not to exceed \$552,862, which includes a contract amount of \$480,750 and a 15% contingency in the amount of \$72,112.
Financial Implications: Various Funds - \$552,862
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,495–N.S.
- 11. Contract No. 32000114 Amendment: Redwood Engineering Construction for James Kenney Park, Picnic, and Play Area Renovation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000114 with Redwood Engineering, by increasing the construction contract amount by \$280,000 for a not-to-exceed amount of \$1,471,342 for the James Kenney Park, Picnic, and Play Area Renovation.
Financial Implications: Parks Tax Fund - \$1,471,342
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,496–N.S.
- 12. City Consent to Declaration of Easements Between 2009 Addison and 2015 Addison**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to give City consent to an amended declaration of easements for safety and access between 2015 Addison Street, which is owned by the Berkeley Repertory Theater, and 2009 Addison Street, owned by the Joint Powers Financing Authority, leased by the City of Berkeley, and subleased to the Berkeley Repertory Theater.
Financial Implications: None
 Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Adopted first reading of Ordinance No. 7,728-N.S. amended to correct the text of the ordinance so that the addresses are referenced correctly. Second reading scheduled for July 28, 2020.

Consent Calendar

- 13. Contract: Shaw Industries, Inc. for Civic Center Building Carpet Replacement Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Pursuant to City Charter Article XI Section 67.2 requirements, accepting the California Multiple Award Schedule bid procedures; 2. Approving the California Multiple Award Schedule Contract with Shaw Industries, Inc. for Carpet Replacements at the Civic Center Building. 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 terms and conditions of the agreements with Shaw Industries, Inc. in an amount not to exceed \$116,635.39, which includes a contingency of \$19,439.23.
Financial Implications: Capital Improvement Fund - \$116,635
 Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,497–N.S.
Vote: Ayes – Kesarwani, Davila, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Harrison.
- 14. Contract No. 9730B Amendment: Fairbanks Scales, Inc. for Preventative Maintenance and Repairs on the Various Scales at the Berkeley Transfer Station**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9730B with Fairbanks Scales, Inc. for preventative maintenance and repairs on the various scales at the City’s Solid Waste Management Center Transfer Station Facility to increase the contract amount by \$50,000 for a total contract amount not to exceed \$190,000, and to extend the contract term by two years to June 30, 2023.
Financial Implications: Zero Waste Fund - \$190,000
 Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,498–N.S.

Action Calendar – Public Hearings

15. Permanent Local Housing Allocation Application

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Permanent Local Housing Allocation program in an amount not to exceed \$7,761,504 to support local affordable housing and homeless services initiatives.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 10 speakers.

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Wengraf) to adopt Resolution No. 69,499–N.S.

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

16. California Public Finance Authority Bond Financing for 1717 University Avenue

From: City Manager

Recommendation: Conduct a public hearing under the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code of 1986, as amended, and upon conclusion, adopt a Resolution approving the issuance of the bonds by the California Public Finance Authority (CalPFA) for the benefit of the 1717 University Avenue rental housing development.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 5 speakers.

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Droste) to adopt Resolution No. 69,500–N.S.

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

Recess 9:31 p.m. – 9:44 p.m.

Action Calendar – Public Hearings

17. ZAB Appeal: 1533 Beverly Place, Administrative Use Permit #ZP2018-0153
From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the decision of the Zoning Adjustments Board to approve Administrative Use Permit #ZP2018-0153 to enlarge an existing 1,212 square-foot, one-story single-family dwelling with a non-conforming front setback on a 4,200 square-foot lot by constructing a 1,035 square-foot addition, including a new second story that would increase the average building height from 16 feet 3½ inches to 23 feet 7½ inches, and adding a fifth bedroom, and dismiss the appeal.

Financial Implications: None

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

Action: M/S/C (Arreguin/Wengraf) to open the public hearing and continue the hearing to July 23, 2020.

Vote: All Ayes.

Action Calendar

Action: M/S/C (Arreguin/Davila) to suspend the rules and extend the meeting to 12:00 a.m.; and continue Item 19 to July 23, 2020.

Vote: All Ayes.

Action: M/S/C (Arreguin/Davila) to suspend the rules and extend the meeting to 1:30 a.m.

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 2:00 a.m.

Vote: All Ayes.

Action: M/S/C (Davila/Hahn) to suspend the rules and extend the meeting to 2:30 a.m.

Vote: All Ayes.

Action: M/S/C (Arreguin/Droste) to suspend the rules and extend the meeting to 2:45 a.m.

Vote: All Ayes.

Action: M/S/C (Arreguin/Droste) to suspend the rules and extend the meeting to 3:00 a.m.

Vote: All Ayes.

Action: M/S/Failed (Harrison/Davila) to suspend the rules and extend the meeting to 3:10 a.m.

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

Action Calendar

Action: M/S/Failed (Davila/Bartlett) to adopt Item 18b as written.

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

Action: 139 speakers. M/S/Carried (Arreguin/Droste) to adopt the Mayor’s omnibus motion in the revised materials accepted at the meeting, as further verbally amended by the Mayor, and including the amendment from Councilmember Droste regarding the creation of city policies to reduce the impact of settlements on the General Fund.

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

Omnibus Motion on Public Safety Items (Items 18a-e) July 14, 2020

That the Berkeley City Council adopts the following motion:

1. To APPROVE item 18a “George Floyd Community Safety Act - Budget Request to Hire a Consultant to Perform Police Call and Response Data Analysis” (Bartlett) as revised in Supplemental Packet 1 and further amended below:

- *Reaffirming the Council’s prior action adopting Recommendation # 1 through its allocation of \$160,000 for an Auditor I position in the FY 2021 Budget to conduct a data-driven study that includes analysis of police calls and responses, as well as analysis of the Berkeley Police Department (BPD) budget and expenditures, which could include by call type, including FTE (full-time equivalent position), cost per FTE, overtime and special pay expenditures and supervisory structure. Recommended data points/areas of focus are included in pages 4-7 of the Bartlett item. The Auditor is encouraged to consult subject matter experts in developing the scope of work for this study and to consult with the community-based organization selected for community outreach (Item 18d) throughout her work.*

- *Approving Recommendation # 2 as revised below:*

Refer to the City Manager and the public safety reimagining process in item 18d to evaluate initiatives and reforms that reduce the footprint of the Police Department and limit the Police’s scope of work primarily to violent and criminal matters.

- *Allocate \$100,000 from the FY 2021 Unallocated General Fund Balance (of \$141,518 unallocated in the FY 2021 Adopted Budget) to analyze and develop a pilot program to re-assign non-criminal police service calls to a Specialized Care Unit. This Specialized Care Unit (SCU) consisting of trained crisis-response workers would respond to 911 calls that the operator evaluated as non-criminal and that posed no imminent threat to the safety of first responders. The program would be designed by staff based on existing successful models and likely employ a combination of mental health professionals as well as EMTs and/or nurses, who would be unarmed. The program should be designed to reduce costs while enhancing outcomes in public safety, community health, mental health, social services, civil rights, and overall quality of life. Based on pilot results, a proposal to adjust and/or expand and continue the program, and related reductions in policing services, should be presented to the City Council for consideration in time for inclusion in the FY 2022 budget. (Council previously approved a study of the creation of a Specialized Care Unit pilot on June 16, 2020)*

2. To APPROVE the following recommendations based on Councilmember Davila’s item 18b “Support Redistribution of City Resources and Operations from the Berkeley Police”:

Action Calendar

- *As previously recommended in other areas of this motion by other Councilmembers, refer as part of the public safety reimagining process to evaluate functions currently served by Berkeley Police personnel which could be better served by trained non-sworn city staff or community partners and how those positions/responsibilities could be transferred out of the police department as soon as practicable. (Davila Recommendation 1 modified)*
 - *Refer to the public safety reimagining process the goal of reducing the Berkeley Police Department budget by 50%, to be based on the results of requested studies and analysis and achieved through programs such as the Specialized Care Unit. Functions to consider shifting away from the Police Department include non-emergency calls that are evaluated to pose no danger to the safety of responders, such as calls related to enforcement of COVID-19 Shelter in Place orders, mental health calls (including wellness checks), calls related to quality of life crimes, calls related to homelessness, and any other calls that can be safely served by another new or existing city or community partner resource (Davila Recommendation 2 and 3 modified)*
 - *Engage in a full and complete operational analysis, undertake meaningful community consultation and develop a transition plan. This reduction will enable a reallocation of public safety resources so that Police are focused on violent and criminal matters, and consider how to shift resources to, among others, non-sworn mental health, homeless outreach, and parking and traffic enforcement professionals. This will also enable the reallocation of existing police dollars for community programs and priorities to support communities of color, promote violence prevention and restorative justice and improve community health and safety. (Davila Recommendation 3 modified)*
 - *Reducing the Berkeley Police Department budget will allow funding to be considered for these and other similar priorities: youth programs, or community groups and programs, violence prevention and restorative justice programs, domestic violence prevention, housing and homeless services, food security, mental health services including a specialized care unit, healthcare, new city jobs, expanded partnerships with community organizations, public health services, and the creation of a new Department of Transportation to administer parking regulations and traffic laws. (Davila Recommendation 4 modified)*
 - *Refer to the City Manager and the public safety re-imagining process to identify the expertise needed for non-police responses to calls, taking into account comparable approaches including CAHOOTS and other existing programs that might be expanded such as the Berkeley Free Clinic, Building Opportunities for Self Sustainability (BOSS), and the Women's Daytime Drop-in Center, Consider the Homeless and others. (Davila recommendation 6 modified)*
 - *Create plans and protocols for emergency/911 dispatch to send calls to the preferred responding entity and consider placing dispatch in the Fire Department or elsewhere outside the Police Department. (Davila recommendation 7 modified)*
 - *Policing in schools (Davila recommendation #8). Amended to state that the City will align its work with the school district's commitment to look at exploring and reducing policing in the schools*
- (Councilmember Davila's suggested language encouraging BUSD to adopt policies to safeguard information from ICE is already adopted district policy. BUSD was one of the first districts in the country to adopt a sanctuary schools policy and should be commended for its forward-thinking leadership.)*
- *Refer to the City Manager and public safety reimagining process an analysis of litigation outcomes and exposure for city departments in order to guide the creation of city policy to reduce the impact of settlements on the General Fund. (Amended as proposed by Councilmember Droste)*

3. To APPROVE the report and resolution in item 18d "Transform Community Safety and Initiate a Robust Community Engagement Process" (Mayor/Hahn/Bartlett/Harrison) with the following revisions below:

Action Calendar

- Amend recommendation 3 to clarify that the City Manager would “collaborate with the Mayor and all Councilmembers to complete the work, to inform investments and reallocations to be incorporated into future Budget processes.”
- Amend recommendation 3 to refer all of the recommendations from the Berkeley United for Community Safety coalition to the City Manager and public safety reimagining process for consideration.
- Amend recommendations 3(a) (ii) to clarify that the analysis and initial recommendations on shifting police resources to alternate, non-police responses and toward alternative and restorative justice models will coincide with the next available budget process, whether that is the November 2020 AAO#1, April 2021 AAO#2, or the June 2021 budget process.
- Amend recommendation 3(b) to add the following language proposed by Councilmember Wengraf in item 18c:

This work should include public, transparent community forums to listen, learn and receive people’s ideas about how policing should be re-imagined and transformed so that communities of color can be safer within their neighborhoods, the City of Berkeley, and trust in the Berkeley Police Department can begin to be rebuilt.

Our communities of color, particularly our African American community must be at the forefront of conversations to re-imagine approaches to policing and public safety.

- Amend recommendation 3(b)(1) to read: *Building on the work of the City Council, the Council Public Safety Policy Committee, the City Manager, the PRC, other City commissions and working groups (e.g. the Mayor’s Fair and Impartial Policing Working Group) addressing community health and safety, the Community Safety Coalition and community process will engage relevant city commissions in this work on an ongoing basis.*

4. To APPROVE Item 18e “BerkDOT: Reimagining Transportation for a Racially Just Future” (Robinson) as revised in Supplemental Packet 1:

Refer to the City Manager, the FY 2021-22 budget process, and the proposed community engagement process to reimagine public safety to:

- (1) Pursue the creation of a Berkeley Department of Transportation (BerkDOT) to ensure a racial justice lens in traffic enforcement and the development of transportation policy, programs, & infrastructure, and
- (2) Identify & implement approaches to reduce and/or eliminate the practice of pretextual stops based on minor traffic violations.

Action Calendar

18a. Safety for All: The George Floyd Community Safety Act - Budget Request to Hire a Consultant to Perform Police Call and Response Data Analysis

(Continued from June 16, 2020)

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

Recommendation:

1. Refer to the Thursday, 6/18/2020 Budget & Finance Policy Committee and the FY 2020-21 Budget Process the \$150,000 to: a. Hire a consultant to conduct a data-driven analysis of police calls and responses to determine the quantity and proportion of these calls that can be responded to by non-police services. The third-party consultant must be hired and engaged in work within three months of the item's passage. b. Hire a consultant to conduct an analysis of the Berkeley Police Department's budget and its expenditures by call type. The third-party consultant must be hired and engaged in work within three months of the item's passage.
2. Direct the City Manager to implement initiatives and reforms that reduce the footprint of the police department and limit the police's response to violent and criminal service calls.

Financial Implications: See report

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

Action: To approve item 18a "George Floyd Community Safety Act - Budget Request to Hire a Consultant to Perform Police Call and Response Data Analysis" as revised in Supplemental Communications Packet #1 and further amended in the Mayor's omnibus motion.

18b. Support Redistribution of City Resources and Operations from the Berkeley Police

From: Councilmember Davila (Author)

Recommendation: Adopt a resolution supporting Redistribution of City Resources and Operations from the Berkeley Police, and taking the following actions: 1. Request that any function that is currently served by Berkeley Police but would be better served by trained city staff or community partners should be transferred out of the police department with all due haste 2. These functions include all non-emergency calls, mental health calls (including wellness checks), calls related to intoxication, calls related to homelessness, calls involving domestic violence, and any other calls that can be served by any other city resource, and 3. The current proposed police budget for 2021 (\$72,774,334) will be reduced by an amount of 50% (\$36,387,167) or greater and funding of community programs and non-police city agencies will be increased by a commensurate amount, and 4. Reducing the Berkeley Police Department budget by at least 50 percent will allow funding for but not limited to youth programs or community groups and programs, housing and homeless services, food security, mental health services, healthcare, creation of new city jobs, and public health services. 5. Calls involving domestic violence, homelessness, and mental health require specialized responding staff who have been trained in de-escalation and are able to provide direct services to Berkeley residents who are in crisis. The City Auditor is hereby directed to prepare a report to

Action Calendar

Council that reveals the amount of funding that will become available as a result of these reductions in police responsibilities. 6. The City Manager will identify the expertise needed for non-police responses to these calls, taking into account comparable approaches including CAHOOTS as well as existing local programs which could possibly expand with additional funding such as: the Berkeley Free Clinic, Building Opportunities for Self Sustainability (BOSS), and the Women's Daytime Drop-in Center, Consider the Homeless and others, and initiate an RFP process for community organizations to provide those services. 7. The City Manager should create a plan for a non-police hotline that can receive 911 calls and connect those calls with non-police resources as appropriate, either by expanding the 311 mandate or creating a new city agency (perhaps 811 recognizing 8 to Abolish). 8. The City Council requests the Berkeley Unified School District and all Berkeley schools. both public and private to end programs that bring police officers into the schools, and to do everything within their power to protect undocumented students and families and to safeguard their information and prevent it from being shared with from police, including ICE (Immigration and Customs Enforcement). 9. That general fund dollars are not to be expended to pay out settlements resulting from police officer negligence, brutality, or murder. Those settlements will henceforth be deducted from police department budgets. 10. That the Police Review Commission and Peace and Justice Commission are instructed to form a joint committee to annually review police responsibilities and make recommendations to the City Council regarding additional functions that could better be served by non-police staff.

Financial Implications: See report

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

Action: To approve the recommendations in the Mayor's omnibus motion based on Councilmember Davila's item 18b "Support Redistribution of City Resources and Operations from the Berkeley Police."

Action Calendar

18c. Referral to City Manager to Re-imagine Policing Approaches to Public Safety Using a Process of Robust Community Engagement, to Develop a Path Forward to Transforming Public Safety and Policing in Berkeley

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

Recommendation: We must have our communities of color, particularly our African American community, at the forefront of conversations to re-imagine approaches to policing and public safety in Berkeley. The people most disparately impacted must have a vital role in the creation of new ways to enhance accountability, compassion and transparency as we move forward to address racial inequities and disparate outcomes of policing in Berkeley.

This item is an urgent referral to the City Manager to act quickly and thoughtfully in creating substantial community engagement to develop a new model for policing in Berkeley, to address racial inequities, ensure community health and safety needs are met, and to build trust within our communities of color.

This work should begin with public, transparent community forums to listen, learn and receive people's ideas about how policing should be re-imagined and transformed so that communities of color can be safer within their neighborhoods, the City of Berkeley, and trust in the Berkeley Police Department can begin to be rebuilt. The City Manager will send a list of recommendations to the full Council for review and public input.

Financial Implications: Staff time

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

Action: Approved recommendation 3(b) as amended in the Mayor's omnibus motion.

18d. Transform Community Safety and Initiate a Robust Community Engagement Process

From: Mayor Arreguin (Author), Councilmember Hahn (Author), Councilmember Bartlett (Author), Councilmember Harrison (Author)

Recommendation:

1. Adopt a Resolution expressing the City Council's commitment to:
 - a. A transformative approach to community-centered safety and reducing the scope of policing,
 - b. Equitable investment in the essential conditions of a safe and healthy community, especially for those who have been historically marginalized and have experienced disinvestment, and
 - c. A broad, inclusive community process that will result in deep and lasting change to support safety and wellbeing for all Berkeley residents.
2. Direct the City Manager to track and report progress on actions to implement this initiative, and other actions that may be identified by the Coalition and referred by Council to the City Manager. Updates shall be provided by written and verbal reports to Council and posted on a regularly updated and dedicated page on the City website.
3. Direct the City Manager to collaborate with Mayor and select Councilmembers to complete the following work, to inform investments and reallocations to be incorporated into future Budget processes:

Action Calendar

a. Contract with independent subject matter experts to:

i. Analyze the scope of work of, and community needs addressed by, the Berkeley Police Department, to identify a more limited role for law enforcement, and identify elements of police work that could be achieved through alternative programs, policies, systems, and community investments. Analysis should include but not be limited to: calls received by dispatch by type of complaint, stops by law enforcement generated at officer discretion (as contained in the Police Department's open data portal) or on request of other city agencies, number of officers and staff from other city agencies that respond to incidents, estimated time in response to different types of calls, daily patrol activities, organizational structure, and beat staffing. Work to include broad cost estimates of police and other city agency response to different types of calls, and other information and analysis helpful to identify elements of current police work that could be transferred to other departments or programs or achieved through alternative means. Work should be completed in time for the November 2020 Annual Appropriation Ordinance revision.

ii. Identify immediate and longer-term opportunities to shift policing resources to alternative, non-police responses and towards alternative and restorative justice models, to better meet community needs, that could be considered in the November 2020 AAO#1 budget process. Some areas to be considered include homeless outreach and services, substance abuse prevention and treatment, and mental health/crisis management, as well as alternative models for traffic and parking enforcement, "neighborhood services" and code enforcement. Provide a broad timeline and process for transitioning functions not ready for transition at this first milestone.

Deliverables should coincide with budget cycles, including the November 2020 AAO and FY 2022-2023 Budget processes, and provide a suggested timeline for transitioning functions at these and other budget opportunities, so that alternative investments may be considered for funding and launched in a timely and orderly manner.

b. Contract with independent Change Management experts to initiate and facilitate a representative Community Safety Coalition, guided by a Steering Committee, that will begin meeting no later than January 2021. The CSC and its Steering Committee should be broadly inclusive and representative of Berkeley residents and stakeholders. The Steering Committee, with the support of Change Management professionals, shall be responsible for engaging the Coalition and the broader Berkeley community and relevant City Staff in a robust process, to achieve a new and transformative model of positive, equitable and community-centered safety for Berkeley.

The work of the Coalition should include but not be limited to:

1. Building on the work of the City Council, the City Manager, the PRC and other City commissions and other working groups addressing community health and safety.
2. Research and engagement to define a holistic, anti-racist approach to community safety, including a review and analysis of emerging models, programs and practices that could be applied in Berkeley.
3. Recommend a new, community-centered safety paradigm as a foundation for deep and lasting change, grounded in the principles of Reduce, Improve and

Action Calendar

Reinvest as proposed by the National Institute for Criminal Justice Reform (Attachment 3), considering, among other things:

- a. The social determinants of health and changes required to deliver a holistic approach to community-centered safety
 - b. The appropriate response to community calls for help including size, scope of operation and powers and duties of a well-trained police force.
 - c. Limiting militarized weaponry and equipment.
 - d. Identifying alternatives to policing and enforcement to reduce conflict, harm, and institutionalization, introduce alternative and restorative justice models, and reduce or eliminate use of fines and incarceration.
 - e. Options to reduce police contacts, stops, arrests, tickets, fines and incarceration and replace these, to the greatest extent possible, with educational, community serving, restorative and other positive programs, policies and systems.
- c. The Coalition's goal/output will be a set of recommended programs, structures and initiatives to incorporate into upcoming budget processes for FY 2022-23 and, as a second phase, in the FY2024-2025 budget processes to ensure that recommended changes will be achieved. The Coalition shall return to City Council an initial plan and timeline by April 1, 2021, to ensure the first phase of changes can be incorporated into the FY2022-23 Budget Process.

Financial Implications: See report

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

Action: To approve the report and adopt Resolution No. 69,501–N.S. in item 18d “Transform Community Safety and Initiate a Robust Community Engagement Process” as amended in the Mayor’s omnibus motion.

18e. **BerkDOT: Reimagining Transportation for a Racially Just Future**

From: Councilmember Robinson (Author), Councilmember Droste (Author), Councilmember Bartlett (Author), Mayor Arreguin (Author)

Recommendation: Refer to the City Manager, the FY 2021-22 budget process, and the proposed community engagement process to reimagine public safety to pursue the creation of a Berkeley Department of Transportation (BerkDOT) to ensure a racial justice lens in traffic enforcement and the development of transportation policy, programs, & infrastructure.

Financial Implications: See report

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

Action: To approve Item 18e “BerkDOT: Reimagining Transportation for a Racially Just Future” (Robinson) as revised in Supplemental Communications Packet #1 and in the Mayor’s omnibus motion.

19. Animal Services Contract with the City of Piedmont *(Continued from June 30, 2020)*

From: City Manager

Recommendation: Adopt a resolution authorizing the City Manager to execute a contract, with any amendments, with the City of Piedmont for animal care services for FY2021-FY2025, which increases the existing contract by up to \$180,134, with a total contract amount not to exceed \$441,984.

Financial Implications: See report

Contact: Erin Steffen, City Manager's Office, (510) 981-7000

Action: Item 19 continued to July 23, 2020.

Public Comment – Items Not Listed on the Agenda - 3 speakers.

Adjournment

Adjourned at 3:00 a.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of the City Council held on July 14, 2020.

Mark Numainville
City Clerk

Communications

Item #17: ZAB Appeal: 1533 Beverly Place, Administrative Use Permit #ZP2018-0153

1. Igor Tregub

Item #18a: Safety for All: The George Floyd Community Safety Act - Budget Request to Hire a Consultant to Perform Police Call and Response Data Analysis

2. Mary Gomes
3. Allen Kanner
4. Moni Law

Item #18b: Support Redistribution of City Resources and Operations from the Berkeley Police

5. 102 identical form letters
6. 19 identical form letters
7. Annie Liu
8. Samir Doshi
9. Cheyenne Smith
10. Clara Monk

11. Lauren MacPhail
12. Madison Ordway
13. Jane Hood
14. Kristen Boney
15. Hannah Forsberg
16. Liz Combs
17. Isabelle Kavanagh
18. Gisel DeLaCerde
19. Dahlia Saba
20. Alyssa Sugarman
21. Gina Drescher
22. Andrew Mayo
23. Laurel Halvorson
24. Isabel Barbera
25. Mahader Tamene
26. Rumur Dowling
27. Maggie Camillos
28. Bailey Henderson
29. Mariah Castle
30. Rebecca Zemach-Lawler
31. Sara Bruno
32. Star Zagofsky
33. Max Ventura
34. Kate Stechschulte
35. Bill Kinder
36. Kamaile Alnas-Benson
37. Alex de Man
38. Vikram Nagarajan
39. Josie Lee
40. Knychelle Passmore
41. Marcia Ishii-Eiteman
42. Stephanie Ashton
43. Isabel Cholbi
44. Christine Garibian
45. MacKenzie Moore
46. Dan B
47. L. Darlene Pratt
48. Linda Walls
49. Dani Rozman
50. Jem Campbell
51. Gabriella Villegas
52. Eisa Al-Shamma
53. Samantha Whitty
54. Henderson Peternell
55. Jackson Torres
56. Morgan Hubbard

57. Katie Wilson
58. Sukhmony Brar
59. Stephanie Schaudel
60. Uma Channer
61. Erika Hsu
62. Lorena Grundy
63. Sander Mack-Crane
64. Andrea Ikeda
65. Nate Bohm-Levine
66. Amy Reavis
67. Virginia Lyon
68. Miranda Mammen
69. Andres Navarro
70. May Lim
71. Garrett Shishido Strain
72. Melanie Abrams
73. Jacob Wolbert
74. Nicole Teixeira
75. Alison Lafferty
76. Naima Karczmar
77. Beebe Sanders
78. Anasuya Lyons
79. Michelle Braasch-Carman
80. Michele Foletta
81. Anthony Abel
82. Christopher Geary
83. Paige Hval
84. Kerby Lynch
85. Butch Brood
86. Helena von Nagy
87. Erin Silk
88. Rebeca Willis-Conger
89. Julia Bleier
90. Rianna Modi
91. Carly Feldman
92. Mia Redmond
93. Colin Barber
94. Opal
95. Emily Bronston-Joseph
96. Sara Fread
97. Yael Platt
98. Michelle Yiu
99. Emily Robbins
100. Jill Buckey
101. Sarah Bancroft
102. Milea Stauber

103. Natasha Geiling
104. Melissa Gomes
105. Aaron Goldstein
106. Joey Flegel-Mishlove
107. Kira Findling
108. Zach Carter
109. Nicholas Rio
110. Maize Cline
111. Ace Chen
112. Rachael
113. Suna Tamang
114. Kristin Nelson
115. Kyra Fleischman
116. Karen Shimoda
117. Kelly Shimoda
118. Anan Collymore
119. Michael Foulk
120. Melissa Gomes
121. Eli Conley
122. Allegra Mayer
123. Ian Buddy
124. Katie Knapp
125. Eliza Macy
126. Serina Jensen
127. Sonia Mistry
128. Maddison Pilgrim
129. Catherine McNelley
130. Chase La Piana
131. Anna McFall
132. Rico Chenyek
133. Ralph Leano Atanacio

Covid-19

134. Nadia Nashashibi
135. Joe Greaves, on behalf of the Alameda-Contra Costa Medical Association
136. Vicki Young
137. Thomas Lord
138. David Lerman

Commissions

139. Igor Tregub, on behalf of the Peace and Justice Commission
140. Lisa Bullwinkel

ADU and Golden Duplex

141. Jo Ann Driscoll

Mini-Grants for West Berkeley Projects

142. Lawrence Grown, on behalf of the West Berkeley Design Group

Rename Bancroft Way

143. Sean Peterson

Public Comments

144. Mark Numainville, City Clerk

Fireworks

145. Jolie

5G

146. Wisteria

Policing Matters

147. Ben Gerhardstein, on behalf of Walk Bike Berkeley

148. Genevieve Wilson

149. Holly Scheider (2)

150. Erwan Illian

151. Rebecca Weinstein

152. George Lippman

153. Russbumper (2)

Spokes Bike Lounge

154. Maya Wolf

155. Michael Golub

156. Paul Hainsworth

157. Meredith Nielsen

158. Jonathan Balaban

159. Tom Lent

Brown Girls Climbing

160. Ariel Winger

Alameda County Transportation Authority – Divert \$400,000,000

161. Gerald Cauthen, on behalf of Bay Area Transportation Working Group

Rent Board

162. Andrew Marowitz (2)

Budget

163. Kathryn Reasoner

164. Michelle Mascarenhas

165. Sammy Wess

166. Malcolm Margolin, on behalf of the California Institute for Community, Art and Nature

- 167. Rucha Kelkar
- 168. Oliver Katz
- 169. Claire Greensfelder
- 170. Lauren Hughes

1921 Walnut Street

- 171. Mayor Jesse Arreguin
- 172. Carol Christ, Chancellor of University of California at Berkeley

Rent Increases

- 173. Abderazak Mehdkour
- 174. Steven Christopher
- 175. Tony Benado

Berkeley Town Square Proposal

- 176. Kate Stechschulte
- 177. Councilmember Hahn

Bike Lanes on Ashby

- 178. Clay Miller

Supplemental Communications and Reports 1

Item #17: ZAB Appeal: 1533 Beverly Place, Administrative Use Permit #ZP2018-0153

- 179. Rena Rickles
- 180. Allison Riemer, submitted on behalf of the Land Use Planning Division
- 181. Amy Di Costanzo (2)

Item #18a: Safety for All: The George Floyd Community Safety Act - Budget Request to Hire a Consultant to Perform Police Call and Response Data Analysis

- 182. Supplemental material, submitted by Councilmember Bartlett
- 183. Zoe Merz
- 184. Cassidy Kanner-Gomes

Item #18c: Referral to City Manager to Re-imagine Policing Approaches to Public Safety Using a Process of Robust Community Engagement, to Develop a Path Forward to Transforming Public Safety and Policing in Berkeley

- 185. Moni Law
- 186. Norma Harrison
- 187. Igor Tregub, on behalf of the Sierra Club

Item #18e: BerkDOT: Reimagining Transportation for a Racially Just Future

- 188. Revised material, submitted by Councilmember Robinson
- 189. Briane Troutwine

Item #18a, 18b, 18c, 18d and 18e

190. Ralph Leano Atanacio
191. Amanda Sommers
192. Jeffrey Leach
193. Anne-Lise Francois
194. Lucy Ubano
195. Kaya Wooley
196. Trey Dao
197. Bailey Henderson
198. Eli Waldman
199. Ana Nguyen
200. Nina Didkovsky
201. MC de Martino
202. Ebru Odok
203. Ariella Brodie-Weisberg
204. R. Powers
205. Martine Glaros
206. Moira Huang
207. Jeannie Yang
208. Elijah Casas
209. Elana Auerbach
210. Valeri Chafograck
211. Sean O'Connor
212. Grace Patterson
213. Bill Press
214. Rebecca Fink
215. Elizabeth Ferguson
216. Anne Herrick
217. Isabel Barbera
218. Jeremy Lent
219. Clara Monk
220. Manuela Delnevo
221. Sydney Trieu
222. Avielle Sherman
223. Amelia Wiley
224. Elizabeth Wiley
225. Lynne Henderson
226. Margo Pottebaum
227. Reesa Goncalves
228. Linnea Brotz
229. Amani Ali
230. Riya Masters and Sam Warren
231. Avi Simon
232. Annie Liu
233. Alicia Terrero
234. Firdausi Sudarmadji
235. Mariah Wood

- 236. Diana Nguyen
- 237. Johanna Romero
- 238. Alison Lafferty
- 239. Kory Worley
- 240. Alexander Alvara
- 241. Kelsey Crutchfield-Peters
- 242. Nicole Giambastiani
- 243. Meghan Schwartz
- 244. Carolyn Phillips
- 245. Ann Garbarino
- 246. Soumili Mukherjee
- 247. Ashley Reynolds
- 248. Mia Kanzawa
- 249. Sara Gordon
- 250. Christine Garibian
- 251. Kur Uop
- 252. Abby Klinkenberg
- 253. Ann Johnson
- 254. Justin Reyes

Supplemental Communications and Reports 2

Item #17: ZAB Appeal: 1533 Beverly Place, Administrative Use Permit #ZP2018-0153

- 255. Joan Kovach

Item #18b: Support Redistribution of City Resources and Operations from the Berkeley Police

- 256. Elisa Mikiten
- 257. Liliane Nienstedt
- 258. Fran Haselsteiner
- 259. Ultraviolet
- 260. Amoolya Grandhi
- 261. Selina Knowles
- 262. Carmela Martinez
- 263. MC de Martino
- 264. Saya Linney
- 265. Stephen Carrillo
- 266. Marlies Staples
- 267. Naomi R.L.
- 268. Tyler Haddow
- 269. Candy Chang
- 270. Greyson Abid
- 271. Connor Jackson
- 272. Mel Darling
- 273. Nell Henderson
- 274. Leo Hamerlynck
- 275. Mindy Spyker

- 276. Gwen Hanley
- 277. Tobias Schmid
- 278. Michelle Braasch
- 279. Kate Pennington
- 280. Christopher Geary
- 281. Sarah Vernallis
- 282. Max Brimelow
- 283. Lena Bertozzi
- 284. Paige Hval
- 285. Emily Curtin
- 286. Rumur Dowling
- 287. Max Brimelow
- 288. Yelena Mandelshtam
- 289. Andrew McCormack
- 290. Henderson Peternell
- 291. Allyson Park
- 292. Sarah Blankespoor
- 293. 3 Similarly Worded Letters
- 294. 8 Similarly Worded Letters

Item #18e: BerkDOT: Reimagining Transportation for a Racially Just Future

- 295. Adora Svitak
- 296. Zach Franklin & Sofia Zander
- 297. Peyton Lewis
- 298. Maggie Parks
- 299. Barnali Ghosh, on behalf of Walk Bike Berkeley
- 300. Fran Haselsteiner
- 301. Mary Fata
- 302. George Lippman
- 303. David Lerman
- 304. Michael Katz
- 305. Forest Kaser
- 306. Neha Chheda
- 307. Katy Love
- 308. Jeff White
- 309. Leo Hamerlynck
- 310. Ben Gerhardstein
- 311. Tom Lent
- 312. Nate Bohm-Levine
- 313. 65 Similarly Worded Letters

Item #18a, 18b, 18c, 18d and 18e

- 314. Jena Angra
- 315. Chrystal Chern
- 316. Vivienne Zenteno
- 317. Alfred Twu

- 318. Michael Pissos
- 319. Sarah Ferrell
- 320. Lorraine Mahley
- 321. Shaun Garrison
- 322. Melissa Galinato
- 323. Racism and Criminal Justice Reform group
- 324. Blair Beekman
- 325. Dawn Neering
- 326. Maica Belknap
- 327. Joseph Maxey
- 328. Ali Raj
- 329. Shaun Garrison
- 330. Sally (Sarah) Nelson
- 331. Juli Dickey
- 332. Bo Prochnow
- 333. Michael Kim
- 334. Elliot Halpern and Linda Halpern
- 335. Jordan Burns
- 336. Cindy Shamban
- 337. Elizabeth Grubb
- 338. Annalise Taylor
- 339. Jeff Turgeon
- 340. Jacob Bukoski
- 341. Andrew Cheng
- 342. Jameson Davis
- 343. Anthony Abel
- 344. Maryn Sanders
- 345. Joya Manjur
- 346. Summer Brenner

Urgency Item: Letter to UC Berkeley Chancellor Christ re: COVID and Fall 2020 Plans

- 347. Councilmember Wengraf

Supplemental Communications and Reports 3

Item #1: FY 2021 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)

- 348. Bob Flasher (2)
- 349. David Brannigan, Fire Chief

Item #17: ZAB Appeal: 1533 Beverly Place, Administrative Use Permit #ZP2018-0153

- 350. Dennis Fox
- 351. Robin Ramsey and Hank Roberts
- 352. Rachel Sommerville & Tom Athanasiou
- 353. John and Bryn Smallwood-Garcia
- 354. Karen Warrick

355. Rena Rickles, Law Office

Item 18a: Safety for All: The George Floyd Community Safety Act - Budget Request to Hire a Consultant to Perform Police Call and Response Data Analysis

- 356. Elisa Mikiten
- 357. Katie Cording
- 358. Mary Elieisar
- 359. Haak Saxberg
- 360. Betsy Strode
- 361. Peace & Justice Commission

Item #18b: Support Redistribution of City Resources and Operations from the Berkeley Police

- 362. 131 identically worded form letters
- 363. 36 similarly worded form letters
- 364. Delara Chizari
- 365. Mark Babin
- 366. Satchi Thockchom
- 367. Nicholas Townsend
- 368. Margaret Ross
- 369. Allegra Mayer
- 370. Terri Saul
- 371. Mary Rassenfoss
- 372. Robert Brenner
- 373. Cat Adams
- 374. Derek Imai, on behalf of the Associated Students University California
- 375. Max Hare
- 376. Nancy Lenox
- 377. Gina Drescher
- 378. Hailey Holl-Valdez
- 379. Eva Langenthal
- 380. Joyce Lee
- 381. Kate Brosgart
- 382. Bill Kinder
- 383. Dylan Bergeson
- 384. David Schroeder
- 385. Max Ventura
- 386. Naima Sudjina-Carlisle
- 387. Daniel Milutin
- 388. Adele Failes-Carpenter
- 389. Madeliine Levac
- 390. Giancarlo Tucci-Berube
- 391. Judy Greenspan
- 392. Lydia Conklin
- 393. Emily Bronston-Joseph
- 394. Adam Charzin-Gray
- 395. Christy Stanker

396. Jessica Williams
397. Jane Francis
398. Suzanne Merkelson
399. Geoff Lomax
400. Adam Wilan
401. Allyson Bogie
402. Virginia Lyon
403. Julia Cato
404. Rebecca Tarnopol
405. Tessa Maurer
406. Tyler Gholson
407. Hanna Morris
408. Bill Bogert
409. Annie Dade
410. Frances Hillyard
411. Hannah Forsberg
412. Diana Rossi
413. Alison Hamaji
414. Heriberto Castellanos
415. Michael Chavez
416. Rachael Ryan
417. Elana Auerbach
418. Brenda Salguero
419. Jenny Rempel
420. Gloria Pass
421. Phoebe Sorgen
422. Cian Dawson
423. Eli Conley
424. Kelsey Crutchfield-Peters
425. Berkeley Copwatch
426. Andres Navarro
427. Nolan Boomer
428. David Mateer
429. Giancarlo Tucci-Berube
430. Diana Bohn
431. Hillary Brooks
432. Joseph Jackson
433. Lindsey Yamane
434. Daniel Freeman
435. Lucia Hammond
436. Kobi Naseck
437. Jesse Barber
438. Stepholivelind@
439. Meryl
440. Amy Kimmel
441. Sadia Khan

- 442. Clara Mates
- 443. Peter Pursley
- 444. Elisa Mikiten
- 445. Yes Duffy
- 446. Eli Mehlferber
- 447. Ingrid Pollyak
- 448. Blake Bogert
- 449. Seth Chazin
- 450. Gina Drescher
- 451. L. Renee Smith
- 452. Adam Drescher
- 453. Mary Behm-Steinberg
- 454. Vicky Aronson
- 455. Chimey Lee
- 456. Ian Buddy
- 457. Bhuma Subramaniam
- 458. Alyssa Chung
- 459. Matt Ward
- 460. Lorraine Mahley
- 461. Ashley Aaron
- 462. Des Michel
- 463. Andrew Banks
- 464. Julia Sen
- 465. Hannah Haugenes
- 466. Melanie Brazzell
- 467. Michael Cabanatuan
- 468. David Lerman

Item # 18c: Referral to City Manager to Re-imagine Policing Approaches to Public Safety Using a Process of Robust Community Engagement, to Develop a Path Forward to Transforming Public Safety and Policing in Berkeley

- 469. Vicky Aronson

Item 18d: Transform Community Safety and Initiate a Robust Community Engagement Process

- 470. Elisa Mikiten (2)
- 471. Christine Liu
- 472. Erin Silk
- 473. Vicky Aronson

Item #18e: BerkDOT: Reimagining Transportation for a Racially Just Future

- 474. 39 identical form letters
- 475. Andrew Collins
- 476. Rebecca Selin
- 477. Molly Franklin
- 478. Francis Tatem

- 479. Drew Finke
- 480. Richard Rothbart
- 481. Kristin Stangl
- 482. Nathan Hasegawa
- 483. Ayden Winter
- 484. Vita Wells
- 485. Kris Harmelink
- 486. Nathan Mizell, on behalf of the Associated Students University of California
- 487. Tori Larson
- 488. Liza Lutzker
- 489. Leslie Wozniak
- 490. Chimey Lee
- 491. Tom Lent
- 492. Anna McFall
- 493. Josh Nomkin
- 494. Abigail Brown
- 495. Vicky Aronson
- 496. Bekah Stroik
- 497. Christopher Poresky
- 498. Josh Buswell-Charkow
- 499. Stephanie Montoya

Item #18a-18e

- 500. Supplemental material, submitted by Mayor Arreguin
- 501. Christine Schwartz
- 502. Erica Etelson
- 503. David Ying
- 504. Moni Law
- 505. Sarah Bancroft
- 506. Thomas Luce
- 507. J & J Schroeder
- 508. Russbumper
- 509. Blair Beckman

Urgent Item: Letter of Support to State Officials Requesting Reclassification of the Oakland Zoo as an Outdoor Museum

- 510. Urgency item, submitted by Councilmember Kesarwani

Miscellaneous

Graffiti at Police Station

- 511. Bud Haxelkorn
- 512. Geoff Lomax

Confidence in Police Chief

- 513. Jane Ellis
- 514. Barbara Gilbert

Menstrual Products for Homeless

515. Annie Nalty

Berkeley Parks and Recreation

516. Rainbow Rubin

1921 Walnut Street

517. Max Ventura

Easy Does It Proposed Cuts

518. Megan Schirle

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

Tuesday, July 21, 2020

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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Preliminary Matters

Roll Call: 4:05 p.m.

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

Absent: Kesarwani

Councilmember Kesarwani present at 4:08 p.m.

Action: M/S/C (Arreguin/Hahn) to accept supplemental materials from Mayor Arreguin on Item 2a and Item 4.

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

Action Calendar

1. **Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers**

(Continued from June 30, 2020)

From: City Manager

Recommendation:

1. Adopt a Resolution submitting an Amendment to Article V of the City Charter regarding the full-time status and salaries for the Mayor and City Council to a vote of the electors at the November 3, 2020 General Municipal Election.

2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

Action: 14 speakers. M/S/C (Davila/Robinson) to continue the item to July 30, 2020.

Vote: All Ayes.

2a. **Placing Charter Amendment Measure on the November 3, 2020 Ballot to Amend Multiple Administrative Provisions**

From: City Manager

Recommendation:

1. Adopt a Resolution placing charter amendment measure on the November 3, 2020 Ballot to repeal the residency requirement for sworn members of the Berkeley Fire Department, conform the eligibility requirements of the Redistricting Commission with state law, and change to gender-neutral language through the text.

2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

Action: 4 speakers. M/S/C (Arreguin/Droste) to continue the item to July 30, 2020 including the supplemental materials.

Vote: All Ayes.

Action Calendar

2b. Placing Charter Amendment Measure on the November 3, 2020 Ballot to Repeal the Residency Requirement for Sworn Members of the Berkeley Fire Department *(Continued from June 30, 2020)*

From: City Manager

Recommendation:

1. Adopt a Resolution submitting an Amendment to Article VII of the City Charter regarding the residency requirement for sworn members of the Fire Department to a vote of the electors at the November 3, 2020 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

Action: No action taken.

3. Placing a Special Tax Measure on the November 3, 2020 Ballot to Fund Firefighting, Emergency Medical Response and Communications and Wildfire Prevention and Preparedness

From: City Manager

Recommendation:

1. Adopt a Resolution submitting a ballot measure to fund firefighting, emergency medical response and communications, and wildfire prevention and preparedness to a vote of the electors at the November 3, 2020 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

Action: 8 speakers. M/S/C (Wengraf/Arreguin) to:

1. Adopt Resolution No. 69,502–N.S. amended to add “hazard mitigation” to the ballot question, the title of measure, and in Section 7.83.010A and Section 7.83.010D3 of the ordinance.
2. Designate Councilmember Wengraf, Vice-Mayor Hahn, and Councilmember Harrison to draft and submit the ballot arguments on behalf of the Council.

Vote: All Ayes.

Action Calendar

4. **Placing a Tax Measure on the November 3, 2020 Ballot to Adopt a Tax on Transportation Network Companies**

From: City Manager

Recommendation:

1. Adopt a Resolution submitting a ballot measure to adopt a tax on Transportation Network Companies to a vote of the electors at the November 3, 2020 General Municipal Election.

2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

Action: 12 speakers. M/S/C (Arreguin/Harrison) to:

1. Adopt Resolution No. 69,503–N.S. as amended in the revised materials accepted by the Council at the meeting from Mayor Arreguin and further revised as follows:

- Remove reference to zero-emission discount throughout resolution and measure text
- Add the inflator language from the parcel tax to Section 7.71.030
- Revised Section 7.71.020 regarding pooled prearranged trips
- Revised Section 7.71.020M to change “rides” to “trips”

2. Designate Mayor Arreguin, Vice-Mayor Hahn, and Councilmembers Harrison and Droste to draft and submit the ballot arguments on behalf of the Council.

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

5. **Placing a Tax Measure on the November 3, 2020 Ballot to Increase the Utility Users Tax to Pay for General Municipal Services and Establish a Climate Equity Action Fund to Support Measures to Reduce Local Greenhouse Gas Emissions and Air Pollution**

From: City Manager

Recommendation:

1. Adopt a Resolution submitting a ballot measure to increase the Utility Users Tax to pay for general municipal services and to establish a Climate Equity Action Fund to support measures to reduce local greenhouse gas emissions and air pollution to a vote of the electors at the November 3, 2020 General Municipal Election.

2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

Action: 11 speakers. M/S/C (Arreguin/Robinson) to continue the item July 30, 2020 with the amendments discussed at the meeting.

Vote: All Ayes.

Action Calendar

6. **Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in response to the Fossil Fuel Free Berkeley referral** *(Continued from June 30, 2020) (Item contains supplemental material.)*

From: Energy Commission

Recommendation: The Commission recommends that the City Council develop a referendum and seek approval for it on the 2020 ballot to create a Climate Action Fund, which would support actions to achieve the Berkeley Climate Action Plan, to become Fossil Fuel Free, and to respond to the Climate Emergency.

Financial Implications: See report

Contact: Billi Romain, Commission Secretary, (510) 981-7400

Action: 3 speakers. M/S/C (Arreguin/Hahn) to continue the item to July 30, 2020 to be agendized as a/b items with the Utility Users Tax item.

Vote: All Ayes.

Adjournment

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

Vote: All Ayes.

Adjourned at 10:05 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on July 21, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers

1. Barbara Gilbert

Item 2a: Placing Charter Amendment Measure on the November 3, 2020 Ballot to Amend Multiple Administrative Provisions

2. Supplemental material, submitted by Councilmember Hahn

Item #4: Placing a Tax Measure on the November 3, 2020 Ballot to Adopt a Tax on Transportation Network Companies

3. Ben Paulos
4. Thomas Gregory

Item #5: Placing a Tax Measure on the November 3, 2020 Ballot to Increase the Utility Users Tax to Fund Climate Equity Programs

5. Nancy Rader & Richard Norgaard
6. Eric Arens
7. League of Women Voters of Berkeley, Albany and Emeryville
8. Thomas Lord
9. Ray Yep, Margo Schueler, Gordon Wozniak and Jim McGrath
10. Barbara Gilbert

Supplemental Communications and Reports 3

Item #1: Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers

11. Barbara Gilbert (2)
12. Councilmember Harrison

Item 2a: Placing Charter Amendment Measure on the November 3, 2020 Ballot to Amend Multiple Administrative Provisions

13. Revised material, submitted by Mayor Arreguin
14. Revised material, submitted by Mayor Arreguin with City Attorneys comments

Item #3: Placing a Special Tax Measure on the November 3, 2020 Ballot to Fund Firefighting, Emergency Medical Response and Communications and Wildfire Prevention and Preparedness

15. Jay Tharp
16. makemydayz@

Item #4: Placing a Tax Measure on the November 3, 2020 Ballot to Adopt a Tax on Transportation Network Companies

17. Revised material, submitted by Mayor Arreguin
18. Kelli Fallon, on behalf of the Bay Area Council
19. Peter Slowik (2)
20. Liza Lutzker
21. Robert Abiad
22. Trish Krajniak
23. Michael Colvin, on behalf on the Environmental Defense Fund
24. Chimey Lee

Item #5: Placing a Tax Measure on the November 3, 2020 Ballot to Increase the Utility Users Tax to Fund Climate Equity Programs

25. Jessica Woodard
26. Pat Kennedy
27. Thomas Lord
28. Elyce Klein
29. Thomas Yamaguchi

Item #6: Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in response to the Fossil Fuel Free Berkeley referral
30. Bryce Nesbitt

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

Tuesday, July 21, 2020

6:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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Preliminary Matters

Roll Call: 10:12 p.m.

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

Absent: Bartlett

Councilmember Bartlett present at 10:21 p.m.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 6 speakers.

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

Vote: All Ayes.

1. **Berkeley Electric Mobility Roadmap**

From: City Manager

Recommendation: Adopt a Resolution approving the Berkeley Electric Mobility Roadmap and refer to the City Manager to form an Electric Mobility Implementation Working Group, including community stakeholders, to prioritize, support, and track implementation of the other actions of this plan, including identification of funding sources for implementation.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,504–N.S. amended to include that the Working Group will engage relevant commissions as part of their work.

2. **Evaluation and Recommended Updates to the Building Energy Savings Ordinance (BESO)**

From: City Manager

Recommendation: Refer to City Manager to amend the Building Energy Saving Ordinance (BESO), Chapter 19.81.170 of the Berkeley Municipal Code, to align with building electrification goals, leverage upcoming rebates and incentives, and develop mandatory energy requirements to be phased in.

Financial Implications: See report

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

Action: Referred to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.

Consent Calendar

- 3. Referral Response: Ordinance Amending Berkeley Municipal Code Chapter 7.52, Reducing Tax Imposed for Qualifying Electrification, Energy Efficiency and Water Conservation Retrofits**
From: City Manager
Recommendation:
1. Delay adoption of the first reading of an ordinance amending the Berkeley Municipal Code (BMC) Chapter 7.52 to expand the Seismic Transfer Tax Rebate Program to include qualifying sustainability and resilience measures, and any associated budget requests, until FYE 2022 when more information on budget due to COVID-19 response and recovery is available; and
 2. Refer to the City Manager the design of a companion Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements to low-income residents.
- Financial Implications:** See report
 Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Referred to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.
- 4. Referral Response: Expanding community engagement within work to address Climate Impacts**
From: City Manager
Recommendation:
1. Refer to the City Manager to continually advance engagement around community-driven, equitable climate solutions, and to seek external resources to enable increased community engagement of impacted communities around equitable climate solutions; and
 2. Refer to the Agenda Committee a revision to the Council Rules of Procedures to update the Environmental Sustainability section of City Council items and staff reports as “Environmental Sustainability and Climate Impacts.”
- Financial Implications:** See report
 Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Approved recommendation.
Vote: Ayes - Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Droste.

Action Calendar

- 5. Presentation: Climate Action Plan and Resilience Update**
From: City Manager
 Contact: Jordan Klein, Planning and Development, (510) 981-7400
- Action:** M/S/C (Arreguin/Droste) to suspend the rules and extend the meeting to 11:15 p.m.
Vote: Ayes - Kesarwani, Davila, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent - Harrison.
- Action:** 5 speakers. Presentation made and discussion held.

Adjournment

Action: A adjourned the meeting in memory of the following individuals.

1. John Lewis, Civil Rights Leader and U.S. Congressman
2. C.T. Vivian, Minister and Civil Rights Leader
3. Cecele S. Levinson, Community Activist

Adjourned at 11:15 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on July 21, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item # 5: Presentation, Climate Action Plan and Resilience Update

1. Kathy Dervin, on behalf of the 350 East Bay – Berkeley Hub

Supplemental Communications and Reports 3

Item # 1: Berkeley Electric Mobility Roadmap

2. Tom Lent (2)

Item #2: Evaluation and Recommended Updates to the Building Energy Savings Ordinance (BESO)

3. Mary Canavan

Item #3: Referral Response: Ordinance Amending Berkeley Municipal Code Chapter 7.52, Reducing Tax Imposed for Qualifying Electrification, Energy Efficiency and Water Conservation Retrofits

4. Ben Paulos

Item # 5: Presentation, Climate Action Plan and Resilience Update

5. Presentation, submitted by the City Manager

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

THURSDAY, JULY 23, 2020

3:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
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Preliminary Matters

Roll Call: 3:03 p.m.

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

Absent: Bartlett, Wengraf

Councilmember Bartlett present at 3:18 p.m.

Councilmember Wengraf present at 3:22 p.m.

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

CLOSED SESSION:

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

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

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

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Police Association, Service Employees International Union, Local 1021 Maintenance and Clerical Chapters, Service Employees International Union, Local 1021 Community Services and Part-Time Recreation Leaders Association, Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association, PEU Local 1.

Action: No reportable action taken.

2. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION; SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2)

- a. One case

Action: No reportable action taken.

OPEN SESSION:

No reportable actions.

Adjournment

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

Vote: All Ayes.

Adjourned at 4:57 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on July 23, 2020.

Mark Numainville
City Clerk

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

Thursday, July 23, 2020

4:30 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
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Preliminary Matters

Roll Call: 5:07 p.m.

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

Absent: Bartlett, Wengraf

Councilmember Wengraf present at 5:11 p.m.

Councilmember Bartlett present at 5:12 p.m.

Action Calendar – Public Hearings

1. ZAB Appeal: 1533 Beverly Place, Administrative Use Permit #ZP2018-0153
(Continued from July 14, 2020)

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the decision of the Zoning Adjustments Board to approve Administrative Use Permit #ZP2018-0153 to enlarge an existing 1,212 square-foot, one-story single-family dwelling with a non-conforming front setback on a 4,200 square-foot lot by constructing a 1,035 square-foot addition, including a new second story that would increase the average building height from 16 feet 3½ inches to 23 feet 7½ inches, and adding a fifth bedroom, and dismiss the appeal.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 11 speakers.

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

Vote: All Ayes.

Action: M/S/C (Robinson/Davila) to re-open the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Hahn/Arreguin) to adopt Resolution No. 69,505–N.S. affirming the decision of the Zoning Adjustments Board to approve Administrative Use Permit #ZP2018-0153 to enlarge an existing 1,212 square-foot, one-story single-family dwelling with a non-conforming front setback on a 4,200 square-foot lot by constructing a 1,035 square-foot addition, including a new second story, and adding a fifth bedroom, and dismiss the appeal, amended to establish a maximum finished height of the building at 283.57 feet above sea level, accept all the ZAB conditions, and include modified condition 32 to require the survey of the height after the framing of the rafters.

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

Adjournment

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

Vote: All Ayes.

Adjourned at 7:20 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on July 23, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #1: ZAB Appeal: 1533 Beverly Place, Administrative Use Permit #ZP2018-0153

1. Robin Ramsey and Hank Roberts
2. Amy Di Costanzo
3. Rena Rickles, Law Office of Rena Rickles

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

Thursday, July 23, 2020

6:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

Preliminary Matters

Roll Call: 7:30 p.m.

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

Absent: None.

Action Calendar – Old Business

- 1. Animal Services Contract with the City of Piedmont** (*Continued from July 14, 2020*)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract, with any amendments, with the City of Piedmont for animal care services for FY2021-FY2025, which increases the existing contract by up to \$180,134, with a total contract amount not to exceed \$441,984.
Financial Implications: See report
Contact: Erin Steffen, City Manager's Office, (510) 981-7000
Action: 0 speakers. M/S/C (Arreguin/Robinson) to adopt Resolution No. 69,506–N.S.
Vote: Ayes – Kesarwani, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila, Harrison; Absent – Wengraf.

Action Calendar – Public Hearings

- 2. ***Removed from Agenda – Scheduled for a special meeting on July 23, 2020 at 4:30 p.m.*** ZAB Appeal: 1533 Beverly Place, Administrative Use Permit #ZP2018-0153** (*Continued from July 14, 2020*)
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar

3. Referral Response: Police Review Commission Recommendation on a Revised Berkeley Police Department Policy 300, Use of Force

From: Police Review Commission

Recommendation: Approve a revised Use of Force policy for the Berkeley Police Department as recommended by the Police Review Commission.

Financial Implications: See report

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

Action: M/S/C (Arreguin/Hahn) to accept revised materials from Councilmember Harrison for Item 3.

Vote: All Ayes.

Recess 10:17 p.m. – 10:28 p.m.

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:00 a.m.

Vote: All Ayes.

Action: M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 12:30 a.m.

Vote: All Ayes.

Action: M/S/Failed (Hahn/Arreguin) to suspend the rules and extend the meeting to 12:45 a.m.

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

Action: M/S/Carried (Hahn/Arreguin) to suspend the rules and extend the meeting to 12:45 a.m.

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

Action: M/S/C (Harrison/Arreguin) to call for the previous question on Item 3.

Vote: All Ayes.

Action: 56 speakers. M/S/C (Harrison/Davila) to approve the revised use of force as proposed in Councilmember Harrison's item accepted at the meeting with the following amendments.

- Section 300.1.3 – amended to read:
C. MINIMIZING THE USE OF DEADLY FORCE. Deadly force may only be used when it is objectively reasonable that such action is immediately necessary to protect the officer or another person from imminent danger or death or serious bodily harm. Officers shall not use deadly force if it is objectively reasonable that alternative techniques will eliminate the imminent

Action Calendar

danger and ultimately achieve the law enforcement purpose with less risk of harm to the officer or to other persons

- Section 300.4 – amended to read:
An officer's use of deadly force is justified only when it is objectively reasonable based on the totality of the circumstances, that such force is objectively necessary to, 1) defend against an imminent threat of death or serious bodily injury to the officer or another or 2) apprehend a suspected fleeing person for any felony that threatened or resulted in death or serious bodily injury, provided it is objectively reasonable that the person will cause imminent death or serious bodily injury to another unless immediately apprehended.

Where feasible, the officer shall, prior to the use of deadly force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless it is objectively reasonable that the person is aware of those facts.

An officer shall not use deadly force against another person unless it is objectively reasonable that using deadly force would not unnecessarily endanger innocent people.

Lethal force is prohibited when its sole purpose is to effect an arrest, overcome resistance or prevent a subject from escaping when the subject does not present an immediate danger of death or serious bodily injury. Lethal force is also prohibited solely to prevent property damage or prevent the destruction of evidence.

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention.

- Section 300.6 is amended to read as follows:
All uses of force shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident and the level of force used. The officer should articulate the factors perceived and why they believed the use of force was objectively reasonable and objectively necessary under the circumstances. Whenever an officer or employee uses Oleoresin Capsicum (pepper spray) they must also complete a "Use of Pepper Spray Report." Whenever an officer or employee use body wrap or spit hood restraint devices they must also complete a "Use of Restraint Device Report" and document, review and report such uses in accordance with section 300.11.

Upon receiving notification of a use of force, an uninvolved supervisor, when feasible, shall determine the level of force reporting level, investigation,

Action Calendar

documentation and review requirements.

- The adopted Use of Force Policy 300 will be effective October 1, 2020.
- The adopted policy does not make any changes to the previously adopted ban on tear gas.
- The Council refers to the City Manager a request for an analysis by the City Attorney of the recent court decision in Oakland regarding the use of tear gas and mutual aid.
- The Council refers to the Police Review Commission and the Public Safety Committee the issue of providing an allowance for the Special Response Team to use tear gas in certain circumstances.

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

4. **Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews**

(Continued from June 9, 2020)

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

Recommendation:

1. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify the following with respect to the declaration of a Local Emergency:
 - a. A Local Emergency can only be declared by the Director of Emergency Services if a regular or special meeting and session of the City Council cannot be called due to physical impossibility of holding a meeting, because a quorum cannot be established, or because the urgency of the Local Emergency is such that waiting 24 hours for the City Council to convene a session and/or Special Meeting would endanger the community;
 - b. Should the Director declare a Local Emergency without action of the City Council (due to one of the reasons stated at (a), above), Council ratification of such action occurs at the first possible opportunity, even if it requires calling a Special Meeting and/or session of the Council; and
 - c. The applicable statutory and legal standards (Federal, State and Local) for calling a Local Emergency shall be presented to the City Council when seeking declaration or ratification of a Local Emergency, along with facts to support meeting those standards, so that the City Council, likely acting under rushed and exigent circumstances, is able to make a carefully considered and fact-based determination that declaration of such Local Emergency conforms with the legal standards and is supported by facts.
2. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify policies, terms and procedures for the order, scope, terms, duration, and all other elements and conditions of curfews called in response to, or likely to have the effect of limiting or banning, planned, expected or reasonably foreseeable first amendment activity, including rallies, marches, demonstrations and assemblies of all kinds (“First Amendment Curfews”), as enumerated (1-8) under the “Background” section of this item, below.

Action Calendar

3. Advise the City Manager and/or Director of Emergency Services that approval of this item represents the will and direction of the City Council with respect to declarations of Local Emergencies and imposition of First Amendment Curfews, and should the occasion to declare a Local Emergency or impose a First Amendment curfew arise prior to formal Council adoption of the requested amendments and policies, the City Manager and/or Director of Emergency Services shall, to the greatest extent possible under existing law, strive to encompass actionable elements, and meet spirit, of this item.

Financial Implications: See report

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

Action: M/S/C (Arreguin/Hahn) to continue Item 4 to July 28, 2020.

Vote: All Ayes.

Adjournment

Adjourned at 12:45 a.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on July 23, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #3: Referral Response: Police Review Commission Recommendation on a Revised Berkeley Police Department Policy 300, Use of Force

1. Revised material, submitted by Councilmember Harrison
2. Revised material, submitted by the City Manager
3. Supplemental material, submitted by the Police Department
4. City of Oakland Community Police Review Agency
5. BART, Office of the Independent Police Auditor
6. James Chanin
7. Moni Law (2)

Supplemental Communications and Reports 3

Item #3: Referral Response: Police Review Commission Recommendation on a Revised Berkeley Police Department Policy 300, Use of Force

8. Revised material, submitted by Councilmember Harrison
9. Juli Dickey
10. Janice Schroeder (2)
11. Diana Bohn
12. Lisa Teague
13. Erica Etelson
14. Max Ventura (2)
15. Elizabeth Ferguson
16. Sanah Basrai
17. Marjorie Fletcher
18. Lindsey Yamane
19. Wynd Kaufmyn
20. Mariah Castle
21. Judith Grether
22. Kate Geronemus
23. David Seegal
24. Moni Law
25. Smeeta Mahanti
26. Christine Garibian
27. Marcy Rein
28. George Perezvelez
29. Martha-Lou Wolff
30. Julie Leftwich
31. Ivar Diehl and Siobhan Lettow
32. Michael Chang
33. John Lopez
34. Julia Sen
35. Amy Garlin
36. MJ Baumann
37. Councilmember Harrison
38. Michael McBride
39. Thomas Lord
40. Karen Pita Loor

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, JULY 28, 2020

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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Preliminary Matters

Roll Call: 4:07 p.m.

Present: Davila, Bartlett, Robinson, Droste, Arreguin

Absent: Kesarwani, Harrison, Hahn, Wengraf

Councilmember Kesarwani present at 4:21 p.m.

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

CLOSED SESSION:

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

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

Property address:	5385 Cazadero Hwy, Cazadero, CA 95421
Agency Negotiators:	Dee Williams-Ridley, City Manager; Paul Buddenhagen, Deputy City Manager; Scott Ferris, Director of Parks Recreation and Waterfront
Negotiating parties:	City of Berkeley and Cazadero Performing Arts Camp
Property owner:	City of Berkeley
Under negotiation:	Price and terms

Action: No reportable action taken.

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

Property address:	225 University Avenue, Berkeley, CA
Agency Negotiators:	Dee Williams-Ridley, City Manager; Paul Buddenhagen, Deputy City Manager; Scott Ferris, Director of Parks Recreation and Waterfront
Negotiating parties:	City of Berkeley and Qasemi Abdul Moquim dba Berkeley Sportsman Center
Property owner:	City of Berkeley
Under negotiation:	Price and terms

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 5:05 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held by the City Council on July 28, 2020.

Mark Numainville
City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, July 28, 2020
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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Preliminary Matters

Roll Call: 6:05 p.m.

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

Absent: Kesarwani, Bartlett

Councilmember Kesarwani present at 6:07 p.m.

Councilmember Bartlett present at 6:11 p.m.

Ceremonial Matters:

1. Adjourned in Memory of Clark Sylvan, Local Activist

City Manager Comments:

The City Manager provided a presentation on the SMART Roadmap

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 21 speakers.

Action: M/S/C (Arreguin/Hahn) to adopt temporary rules to allow the Presiding Officer additional discretion to adjust the time allotted for public comment to under two minutes if needed.

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

Action: M/S/C (Arreguin/Wengraf) to adopt Item 42 on the Consent Calendar as amended to be a referral to the City Manager, Planning Commission, and Land Use, Housing, and Economic Development Committee.

Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Droste (Recused – lives on golden duplex eligible parcel)

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

Vote: All Ayes.

Consent Calendar

1. **Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Excavations for Video and Telecommunications Systems)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,726-N.S. amending Berkeley Municipal Code Chapter 16.10 (Excavations for Video and Telecommunications Systems).
First Reading Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila; Absent – None.
Financial Implications: See report
 Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,726–N.S.

2. **City Consent to Declaration of Easements Between 2009 Addison and 2015 Addison**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,728-N.S. authorizing the City Manager to give City consent to an amended declaration of easements for safety and access between 2015 Addison Street, which is owned by the Berkeley Repertory Theater, and 2009 Addison Street, owned by the Joint Powers Financing Authority, leased by the City of Berkeley, and subleased to the Berkeley Repertory Theater.
First Reading Vote: All Ayes.
Financial Implications: None
 Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,728–N.S.

3. **Resolution Reviewing and Ratifying the Proclamation of Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**
From: City Manager
Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020 and June 16, 2020.
Financial Implications: To be determined
 Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 69,507–N.S.

Consent Calendar

4. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the council meetings of June 2, 2020 (closed and regular), June 9, 2020 (special and special), June 16, 2020 (special, special and regular), June 22, 2020 (closed), June 23, 2020 (special), June 24, 2020 (closed) and June 30, 2020 (closed and regular).

Financial Implications: None

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

Action: Approved the minutes as submitted.

5. Establish 2021 City Council Meeting Schedule

From: City Manager

Recommendation: Adopt a Resolution establishing the City Council regular meeting schedule for 2021, with starting times of 6:00 p.m.

Financial Implications: None

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

Action: Adopted Resolution No. 69,508–N.S.

6. Grant to Animal Services from the Avast Foundation

From: City Manager

Recommendation: Adopt a Resolution accepting a grant for Animal Services from the Avast Foundation in the amount of \$10,000.

Financial Implications: Animal Services Donation Fund - \$10,000 (grant)

Contact: Erin Steffen, City Manager's Office, (510) 981-7000

Action: Adopted Resolution No. 69,509–N.S.

7. Grant from the California Arts Council

From: City Manager

Recommendation: Adopt a Resolution accepting a \$10,500 grant from the California Arts Council for the Berkeley Civic Arts Program to partner with the Berkeley Unified School District (BUSD) and four community arts providers to provide arts programming for BUSD summer sessions.

Financial Implications: See report

Contact: Jordan Klein, Economic Development, (510) 981-7530

Action: Adopted Resolution No. 69,510–N.S.

8. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 28, 2020

From: City Manager

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

Financial Implications: Various Funds - \$8,645,000

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

Action: Approved recommendation.

Consent Calendar

- 9. Contract No. 32000094 Amendment: Youth Spirit Artworks to Provide Transition Age Youth (TAY) Case Management and Linkage Services From: City Manager**
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with vendor Youth Spirit Artworks (YSA) to provide Transition Age Youth (TAY) case management and linkage services through June 30, 2021 in an amount not to exceed \$317,000. This will extend the existing contract by one year and add in \$100,000.
Financial Implications: See report
 Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,511–N.S.
- 10. Revenue Grant Agreement: Federal COVID19 Funding Support from the Centers for Disease Control and Prevention for the Epidemiology and Laboratory Capacity CARES Grant From: City Manager**
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to Heluna Health, to accept this COVID19 response grant, and to execute any resultant revenue agreements and amendments; which enables us to conduct and implement mitigation strategies in response to COVID19 for the following revenue agreement: Public Health Emergency Preparedness’s COVID-19 Response Program in the projected allocation of \$196,965 for FY 2021.
Financial Implications: See report
 Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,512–N.S.
- 11. Operating Funding for Community Housing Development Organizations From: City Manager**
Recommendation: Adopt a Resolution: 1. Approving a multiyear operating funding contract for Resources for Community Development (RCD) and Satellite Affordable Housing Associates (SAHA), starting FY21 and ending FY25; 2. Approving funding in the amount of \$50,000 to RCD and \$50,000 to SAHA for FY21; 3. Authorizing City Manager or her designee to determine the amount of funding to be awarded to each organization in subsequent years, FY22 to FY25, based on the amount of the City’s annual allocation of Community Housing Development Organization (CHDO) HOME funds and availability of General Fund match; and 4. Authorizing the City Manager to execute all original or amended documents or agreements to effectuate this action.
Financial Implications: See report
 Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,513–N.S.

Consent Calendar

- 12. California Mental Health Services Authority (CalMHSA) Participation Agreement for the Mental Health Services Act, Innovations, Help@Hand Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an agreement with the California Mental Health Services Authority (CalMHSA) to enable the City of Berkeley to participate in the Mental Health Services Act (MHSA) Innovations (INN) Help@Hand multi-county collaborative project, and to extend the project through June 30, 2024.
Financial Implications: See report.
 Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,514–N.S.
- 13. Contract Amendments: Contract No. 42000079 with Community Services Block Grant (CSBG) for Calendar Year 2020-21 and Contract No. 32000238 with Downtown Berkeley Association (DBA) for Double Helping Hand Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to:
 1. Execute an amendment to Contract No. 42000079 with the State of California’s Department of Community Services and Development (CSD) for Community Services Block Grant (CSBG) Contract Number 20F-3001 to increase the amount to \$304,355 and extend the contract period to May 31, 2021, and to execute any resultant agreements and amendments to provide services to low-income people for the period January 1, 2020 to May 31, 2021; and
 2. Execute an amendment to Contract No. 32000238 with the Downtown Berkeley Association (DBA) for the Double Helping Hand program for meals for the unhoused population by providing an additional \$37,492 in CSBG funding for a total amount not to exceed \$87,492.
Financial Implications: See report
 Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,515–N.S.
- 14. Contract No. 7167J Amendment: Superior, LLC for Upgrade and Support Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7167J with Superior, LLC for development of functionalities, installation and preparation for the software upgrade of the City’s FUND\$ system on the AS400 platform, increasing the contract amount by \$90,000 for a total not-to-exceed amount of \$3,565,765 from July 1, 2006 through June 30, 2021.
Financial Implications: Various Funds - \$90,000
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,516–N.S.

Consent Calendar

- 15. Contract No. 31900122-1 Amendment: Rolling Orange, Inc. for Website Redesign, Web Content Management System (CMS), and Support**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900122-1 with Rolling Orange, Inc. for the additional web application development, for an amount not-to-exceed \$72,000 and a total contract value not-to-exceed \$559,300 from March 1, 2019 to June 30, 2022.
Financial Implications: IT Cost Allocation Fund -\$72,000
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,517–N.S.
- 16. Contract No. 10549A Amendment: Tyler Technologies Enterprise Resource Planning System for software licensing, implementation and maintenance services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Tyler Technologies for software licensing, enhanced implementation services and maintenance services for the online Enterprise Resource Planning (ERP) system for the amount not to exceed \$650,000 and a total contract value not to exceed \$3,952,663 from April 1, 2017 to June 30, 2023.
Financial Implications: FUND\$ Replacement Fund - \$650,000
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,518–N.S.
- 17. Contract No. 10515A Amendment: Tyler Technologies, Inc. for New World Public Safety Computer Aided Dispatch (CAD 911) Software**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10515A with Tyler Technologies, Inc. for New World's Computer Aided Dispatch (CAD) for Police and Fire, Mobile messaging and field reporting modules, for license renewal, software support and maintenance services, increasing the amount by \$367,500, for a total not to exceed \$1,555,230 for the period March 30, 2017 to June 30, 2021.
Financial Implications: General Fund - \$367,500
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,519–N.S.
- 18. Contract: ePlus for Cohesity Backup Solution and Hosted Cloud Storage**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Contract with ePlus for the Cohesity backup solution and hosted cloud storage, for a total contract amount not to exceed \$608,400 for the term September 1, 2020 through August 31, 2025.
Financial Implications: IT Cost Allocation Fund - \$608,400
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,520–N.S.

Consent Calendar

- 19. Contract: Digital Hands for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract and subsequent amendments with Digital Hands, for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM), for a total not to exceed amount of \$405,000, from September 1, 2020 to August 31, 2023.
Financial Implications: IT Cost Allocation Fund - \$405,000
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,521–N.S.
- 20. MOU with “A Safe Place” Domestic Violence Shelter**
From: City Manager
Recommendation: Adopt a Resolution approving the Memorandum of Understanding (MOU) entitled “Memorandum of Understanding with A Safe Place, a domestic violence shelter provider, and authorize the Chief of Police to enter into this agreement and any amendments.
Financial Implications: See report
 Contact: Andrew Greenwood, Police, (510) 981-5900
Action: Adopted Resolution No. 69,522–N.S.
- 21. MOU with California Department of Justice to Accept Grant for Submission and Testing of Sexual Assault Evidence**
From: City Manager
Recommendation: Adopt a Resolution approving the Memorandum of Understanding (MOU) entitled “Memorandum of Understanding with the California Department of Justice.” The Berkeley Police Department has been selected to receive a \$312,284 grant for testing untested Sexual Assault Evidence. Approving this MOU will allow reimbursement of testing expenses and related costs covered by the grant. Authorize the Chief of Police to enter into this agreement and any amendments.
Financial Implications: See report
 Contact: Andrew Greenwood, Police, (510) 981-5900
Action: Adopted Resolution No. 69,523–N.S.
- 22. Lease Agreement: 1001 University Avenue with The Berkeley Food Network**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a retroactive lease agreement with The Berkeley Food Network (BFN) to use the City property at 1001 University Avenue for a three-year lease term with an option to extend for two additional one-year terms.
Financial Implications: See report
 Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted first reading of Ordinance No. 7,729–N.S. Second reading scheduled for September 15, 2020.

Consent Calendar

- 23. Grant Applications: Highway Safety Improvement Program Cycle 10**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to submit grant applications to the California Highway Safety Improvement Program (HSIP) Cycle 10 for the following projects: Protected Left-Turn Signals at multiple signalized intersections for up to \$4 million and Sacramento Street Pedestrian Crossings for up to \$250,000.
Financial Implications: See Report
 Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,524–N.S. (Protected Left-Turn Signals) and Resolution No. 69,525–N.S. (Sacramento Street).
- 24. Contract 9274A Amendment: Ascentis Corporation 9274A for Biometric Time Card Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9730A with Ascentis Corporation for biometric time card services to extend the contract term by one year to June 30, 2022, and increase the contract amount by \$25,000 for a total contract amount not to exceed \$75,000.
Financial Implications: Various Funds - \$25,000
 Contact: Liam Garland, Public Works, (510) 981-6300
Action: Item 24 continued to September 15, 2020.
- 25. Contract: McNabb Construction Inc. for the Codornices Creek Restoration at Kains Avenue Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Codornices Creek Restoration Kains Avenue Project, Specification No. 20-11368-C; accepting the bid of McNabb Construction 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 \$550,127.
Financial Implications: Various Funds - \$550,127
 Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,526–N.S.

Consent Calendar

- 26. Referral Response: An Action Plan for Greening the City of Berkeley Fleet of Vehicles**
From: City Manager
Recommendation: Receive the City of Berkeley Municipal Fleet Electrification Assessment, a plan to accelerate Berkeley's municipal fleet electrification by 2030, and refer to the City Manager to pursue grant and rebate opportunities through East Bay Community Energy and other entities to support its recommendations for transitioning fleet vehicles away from fossil fuels to electric vehicles, including charging infrastructure and associated distributed energy resource options.
Financial Implications: See report
 Contact: Liam Garland, Public Works, (510) 981-6300
Action: Approved recommendation.
- 27. Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12** *(Reviewed by the Agenda & Rules Committee) (Item contains supplemental material)*
From: Fair Campaign Practices Commission
Recommendation: Conduct a public hearing and upon conclusion, adopt first reading of an ordinance amending the Berkeley Election Reform Act, Berkeley Municipal Code Chapter 2.12, to prohibit Officeholder Accounts (See Section 18531.62. Elected State Officeholder Bank Accounts, Regulations of the Fair Political Practices Commission).
(On June 29, 2020, the Agenda and Rules Committee made a Positive Recommendation to the City Council that the item be referred to the Agenda & Rules Committee to be considered with other related referrals from the Fair Campaign Practices Commission.)
Financial Implications: None
 Contact: Sam Harvey, Commission Secretary, (510) 981-6950
Action: Approved recommendation to refer the item to the Agenda & Rules Committee for review.

Council Consent Items

- 28. Opposition to Nuclear Warfare**
From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution marking the 75th anniversary of the atomic bombings of Hiroshima and Nagasaki with a call to prevent nuclear war.
Financial Implications: None
 Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 69,527–N.S.

Action Calendar

- 29. Support Berkeley Humane Society's Nonprofit Bark (& Meow) for the Around the Block Adoption Event and Family Street Fair in West Berkeley on August 29, 2020, organized by Berkeley Humane Society: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Davila (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Councilmember Cheryl Davila, to Berkeley Humane Society's Nonprofit Bark (& Meow) for the Around the Block Adoption Event and Family Street Fair in West Berkeley on August 29, 2020, organized by Berkeley Humane Society, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila, the Mayor and any other Councilmembers who would like to contribute. (COVID-19 Update: If it is not safe to hold the one-day event a month-long virtual adopt-a-thon will be held instead to find homes for over 100 shelter pets).
Financial Implications: See report
 Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Adopted Resolution No. 69,528–N.S. revised to include a contribution from Councilmember Wengraf for up to \$100.
- 30. Providing our Unhoused Community in the City of Berkeley with Menstrual Products** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*
From: Councilmember Davila (Author)
Recommendation:
1. Adopt a Resolution to create an allocation of the budget towards annual purchasing of menstrual products and dispensers that will be distributed in three ways: A. Regularly scheduled replenishment of dispensers across public restrooms; B. Provide supplies to the City supported shelters, mental health offices, shower programs, and navigation centers; C. Homeless Outreach to include distribution to encampments and RV dwellers.
 2. Resolution will allocate \$10,000 of the budget for the first year, and \$8,000 for every consecutive year.
 3. Direct the City Manager to use existing homeless services funding to develop and deploy a program to provide a broad spectrum of menstrual products, including but not limited to, feminine hygiene, pads, tampons, underwear, and other related products, both through the City's outreach direct services, as well as through the community based homeless services providers. Additionally, require some elements of this program be deployed immediately, with a full program deployment within six months.
- Financial Implications:** See report
 Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Councilmembers Bartlett and Droste added as co-sponsors. Adopted revised item in Supplemental Communications Packet #2 to adopt recommendation #3 only.

Action Calendar

- 31. Resolution in Support of 1921 Walnut Street**
From: Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt A Resolution In Support of The Preservation of 1921 Walnut Street, Currently Under The Threat of Being Purchased and Demolished by the University of California at Berkeley.
Financial Implications: None
 Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Councilmember Robinson and Mayor Arreguin added as co-sponsors. Adopted Resolution No. 69,530–N.S. as amended at the meeting by Councilmember Harrison.
- 32. Adopt a Resolution Implementing Core Police Accountability Board and Director of Police Accountability functions by July 1, 2021**
From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: 1. Adopt a Resolution, contingent upon voter approval of the Charter Amendment contained in Resolution No. 69,363-N.S., implementing the following core Police Accountability Board and Director of Police Accountability functions and policy changes by July 1, 2021: a. Establish and convene the Police Accountability Board with all investigatory, policy and other authorities, and; b. To assist in an orderly transition between the Police Review Commission and the Police Accountability Board established by this Article, Police Review Commission staff shall serve as interim Police Accountability Board staff until the City hires a Director of Police Accountability.
Financial Implications: Staff time
 Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 69,531–N.S.
- 33. Resolution in Support of AB 310 to Convert The California Infrastructure Bank (IBank) to a Public Bank**
From: Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt A Resolution In Support of AB 310 converting the California Infrastructure Bank (IBank) to a depository institution serving as a public bank for the State of California, its counties, municipalities and regional authorities.
Financial Implications: None
 Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Mayor Arreguin and Councilmember Wengraf added as co-sponsors. Adopted Resolution No. 69,532–N.S. as revised in Supplemental Communications Packet #2.

Action Calendar

34. **Oppose AB 2167 & SB 292**

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

Recommendation: Approve a letter opposing AB 2167 (Daly & Cooley) Insurance Action Market Plan and SB 292 (Rubio & Jones) Wildfire Risk Modeling and Mitigation, and send to Assembly Members Tom Daly and Ken Cooley and Senators Susan Rubio and Brian Jones, with copies to Senator Nancy Skinner, Assemblymember Buffy Wicks, and Governor Gavin Newsom.

Financial Implications: None

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

Action: Approved recommendation.

35. **Support for SB 288: Sustainable Transportation COVID-19 Recovery Act** **From: Councilmember Robinson (Author), Councilmember Bartlett (Co-Sponsor)**

Recommendation: Send a letter to Senator Scott Wiener, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Senate Bill 288, which would exempt specified transportation projects from environmental review under CEQA, including bus rapid transit projects, pedestrian and bicycle facilities, and zero-emission charging stations

Financial Implications: None

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

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

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

36. **Support for SB 902: Authorizing Cities to Rezone for Density**

From: Councilmember Robinson (Author)

Recommendation: Send a letter to Senator Scott Wiener, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Senate Bill 902, which would authorize local governments to upzone urban infill sites and parcels in transit- or jobs-rich areas for up to 10 units of residential density.

Financial Implications: None

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

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

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

Action Calendar

- 37. Support for AB 2542: The California Racial Justice Act**
From: Councilmember Robinson (Author) , Councilmember Bartlett (Co-Sponsor) , Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Ash Kalra, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 2542, which would prohibit the state from seeking or obtaining a criminal conviction, or from imposing a sentence, based on race, ethnicity, or national origin.
Financial Implications: None
 Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Councilmember Harrison added as a co-sponsor. Approved recommendation.
- 38. Support for AB 2345 (CA Density Bonus)**
From: Councilmember Droste (Author)
Recommendation: That the Berkeley City Council send a letter supporting AB 2345, authored by Assemblymember Lorena Gonzalez and Assemblymember David Chiu which will help address California's housing crisis by expanding the state density bonus for housing developers who commit to building additional affordable units.
Financial Implications: None
 Contact: Lori Droste, Councilmember, District 8, (510) 981-7180
Action: Councilmember Robinson added as a co-sponsor. Approved recommendation.
Vote: Ayes – Kesarwani, Bartlett, Wengraf, Robinson, Droste, Arreguin; Noes – Harrison; Abstain – Davila, Hahn.

Action Calendar – Public Hearings

- 39. Amendment of Urgency Ordinance for Outdoor Commerce on Private Property**
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt amendments to the Urgency Ordinance (Number 7,725-N.S.) amending Berkeley's Zoning Ordinance, Chapter 23E.18 and Section 23B.20.045, to allow additional categories of commerce and establish additional operating criteria for outdoor activities on private property.
Financial Implications: See report
 Contact: Jordan Klein, Planning and Development, (510) 981-7400
- Public Testimony:** The Mayor opened the public hearing. 5 speakers. M/S/C (Arreguin/Wengraf) to close the public hearing.
Vote: All Ayes.
- Action:** M/S/C (Hahn/Harrison) to adopt first reading of Ordinance No. 7,730–N.S. as written in Supplemental Communications Packet #1. Second reading scheduled for September 15, 2020.
Vote: All Ayes.

Recess 8:35 p.m. – 8:47 p.m.

Action Calendar – Public Hearing

- 40. General Plan Redesignation and Rezone of The Rose Garden Inn at 2740 Telegraph Avenue (APN 054-1716-002-00), 2744 Telegraph Avenue (APN 054-1716-003-00), and 2348 Ward Street (APN 054-1716-031-00)**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

1. Adopt a Resolution amending the General Plan land use designations of portions of parcels that comprise The Rose Garden Inn from Low Medium Density Residential to Avenue Commercial;
2. Adopt first reading of an Ordinance amending the Zoning Map for the portion of parcels that comprise the Rose Garden Inn from Restricted Two-Family Residential District (R-2) to General Commercial District (C-1); and
3. Certify that the reclassification of General Plan land use designations and rezoning are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Classes 1, 3, 5, and 31.

Financial Implications: See report

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

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

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

Vote: All Ayes.

Action: M/S/C (Robinson/Wengraf) to:

1. Adopt Resolution No. 69,533–N.S.
2. Adopt first reading of Ordinance No. 7,731–N.S. Second reading scheduled for September 15, 2020.
3. Approve recommendation.

Vote: All Ayes.

Action Calendar – New Business

- 41. Placing a Measure on the November 3, 2020 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)**

From: Rent Stabilization Board

Recommendation:

1. Adopt a Resolution placing the proposed amendments to the Rent Stabilization and Eviction for Good Cause Ordinance on the ballot of the November 3, 2020 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

Contact: Matt Brown, Rent Stabilization Board, (510) 981-7368

Recess 10:07 p.m. – 10:16 p.m.

Action: 6 speakers. No action taken.

Council Action Items

- 42. Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals**
From: Councilmember Harrison (Author)
Recommendation: Amend Berkeley Municipal Code 23C.22: Short Term Rentals to clarify the ordinance and insure adequate host responsibilities, tenant protections and remedies for violating the ordinance.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Moved to Consent Calendar. Approved recommendation as revised below:
1. Refer to the City Manager to come up with a program to clarify existing short term rental regulations in areas that have proven confusing to hosts, guests and tenants.
2. Refer ordinance considering Short Term Rental regulations including host platform responsibilities and possible remedies for violating the ordinance simultaneously to the Land Use, Housing and Economic Development Committee and the Planning Commission.
- 43. Urgency Ordinance: Updates to the COVID-19 Emergency Response Ordinance; Resolution: Request UC Berkeley Voluntarily Comply with Local Ordinances Restricting Evictions, Delaying Rent Payments, and Empowering Tenants to Terminate their Leases Without Penalty**
From: Councilmember Davila (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation:
1. Adopt an urgency ordinance amending Berkeley Municipal Code 13.110, Title 13, "The COVID-19 Emergency Response Ordinance," to enhance emergency tenant protections consistent with recently adopted Alameda County laws, action in other jurisdictions, and consultation with community stakeholders.
2. Adopt a resolution requesting the University of California at Berkeley voluntarily comply with local eviction moratoriums, rent suspension ordinances, and ordinances empowering tenants to terminate their leases without penalty.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Item 43 continued to September 15, 2020.

Action Calendar – Continued Business

A. Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews

(Continued from July 23, 2020)

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

Recommendation:

1. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify the following with respect to the declaration of a Local Emergency:
 - a. A Local Emergency can only be declared by the Director of Emergency Services if a regular or special meeting and session of the City Council cannot be called due to physical impossibility of holding a meeting, because a quorum cannot be established, or because the urgency of the Local Emergency is such that waiting 24 hours for the City Council to convene a session and/or Special Meeting would endanger the community;
 - b. Should the Director declare a Local Emergency without action of the City Council (due to one of the reasons stated at (a), above), Council ratification of such action occurs at the first possible opportunity, even if it requires calling a Special Meeting and/or session of the Council; and
 - c. The applicable statutory and legal standards (Federal, State and Local) for calling a Local Emergency shall be presented to the City Council when seeking declaration or ratification of a Local Emergency, along with facts to support meeting those standards, so that the City Council, likely acting under rushed and exigent circumstances, is able to make a carefully considered and fact-based determination that declaration of such Local Emergency conforms with the legal standards and is supported by facts.
2. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify policies, terms and procedures for the order, scope, terms, duration, and all other elements and conditions of curfews called in response to, or likely to have the effect of limiting or banning, planned, expected or reasonably foreseeable first amendment activity, including rallies, marches, demonstrations and assemblies of all kinds (“First Amendment Curfews”), as enumerated (1-8) under the “Background” section of this item, below.
3. Advise the City Manager and/or Director of Emergency Services that approval of this item represents the will and direction of the City Council with respect to declarations of Local Emergencies and imposition of First Amendment Curfews, and should the occasion to declare a Local Emergency or impose a First Amendment curfew arise prior to formal Council adoption of the requested amendments and policies, the City Manager and/or Director of Emergency Services shall, to the greatest extent possible under existing law, strive to encompass actionable elements, and meet spirit, of this item.

Financial Implications: See report

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

Action Calendar – Continued Business

Action: 12 speakers. M/S/C (Hahn/Arreguin) to adopt the item as revised in Supplemental Communications Packet #2 and further amended to allow the City Manager and City Attorney to consider the item more broadly than the technical definition of a “curfew.”

Vote: All Ayes.

Information Reports

44. Voluntary Time Off Program For FY 2021

From: City Manager

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

Action: Received and filed.

45. Annual Housing Pipeline Report

From: City Manager

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

Action: Referred to September 15, 2020.

46. LPC NOD: 1120 Second Street/#LMSAP2019-0007

From: City Manager

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

Action: Received and filed.

47. LPC NOD: 1120 Second Street/#LMSAP2019-0008

From: City Manager

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

Action: Received and filed.

48. LPC NOD: 41 San Diego Road/#LMSAP2020-0002

From: City Manager

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

Action: Received and filed.

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

Adjournment

Adjourned at 11:00 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of the City Council held on July 28, 2020.

Mark Numainville
City Clerk

Communications

Item #41: Placing a Measure on the November 3, 2020 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

1. Sara Hartley
2. Greg San Martin
3. Toni Mester
4. Erica Cleary
5. Rena Meyer
6. William Rosen
7. Labi Rabiou
8. Susan Payne
9. Colette Ford
10. Marilyn Garcia
11. Jelani Nelson
12. Matt Heafey
13. Joann Sullivan
14. Yoni Mayeri
15. Ana Perches Perez
16. David Hermele

Regenerative Economy to Address the Climate Emergency

17. Ingrid Good
18. Marcelo Garzo Montalvo

Covid-19 Related and/or Masks

19. Nina Lyons
20. Isaac Pastor-Chermak
21. Howard Goldberg
22. City of Berkeley Covid-19 Information
23. Vivian Warkentin
24. Joel Libove
25. Celeste Kidd
26. Anne Herrick (2)
27. Genevieve Nonet
28. Thomas Lord (2)
29. Russbumper (2)
30. David Lerman (5)

Telcom/5G/Cell Antennas

31. Vivian Warkentin
32. Mark Weiman
33. KO
34. Isis Feral
35. Blair Beekman
36. Pollock & James, Law Firm

Harriet Tubman Terrace

- 37. Darinxoso Oyamasela (4)
- 38. Ashley Rementer, Property Manager

Graffiti

- 39. Elana Nafalin-Kelman (2)
- 40. Customer Service, City of Berkeley (2)

Homeowners Assessment Complaint – Property Taxes

- 41. Finance Department, City of Berkeley

Lorin and Rosewood Support

- 42. Landon Williams

Cedar Properties

- 43. Laiming Huang
- 44. Tony Benado, City Clerk's Office

Civic Arts Grants

- 45. Sharon Dolan, Freight & Salvage

Smoking Violation

- 46. Carol Denney

Urban Dwellers Fleeing

- 47. Barbara Gilbert

Parking Enforcement

- 48. Suneel Jain

Small Landlord Needs Help

- 49. Grace Chi

Tilting Power Pole

- 50. Gar Smith

Pay Equity – City of Berkeley Employees

- 51. Jeff Apkarian, Union Representative

SB 82 Grant/OAC Priorities

- 52. Carole Marasovic

Supplemental Communications and Reports 1

Item #31: Resolution in Support of 1921 Walnut Street

53. Ivar Diehl & Siobhan Lettow

Item #35: Support for SB 288: Sustainable Transportation COVID-19 Recovery Act

Item #36: Support for SB 902: Authorizing Cities to Rezone for Density

Item #38: Support for AB 2345 (CA Density Bonus)

54. Irene Rice

55. Michael Katz

56. Eileen Hughes

57. Laura Klein

58. Zelda Bronstein

59. Gloria Pass

60. Eileen Hughes

61. Lynne Stevens

62. Kevin Rayhill

Item #39: Amendment of Urgency Ordinance for Outdoor Commerce on Private Property

63. Supplemental material, submitted by Planning

Item #41: Placing a Measure on the November 3, 2020 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

64. Supplemental material, submitted by Mayor Arreguin

65. Deirdre Arima Duhan

66. Tony Warwick

67. Susan Payne (2)

68. Wendy Bauman

69. Roger Hallsten

70. Kat Verani

71. Katherine Keleman

72. Margret Leventhal

73. Julia Chambers

74. Lauren Taylor

75. Linda Burden

76. John Wotkyns

77. Will Flynn

78. David Barr

79. Melvyn Wright

80. Bojana Miloradovic

81. Ira Ellman

82. Ann Whyte

83. Ron and Joy Ragon

84. Anna Bellomo

85. Kathleen Crandall

86. Polly Rosenthal

87. Bonnie & Keith Johnston

- 88. Sylvie Lu
- 89. Olga Shalygin
- 90. Janis Ballard
- 91. Monika Mann
- 92. Judy Hunt
- 93. Mark Tarses

Supplemental Communications and Reports 2

Item #1: Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Excavations for Video and Telecommunications Systems)

- 94. Ariel Strauss
- 95. Wisteria
- 96. Blair Beckman
- 97. Jenny Miller

Item #25: Contract: McNabb Construction Inc. for the Codornices Creek Restoration at Kains Avenue Project

- 98. Friends of Five Creeks

Item #30: Providing our Unhoused Community in the City of Berkeley with Menstrual Products

- 99. Revised material, submitted by Councilmember Davila

Item #32: Adopt a Resolution Implementing Core Police Accountability Board and Director of Police Accountability functions by July 1, 2021

- 100. Kitty Calavita, Chairperson, Police Review Commission

Item #33: Resolution in Support of AB 310 to Convert The California Infrastructure Bank (IBank) to a Public Bank

- 101. Revised material, submitted by Councilmember Harrison

Item #35: Support for SB 288: Sustainable Transportation COVID-19 Recovery Act

Item #36: Support for SB 902: Authorizing Cities to Rezone for Density

Item #38: Support for AB 2345 (CA Density Bonus)

- 102. Phil Allen
- 103. Miranda Ewell

Item #41: Placing a Measure on the November 3, 2020 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

- 104. 18 identical form letters
- 105. Thomas Brown
- 106. Nicole Chabot
- 107. Jay Tharp
- 108. Angela Xu
- 109. John Coleman
- 110. Rick Maisel
- 111. Roshni Kasad

112. Ajith Mascarenhas
113. Tenise Young
114. Deborah Finch
115. Gail Martin
116. Jenny Johnson
117. Matthew Brown
118. Joey Cosnos
119. Moriel Vandsburger
120. Robert Johnson
121. Ethel Mussen
122. Berkeley Homeowners
123. Councilmember Harrison
124. Erin Chalmers
125. Adam Cash
126. Nancy Noman
127. Tracy Davis
128. Guy Albert
129. Janice Schroeder
130. Linda Lonay
131. Susanna Belokamen
132. Netta Schwartz
133. Erica Cleary
134. Judi Sui
135. J. Thomas
136. Daniel Moore
137. Alfred Twu
138. Emese Foss
139. MK
140. Nick Vaughn
141. Carol Denney
142. Lance & Krystyna Montauk
143. Linda Burden
144. Gilberto Arriaza & Naomi Roht-Arriaza
145. Gail Machlis
146. Betsy Strode
147. Denise Resnikoff
148. Margot Rederer & Guillermo Prado
149. Jeff Frey
150. Emily Benner
151. Diana Bohn

Item #42: Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals

152. Revised material, submitted by Councilmember Harrison

Item #A: Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews

153. Revised material, submitted by Councilmember Hahn

Supplemental Communications and Reports 3

Item #1: Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Excavations for Video and Telecommunications Systems)

154. Mariya
155. Bryce Nesbitt
156. Steve Jackson and Kori Kody
157. Connie Anderson
158. Blair Beekman
159. Siobhan Lettow and Ivar Diehl

Item #22: Lease Agreement: 1001 University Avenue with The Berkeley Food Network

160. Kate Campbell King, on behalf of the Berkeley Food Network

Item #28: Opposition to Nuclear Warfare

161. Beth Jerde
162. Bob Meola

Item 31: Resolution in Support of 1921 Walnut Street

163. Natalie Logusch (2)
164. Paul Wallace (2)

Item #35: Support for SB 288: Sustainable Transportation COVID-19 Recovery Act

Item #36: Support for SB 902: Authorizing Cities to Rezone for Density

Item #38: Support for AB 2345 (CA Density Bonus)

165. Vicki Sommer
166. Barbara Gilbert

Item #40: General Plan Redesignation and Rezone of The Rose Garden Inn at 2740 Telegraph Avenue (APN 054-1716-002-00), 2744 Telegraph Avenue (APN 054-1716-003-00), and 2348 Ward Street (APN 054-1716-031-00)

167. Presentation, submitted by Planning

Item #41: Placing a Measure on the November 3, 2020 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

168. 34 identical form letters (Conflict of Interest)
169. 19 similar form letters (Entirety)
170. 4 form letters (Cal)
171. Morton Cohn
172. Jo Ann Driscoll
173. John Caner
174. Davina Srioudom
175. Kathryn Snowden
176. Craig Baum
177. Pat Kennedy

178. Michael O'Heaney
179. Leon Mayeri
180. Hugh Baras
181. Summer Brenner
182. Anne-Lise Francois
183. Angie Sijun Lou
184. Kellie Stoddart
185. Dawn Thomas
186. Caitlin Romtvedt
187. George Fay
188. Samantha Warren
189. John Parman
190. Laurie Capitelli
191. Wendy Hood
192. John Coleman
193. South Berkeley94703@
194. Celia Karian
195. Mary Canavan
196. Igor Tregub, on behalf of the Sierra Club
197. Councilmember Harrison
198. Michael Farrell
199. Associated Students of University California
200. Geoff Lomax
201. William Rosen
202. Margaret Copeland
203. Lucy Smallsreed
204. Daren Fields
205. Jesus Nazario
206. Julie Durkee
207. Steven Svoboda
208. Fatima Woods
209. Katharine Vidt (2)
210. Sierra Boyd
211. Jonathan Ball and Savlan Hauser
212. Emina Musanovic
213. Loni Gray (2)
214. Isabelle Gaston
215. Kenneth Berland
216. Kathryn Dobel and David Weitzman
217. Christine Schwartz
218. Peter Liederman
219. Sarjan Holt
220. Adam Cash
221. Dawn Thomas
222. Cary Sweeney
223. Celia Karian

- 224. Rolf Bell
- 225. Elizabeth Geno
- 226. Judy Junt
- 227. Elaine Lee
- 228. Caroline Mejia
- 229. Judy Hunt (2)
- 230. Eleni Sotos
- 231. Jeanne Lengsfelder
- 232. Greg San Martin
- 233. Wendy Hood
- 234. Nik Kurtz
- 235. Narendar Dev
- 236. Thomas Lord
- 237. Barbara Gilbert (3)
- 238. Romeena Ghaziani
- 239. Augustine Martinez

Item #42: Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals

- 240. Richard de Sam Lazaro, on behalf of expediagroup.com
- 241. Anita Medal

Miscellaneous Communications

Laiming Huang and Cedar Properties

- 242. Jonathan Weldon of Cedar Properties

Berkeley's SMART Roadmap

- 243. Presentation, submitted by the City Manager

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

Thursday, July 30, 2020

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/81409898529>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial **1-669-900-9128** and enter Meeting ID: **814 0989 8529**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

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

Preliminary Matters

Roll Call: 4:08 p.m.

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

Absent: Bartlett

Action Calendar

1. **Placing a Measure on the November 3, 2020 Ballot to Amend Various Sections of the Rent Stabilization Ordinance (Chapter 13.76)**

From: Mayor Arreguin (Author)

Recommendation:

1. Adopt a Resolution to submit to the voters proposed amendments to the Rent Stabilization and Eviction for Good Cause Ordinance at the November 3, 2020 General Municipal Election. The amendments would amend various sections of the Rent Stabilization Ordinance to:

a) Prohibit eviction of qualifying tenants for nonpayment of rent during state or local emergencies;

b) Authorize the Rent Stabilization Board to set registration fees for partially exempt units;

c) Limit the Accessory Dwelling Unit exemption to owner-occupied properties with a single-family home and one accessory unit.

2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

Action: M/S/C (Arreguin/Robinson) to include the severed portion regarding Registration as amended.

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

Action: M/S/C (Arreguin/Robinson) to include the severed portion regarding Eviction Protections.

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

Action: M/S/C (Arreguin/Robinson) to include the severed portion regarding ADUs.

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

Action: 34 speakers. M/S/C (Arreguin/Robinson) to:

1. Adopt Resolution No. 69,534–N.S. to place the measure on the ballot with amended language in the ballot measure text in Section 13.76.050.O. with corresponding changes in Sections 13.76.080.A. and 13.76.080.L. regarding exemption from the registration requirement for certain property owners.

2. Designated Mayor Arreguin and Councilmembers Harrison and Robinson to

Action Calendar

submit ballot arguments on behalf of the City Council.

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

Recess: 7:31 p.m. – 7:42 p.m.

Adjournment

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

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

Adjourned at 8:22 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on July 30, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #1: Placing a Measure on the November 3, 2020 Ballot to Amend Various Sections of the Rent Stabilization Ordinance (Chapter 13.76)

1. Judy Bebelaar
2. Sara Hartley
3. Barbara Schick
4. Andrew Marowitz (3)
5. Damian Park
6. Peter Selawsky
7. John Parman
8. Steven Svoboda

9. Larisa Sidorova
10. Thomas Lord
11. Rick Maisel
12. Christine Schwartz
13. Berkeley Landlords
14. Toni Mester
15. Judi
16. Greg San Martin
17. Lance and Krystyna Montauk
18. Mark DuBois
19. Michael Farrell
20. Andrea Mullarkey
21. Chimey Lee
22. LR Altman
23. Jim Lutz (2)
24. Barbara Gilbert
25. Carolina Santizo
26. Jeane Clinton
27. Susann Payne

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

Thursday, July 30, 2020

6:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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*To join by phone: Dial **1-669-900-9128** and enter Meeting ID: **814 0989 8529**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

Preliminary Matters

Roll Call: 8:32 p.m.

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

Absent: None.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 4 speakers.

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

Vote: All Ayes.

Consent Calendar

1. Memorandum of Understanding: Berkeley Police Association

From: City Manager

Recommendation: Adopt a Resolution approving a one (1) year extension to Memorandum of Understanding (hereafter referred to as "MOU") with the Berkeley Police Association (hereafter referred to as the "Union") with a term of July 30, 2020 through June 30, 2021; authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the extended MOU with no changes in compensation except for economic items related to the COVID-19 epidemic; and authorizing the City Manager to make non-substantive edits to the format and language of the Memorandum of Understanding in alignment with the tentative agreement, and conforming to legal requirements.

Financial Implications: See report

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

Action: Adopted Resolution No. 69,535–N.S.

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

Consent Calendar

- 2. Memorandum of Understanding: SEIU Local 1021 Community Services Unit And Part-Time Recreation Leaders Association**
From: City Manager
Recommendation: Adopt a Resolution approving a one (1) year extension to Memorandum of Understanding (hereafter referred to as “MOU”) with SEIU Local 1021 Community Services Unit And Part-Time Recreation Leaders Association (hereafter referred to as the “Union”) with a term of June 27, 2020 through June 26, 2021; authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the extended MOU with no changes in compensation except for economic items related to the COVID-19 epidemic; and authorizing the City Manager to make non-substantive edits to the format and language of the Memorandum of Understanding in alignment with the tentative agreement, and conforming to legal requirements.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,536–N.S.
- 3. Memorandum of Understanding: SEIU Local 1021 Maintenance & Clerical Chapter**
From: City Manager
Recommendation: Adopt a Resolution approving a one (1) year extension to Memorandum of Understanding (hereafter referred to as “MOU”) with SEIU Local 1021 Maintenance & Clerical Chapter (hereafter referred to as the “Union”) with a term of June 27, 2020 through June 26, 2021; authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the extended MOU with no changes in compensation except for economic items related to the COVID-19 epidemic; and authorizing the City Manager to make non-substantive edits to the format and language of the Memorandum of Understanding in alignment with the tentative agreement, and conforming to legal requirements.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,537–N.S.
- 4. Unrepresented Employees: Salary Adjustments and Update to Unrepresented Employee Manual**
From: City Manager
Recommendation: Adopt a Resolution approving as amended the Unrepresented Employee Manual to attach a one (1) year Agreement with terms and conditions (hereafter referred to as “Agreement”) with the Unrepresented Employees group (hereafter referred to as the “Unrep Group”) with a term of July 30, 2020 to June 30, 2021 that includes COVID-19 considerations, Additional Emergency Paid Sick Leave Allocation, Additional Floating Holidays, and Limited Reopener language effective July 1, 2020, and rescinding Resolution No. 68, 535-N.S.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,538–N.S.

Action Calendar

5. **Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers**

(Continued from July 21, 2020) (Item contains supplemental material.)

From: City Manager

Recommendation:

1. Adopt a Resolution submitting an Amendment to Article V of the City Charter regarding the full-time status and salaries for the Mayor and City Council to a vote of the electors at the November 3, 2020 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

Action: 11 speakers. M/S/C (Harrison/Davila) to: Adopt a Resolution submitting an Amendment to Article V of the City Charter regarding the full-time status and salaries for the Mayor and City Council to a vote of the electors at the November 3, 2020 General Municipal Election.

1. Adopt Resolution No. 69,539–N.S.

2. Designated Councilmembers Harrison, Davila, and Robinson to file ballot measure arguments on this measure on behalf of the Council.

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

6. **Placing Charter Amendment Measure on the November 3, 2020 Ballot to Amend Multiple Administrative Provisions** *(Continued from July 21, 2020) (Item contains revised and supplemental material.)*

From: City Manager

Recommendation:

1. Adopt a Resolution placing charter amendment measure on the November 3, 2020 Ballot to repeal the residency requirement for sworn members of the Berkeley Fire Department, conform the eligibility requirements of the Redistricting Commission with state law, and change to gender-neutral language through the text.

2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

Action: Moved to Consent Calendar. Adopt Resolution No. 69,540–N.S. as revised in Supplemental Communications Packet #2 and further revised at the meeting regarding the provisions related to the City Attorney.

Action: M/S/C (Arreguin/Hahn) to designate Mayor Arreguin, Vice-Mayor Hahn and Councilmember Robinson to file ballot measure arguments on behalf of the City Council for the Charter Amendment.

Vote: All Ayes.

Action Calendar

- 7a. Placing a Tax Measure on the November 3, 2020 Ballot to Increase the Utility Users Tax to Pay for General Municipal Services and Establish a Climate Equity Action Fund to Support Measures to Reduce Local Greenhouse Gas Emissions and Air Pollution** *(Continued from July 21, 2020) (Item contains revised material.)*

From: City Manager

Recommendation:

1. Adopt a Resolution submitting a ballot measure to increase the Utility Users Tax to pay for general municipal services and to establish a Climate Equity Action Fund to support measures to reduce local greenhouse gas emissions and air pollution to a vote of the electors at the November 3, 2020 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

- 7b. Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in response to the Fossil Fuel Free Berkeley referral** *(Continued from July 21, 2020) (Item contains supplemental material.)*

From: Energy Commission

Recommendation: The Commission recommends that the City Council develop a referendum and seek approval for it on the 2020 ballot to create a Climate Action Fund, which would support actions to achieve the Berkeley Climate Action Plan, to become Fossil Fuel Free, and to respond to the Climate Emergency.

Financial Implications: See report

Contact: Billi Romain, Commission Secretary, (510) 981-7400

Action: M/S/Failed (Davila/Harrison) to suspend the rules and extend the meeting to 11:15 p.m.

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

Action: M/S/Carried (Arreguin/Hahn) to call for the previous question on Item 7a.

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

Action: 6 speakers. M/S/C (Harrison/Davila) to:

1. Adopt Resolution No. 69,541–N.S. submitting a ballot measure to increase the Utility Users Tax to pay for general municipal services and to establish a Climate Equity Action Fund to support measures to reduce local greenhouse gas emissions and air pollution to a vote of the electors at the November 3, 2020 General Municipal Election as written in the revised materials from the City Manager.
2. Designated Councilmembers Harrison, Davila, and Robinson to file ballot measure arguments on this measure on behalf of the Council.

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

Action Calendar

Action: M/S/Failed (Davila/Bartlett) to add the urgency item from Councilmember Davila to the agenda pursuant to Government Code Section 54954.2(b)(2).

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

Adjournment

Adjourned the meeting in memory of the following:

- Diana Russell, Dancer and Activist
- Willie Cooks, Developer and Community Member

Adjourned at 11:00 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on July 30, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #6: Placing Charter Amendment Measure on the November 3, 2020 Ballot to Amend Multiple Administrative Provisions

1. Supplemental material, submitted by the City Attorney

Item #7a: Placing a Tax Measure on the November 3, 2020 Ballot to Increase the Utility Users Tax to Pay for General Municipal Services and Establish a Climate Equity Action Fund to Support Measures to Reduce Local Greenhouse Gas Emissions and Air Pollution

2. Alice Feller
3. Vanessa Warheit
4. Asano Fertig and James Apriletti
5. Chrissy Hoffman
6. Joanna Katz
7. Andrew Jaeger
8. Annie Hallatt
9. Emily Kaplan
10. Gail and Bill Tennant

Action Calendar

11. Esther Lerman
12. Sepha Schiffman
13. Ben Gerhardstein, on behalf of Walk Bike Berkeley
14. Kelley Hammargren

Supplemental Communications and Reports 3

Item #5: Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-time Status and Salaries for the Mayor and Councilmembers

15. Chimey Lee
16. Andrea Mullarkey
17. Christine Schwartz

Item #7a: Placing a Tax Measure on the November 3, 2020 Ballot to Increase the Utility Users Tax to Pay for General Municipal Services and Establish a Climate Equity Action Fund to Support Measures to Reduce Local Greenhouse Gas Emissions and Air Pollution

18. Martha Griswold
19. Ruby MacDonald
20. Ariella Granett
21. Linda Currie (2)
22. Igor Tregub, on behalf of the Sierra Club
23. Tom Lent
24. Harvey Smith
25. Elyce Klein
26. Ben Paulos
27. Warren Linney
28. Chimey Lee
29. Kelly Hammargren

Miscellaneous Communications

Student-Tenants Support of Councilmember Davila's Resolution

30. 34 similarly worded form letters



Office of the City Manager

CONSENT CALENDAR
September 15, 2020

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, by motion, a voting delegate and alternate for the business meeting of the Annual League of California Cities meeting to be held virtually on Friday, October 7, 2020.

FISCAL IMPACTS OF RECOMMENDATION

The cost will be \$50 per person for member cities.

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. 69, 279-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 virtually on Wednesday, October 7 through Friday, October 9, 2020. 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.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

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

Attachments

1: Voting Delegate Information



Council Action Advised by August 31, 2020

Received
City of Berkeley
City Manager's Office

JUL 20 2020

June 30, 2020

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference & Expo – October 7 – 9, 2020**

The League's 2020 Annual Conference & Expo is scheduled for October 7 – 9. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, October 9. 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 Wednesday, September 30. 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. These procedures assume that the conference will be held in-person at the Long Beach Convention Center as planned. Should COVID-19 conditions and restrictions prohibit the League from holding an in-person conference, new procedures will be provided.

- **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. Conference registration will open by the end of July at 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 Long Beach Convention Center, will be open at the following times: Wednesday, October 7, 8:00 a.m. – 6:00 p.m.; Thursday, October 8, 7:00 a.m. – 4:00 p.m.; and Friday, October 9, 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 Wednesday, September 30. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



CITY: _____

2020 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Wednesday, September 30, 2020. 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 Wednesday, September 30, 2020

League of California Cities
ATTN: Darla Yacub
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: dyacub@cacities.org
(916) 658-8254



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.



Office of the City Manager

CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: David White, Deputy City Manager
 Subject: Renaming Shattuck Avenue 'East' to Kala Bagai Way

RECOMMENDATION

Adopt a Resolution renaming the two block portion of Shattuck Avenue 'East' from Center Street to University Avenue, including the eastern facing block faces of Shattuck Square and Berkeley Square to Kala Bagai Way as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy (FITES) Committee and affirming the western segment of Shattuck Avenue, including the western facing block faces of Shattuck Square and Berkeley Square will be known as Shattuck Avenue.

POLICY COMMITTEE RECOMMENDATION

On July 15, 2020, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action: M/S/C (Davila/Robinson) to send the item with a positive recommendation to the Council recommending Shattuck Avenue East be renamed after Kala Bagai and to send a referral to the City Manager to develop a plan for interpretive signage and explore funding options to do so. Vote: Ayes - Davila, Robinson; Noes – None; Abstain – None; Absent - Harrison

SUMMARY

Per the City of Berkeley Policy for Naming and Renaming Public Facilities¹, the City Manager initiated a public process to rename the two blocks of the eastern leg of Shattuck Avenue from Center Street to University Avenue to reduce confusion for first responders, customers, residents, visitors, transportation service providers, meal delivery services and courier service agencies. In addition, the street renaming process has followed the City of Berkeley Policy for Naming and Renaming Facilities which has the goal to ensure that naming public facilities (such as parks, streets, recreation facilities, pathways, open spaces, public building, bridges or other structures) will

¹ City of Berkeley Policy for Naming and Renaming Public Facilities (2012), Online: [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3 - City Council/2012/01Jan/2012-01-17_Item_20_City_of_Berkeley_Policy_for_Naming.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/2012/01Jan/2012-01-17_Item_20_City_of_Berkeley_Policy_for_Naming.pdf)

enhance the values and heritage of the City of Berkeley and will be compatible with community interest.

FISCAL IMPACTS OF RECOMMENDATION

Funding for new signage and installation will be provided by the routine maintenance activities under the ongoing public works programs, and by the [Shattuck Avenue Reconfiguration and Pedestrian Safety Project](#) which is currently underway. Staff also requests that the City Council waive the \$200 fee associated with the address change form for properties in the project area so no business or property owners will incur an expense due to the street name change. Instead, a total amount estimated not-to-exceed \$3,200 in General Fund resources from the Office of Economic Development (budget code 011-21-208-251-0000-000-446-612990) will be allocated to cover the fees.

CURRENT SITUATION AND ITS EFFECTS

The renaming process was designed to be community driven, inclusive, and fun. The intent of the engagement process was to create a dynamic, transparent, unique, accessible and low cost process to receive new street name submittals from the community and to generate civic pride, excitement, and an awareness of the transformation of Downtown Berkeley, one of the most visited and economically vibrant parts of the City of Berkeley.

From October 24, 2019 to November 30, 2019, name submittals were gathered through public meetings, written submissions, youth-targeted outreach, social media, an online poll via Berkeley Considers the City's on-line platform for civic engagement, and a public *Idea Wall* located at 2023 Shattuck Avenue. Participants were also encouraged to use the hashtag #RenameShattuck for submissions via social media.

In the fall of 2019, a Naming Advisory Committee (NAC) was formed in coordination with the Mayor's Office, and the District 4 Councilperson. The 13 member NAC includes members of the Downtown Berkeley Association, Visit Berkeley, city commissioners, community partners, property owners, business owners, Berkeley historians, residents and students (a complete list of the NAC members can be found in Attachment 4). Their role was to inform the outreach process, ensure that submissions fit the naming criteria and to select a final list of ten names for the Public Works Commission (PWC) to consider.

As part of their regular February 6, 2020 meeting, the PWC considered and discussed renaming the two blocks of Shattuck Avenue 'East' spanning from Center Street to University Avenue. The PWC received a list of ten potential names from the NAC and was asked to narrow the list down to five names. After deliberation and public comment, the PWC recommended six names as finalists for City Council consideration. The PWC voted unanimously to recommend that the Council adopt a resolution naming

Shattuck Avenue 'East' to one of the six names determined by the PWC. (M/S/C, Schueler/Krpata/Unanimous).

Following the PWC's recommendation of six names, staff utilized Berkeley Considers', the City's online engagement tool, to get feedback and determine a finalist. The poll topic, with the six names and text short description, was made available on February 18, 2020 and closed on February 26, 2020. The resulting preferred name of 1,259 poll participants was:

Ohlone or another indigenous name identified after consultation with the Muwekma Ohlone Tribe of the San Francisco Bay Area and other indigenous native peoples.

The FITES committee met on July 15, 2020 to review the six names recommended by the PWC and the results of the Berkeley Considers topic. The FITES committee discussed the item and received public comment and voted unanimously to recommend that the Council adopt a resolution renaming Shattuck Avenue 'East' to Kala Bagai Way. (M/S/C, Robinson/Davila/Unanimous).

BACKGROUND

As part of the Shattuck Avenue Reconfiguration and Pedestrian Safety Project, the two-block western segment of Shattuck Avenue will have two-way traffic and the eastern segment of Shattuck Avenue ("Shattuck Avenue East") will have one-way traffic heading north. Rather than have two "Shattuck Avenues" – one side of the street will remain "Shattuck Avenue" and the other side *of the same street* (the eastern leg of Shattuck Avenue currently known as Shattuck Square on one block and Berkeley Square on the adjacent block) would be converted to the name Shattuck Avenue on the west side and the new street name on the east side.

The goal of the street renaming is to reduce confusion for first responders, customers, residents, visitors, transportation service providers, meal delivery services and courier services agencies. This effort will also simplify and standardize the street names and addresses in Downtown Berkeley and add an opportunity to reinvent this street and this section of Downtown Berkeley. In addition, the new street name will allow the addresses on the western segment of Shattuck Avenue to be consistent with the rest of the street. Furthermore, this process aims to increase civic pride, excitement, and awareness of the transformation of Downtown Berkeley, one of the most visited and economically vibrant parts of the City of Berkeley. In addition to the newly renovated BART Plaza, Downtown Berkeley serves residents and visitors with attractive retail stores, exceptional restaurants, community services, public art, greenspace, parking, and access to multiple forms of public transportation to access other parts of Berkeley and the Bay Area. The renaming process also implements several goals of the Downtown Streets and Open Space Improvement Plan (SOSIP) such as Signage and Wayfinding and Policy 8.1, Finding Destinations and Points of Interest which states: *Meet with Downtown stakeholders to identify simple ways to improve signage in the near term,*

such as by identifying the location of confusing or missing signage...Make such improvements, and continue to evaluate signage needs.²

The street renaming process followed the [City of Berkeley Policy for Naming and Renaming Facilities](#) which has the goal to ensure that naming public facilities (such as parks, streets, recreation facilities, pathways, open spaces, public building, bridges or other structures) will enhance the values and heritage of the City of Berkeley and will be compatible with community interest.

In addition, staff has applied the following criteria to the renaming process:

1. The City will consider proposals for street naming but is under no obligation to accept a proposal to name, or rename a street, or assign a ceremonial name to a street.
2. Street names should portray a strong positive image and have historical, cultural, geographical or social significance or contributions to the community, the City, State or Country.
3. Increased emphasis will be on street names that honor and represent segments of the Berkeley population that have traditionally been marginalized or overlooked.
4. Street names shall not be (or be perceived to be) discriminatory or derogatory of race, color, ethnic origin, gender identity or expression, sex, sexual orientation, creed, political affiliation, disability or other social factors.
5. Street names shall not result in an inappropriate abbreviation or be similar sounding to an existing street name.

Renaming Process

The renaming process was designed to be community driven, inclusive, fun, and to generate civic pride, excitement, and an awareness of the transformation of Downtown Berkeley, one of the most visited and economically vibrant parts of the City of Berkeley. The intent of the engagement process was to create a dynamic, transparent, unique, accessible and low cost process to receive submittals from the community. A Naming Advisory Committee (NAC) was formed in coordination with the Mayor's Office, the District 4 Councilperson, and includes members of the Downtown Berkeley Association, Visit Berkeley, city commissioners, community partners, property owners, business owners, Berkeley historians, residents and students. For a complete list of NAC please reference Attachment 4. The NAC's role was to inform the outreach process, ensure that submissions fit the naming criteria and to select a final list of ten names for the Public Works Commission to consider. Name submittals were gathered through public meetings, written submissions, social media, an online poll distributed via Berkeley

² See Downtown Area Plan (2012) and Streets and Open Space Improvement Plan (2013), Online: https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_DAP/2013%20SOSIP.pdf, page 103.

Considers the City's platform for online engagement, and a public *Idea Wall* at 2023 Shattuck Avenue. Participants were also encouraged to use the hashtag #RenameShattuck for submissions via social media.

Kickoff Meeting

City Staff and the Downtown Berkeley Association held a kickoff meeting to launch the public engagement process on October 24, 2019 at the Veggie Grille at 48 Shattuck Square. During the meeting, staff outlined the renaming process, answered questions, and received ideas. Staff also solicited participants for the NAC and suggested outreach strategies. In addition, John Aronovici, editor and author of the *Quick Index to the Origin of Berkeley's Names* provided historical context for Berkeley's street names and the history of Downtown Berkeley.

Idea Wall

One of the most visible, accessible and effective methods of outreach and engagement was the implementation of the public Idea Wall on the fence of 2023 Shattuck Avenue (between Addison Street and University Avenue). In partnership with the Downtown Business Association and the property owner, a large chalkboard with chalk and instructions was placed at the site for the public to submit their name ideas. This free, low tech, high impact approach allowed anyone in the community an opportunity to submit their ideas regardless of access to the internet, email or other resources. It also created a public gathering site and discussion touchstone for pedestrians and people interested in the process. Staff gathered name submittals from the Idea Wall for seven weeks by documenting the wall every week and refreshing it to make room for new submittals. The Idea Wall generated 527 name submittals and every legible name was documented and presented with the other submittals to the NAC for consideration. Every submittal scribed on the Idea Wall can be viewed in Attachment 3.

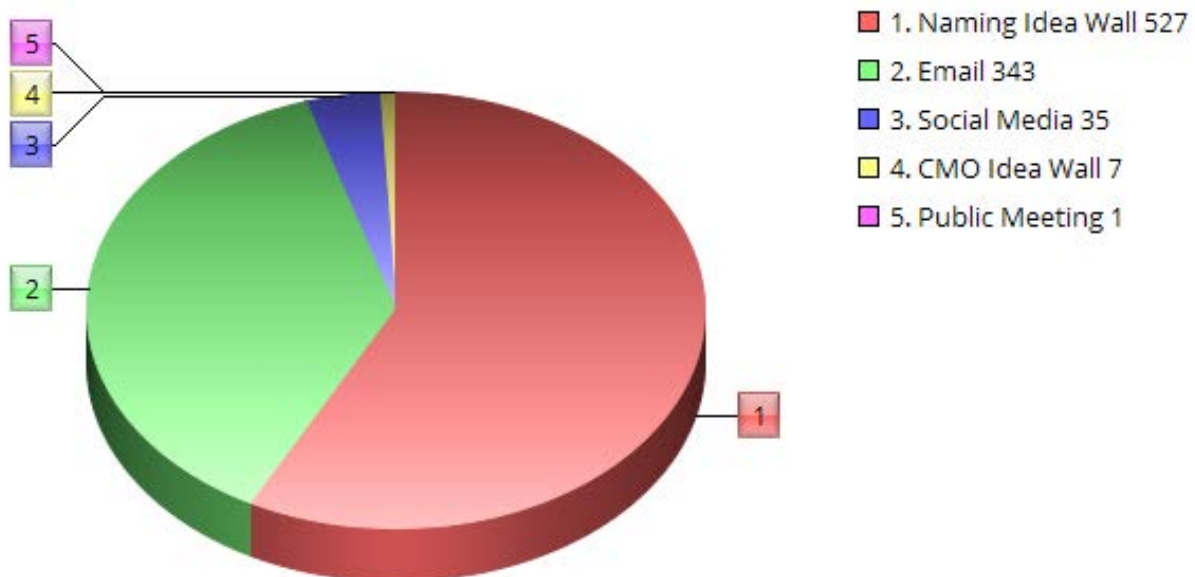
Youth Engagement

Staff had a goal to specifically engage Berkeley youth in this process to create an opportunity for them to be involved with the future of the city. As a result, in addition to the outreach methods stated above, staff visited a nearby elementary school, Berkeley Arts Magnet (BAM) to present the renaming process to the fourth graders and solicit their input. The fourth graders at BAM worked with their teachers and classmates and determined a process for a name to be submitted on behalf of their class and provided it to staff. In addition, Berkeley's Cub Scout Pack #30, one of the city's oldest packs, held a meeting to discuss the Shattuck Avenue renaming process. Each Den (e.g. Tigers, Wolf, Bears, Webelos) submitted a list of their favorite names to staff for consideration. This exercise provided the scouts with experience in civic engagement, government, and politics. It also contributed to each scout's advancement in scouting and provided credit towards a variety of badges and awards. Pack 30 Cubmaster Jim Brenic, thanked staff for the opportunity to contribute to the process and said that this was a "great activity for our Cub Scouts."

Summary of Name Submittals

Attachment 2 contains a list of every name submittal that staff received during the open call period that ended on November 30, 2019. Attachment 3 contains photos of the names submitted each week on the Idea Wall as well as photos of meetings and outreach and engagement. Figure 1 below provides a breakdown of how name submittals were received by staff.

Figure 1: Method of Name Submittal by Count



Naming Advisory Committee (NAC) Result

The NAC was provided all of the name submittals (total submissions equaled 614 unique names) on December 10, 2019 and each member was required to submit ten names from the list for the NAC to consider collectively as a group. The NAC convened during a publicly accessible meeting on January 6, 2020 at the Cypress Room at 2180 Milvia St. to determine the ten names the NAC would recommend to the PWC. Prior to the meeting, the majority of the NAC members submitted their top ten names for consideration and the NAC discussed them in person during the meeting. There were several names such as Barack Obama, Maya Angelou, Elijah Cummings and Bears that initially received numerous votes for the top ten. However, after further discussion, the NAC recognized that while many of the names were worthy of consideration, some of the names were related to individuals that didn't have direct connections with Berkeley, were still alive, or weren't appropriate for a street name.

The NAC also spent a considerable amount of time discussing the name Ohlone. Eight of the fifteen NAC members initially recommended Ohlone, however there were several perspectives and concerns raised such as a potential conflict with the goals and naming

criteria. For example, NAC members were instructed that no new street name should be identical or similar to another City of Berkeley street name and there's an existing Ohlone Park and Ohlone Greenway that runs through Berkeley, Albany, and El Cerrito. As a result, several NAC members were concerned that it would create confusion and would be inconsistent with the goal of the street renaming. Another concern was the appropriateness of the City leading and effort to rename the street to Ohlone, without consultation with leaders of local Natives peoples and Muwekma Ohlone Tribe representatives. Moreover, the NAC was interested in seeking another name to represent indigenous peoples of the area such as Chochenyo, which is an indigenous language of the Ohlone, but wasn't a name submitted by the public. Ultimately, the NAC decided to keep Ohlone or an appropriate indigenous name related to the Berkeley area determined after consultation with leaders of local Natives peoples and Muwekma Ohlone Tribe representatives. At the conclusion of the meeting the NAC wanted to indicate the names that received unanimous support and those that didn't. They ultimately decided on nine names during the meeting, and the tenth name was decided by a vote of the NAC members via email.

The ten names were:

Figure 2: Results from the NAC

Unanimous NAC Support	Split NAC Support
Kala Bagai	Ohlone**
William Byron Rumford	Sanctuary
Maggie Gee	Freedom
Anna Saylor	Old Station***
Julia Morgan*	Sitha Vemireddy

*Julia Street is an existing street name in Berkeley.

**Or an appropriate indigenous name related to the Berkeley area determined after consultation with leaders of local Native peoples and Muwekma Ohlone Tribe representatives. Ohlone Greenway and Ohlone Park are existing facility names in Berkeley.

***Station Place is an existing small street name in Berkeley.

Public Works Commission (PWC) Result

The role of the PWC was to review the ten names recommended by the NAC and to recommend five names for the community to consider via a Berkeley Considers topic. The PWC met on February 6, 2020 and after public comment and PWC deliberation, they voted unanimously to recommend that the Council adopt a resolution renaming Shattuck Avenue 'East' to one of the six names determined by the PWC.

Despite the charge to narrow the field to five names, the PWC decided to add an additional name for Council's consideration and advanced the six names which are listed below alphabetically by last name with a short description following:

Figure 3: Results from the PWC

Unanimous PWC Support
Kala Bagai
Maggie Gee
Ohlone or another indigenous name identified after consultation with the Muwekma Ohlone Tribe of the San Francisco Bay Area and other indigenous native peoples.
William Byron Rumford
Anna Saylor
Sitha Vemireddy

Kala Bagai (alternately known as "Mother India") was an immigrant from India (present-day Pakistan), who faced extraordinary racism when she and her husband bought a house in Berkeley in 1915. She was forced out of the city, and her family suffered further oppression and tragedy over the years.

Maggie Gee was a Berkeley native and pioneering female pilot. She flew in the women's civilian air force in World War II - one of two Chinese Americans in the organization before returning to get her degree in physics from UC Berkeley and finishing her career at the Lawrence Livermore Lab.

Ohlone or another indigenous name identified after consultation with the Muwekma Ohlone Tribe of the San Francisco Bay Area and other indigenous native peoples. The Muwekma Ohlone Tribe of the San Francisco Bay Area are indigenous peoples who's aboriginal homeland was in the counties of San Francisco, San Mateo, most of Santa Clara, Alameda, Contra Costa, and portions of Napa, Santa Cruz Solano and San Joaquin Counties.

William Byron Rumford was the first black person elected to state office in California, in 1948, and is best known for his Fair Housing Act, outlawing housing discrimination. Before that, while already working in local and state politics, Rumford owned a pharmacy in Berkeley, which became an informal political headquarters itself.

Anna Saylor was a Berkeley librarian-turned-State-Assemblywoman, who, along with three others in 1918, was one of the first women elected to the state legislature. She led the effort that abolished the death penalty for minors in California, and established both psychiatric clinics in prisons and juvenile detention centers so children wouldn't be sent to adult jails.

Sitha Vemireddy was a Berkeley resident that passed away from carbon monoxide poisoning as a teenager after a Berkeley landlord smuggled her into the U.S. and forced her into sexual slavery, which was part of a larger human trafficking ring. Her death received national attention after the *Berkeley High Jacket* broke the story in 1999.

The PWC also recommended that the street renaming project include interpretive signage that explains the background of the new street name and their significance and contributions to the City of Berkeley.

Berkeley Considers Topic Poll Result

Staff utilized Berkeley Considers' to get feedback and a preference on the top six names recommended by the PWC. The poll topic, with the six names and short text description of each name, was made available on February 18, 2020 and closed on February 26, 2020. The resulting preferred name of 1,259 poll participants was:

Ohlone or another indigenous name identified after consultation with the Muwekma Ohlone Tribe of the San Francisco Bay Area and other indigenous native peoples.

Figure 4: Results from the Berkeley Considers Poll

Street Name Candidate	Response Percent	Vote Count
Kala Bagai	37.3%	466
Maggie Gee	4.9%	61
Ohlone	41.8%	523
William Byron Rumford	3.3%	41
Anna Saylor	4.2%	52
Sitha Vemireddy	8.6%	108

Facilities, Infrastructure, Transportation, Environment & Sustainability Policy (FITES) Committee Result

The FITES committee met on July 15, 2020 to review the six names recommended by the PWC and the results of the Berkeley Considers topic. The FITES committee discussed the item and received public comment and voted unanimously to recommend that the Council adopt a resolution renaming Shattuck Avenue 'East' to Kala Bagai Way. The FITES committee recommended that the City Manager identify resources to include interpretive signage that explains the background of the new street name and the significance and contributions to the City of Berkeley. The FITES committee also recommended that the City Manager retain the list of names received during the outreach process including the top ten names recommended by the NAC for consideration of future renaming opportunities for City facilities and infrastructure.

Street Name Suffixes

There were a wide variety of street name suffixes that were submitted for consideration during the submission period. The most popular suffixes were *Way* (204), *Street* (126), *Avenue* (95), *Boulevard* (60) and *Lane* (42). The NAC and staff briefly discussed suffixes at its January 6, 2020 meeting and decided that it would be best for the City Council to determine the best suffix when deciding the new street name. Staff explained that the U.S. Postal service recognizes 196 street name suffixes³ however, for this two block long street, the suffix should be consistent with the goal of the new street reconfiguration as well as the street width, expected traffic volumes, and how the suffix sounds in conjunction with the new street name. As a result, the recommendation for the new street name suffix is *Way*.

ENVIRONMENTAL SUSTAINABILITY

The street name change has the potential to reduce the amount of time customers, deliveries, and other vehicles spend circling in Downtown looking for specific locations and businesses that are difficult to find, thus reducing carbon emissions.

RATIONALE FOR RECOMMENDATION

The PWC considered the renaming to be in accordance with the City's *Policy for Naming and Renaming Facilities*, staff's five stated renaming criteria for Shattuck Avenue East, and a well-considered and thorough outreach and engagement effort appropriate for a significant street re-naming process.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered naming the two legs of Shattuck Avenue between Center Street and University Avenue, Shattuck Avenue West and Shattuck Avenue East, as well as leaving Shattuck Square and Berkeley Square. After discussion and feedback from business owners and staff, it was determined that it could cause more confusion if left unchanged and also would conflict with the goals and policies in the SOSIP.

CONTACT PERSON

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

Attachments:

- 1: Draft City Council Resolution
 - Exhibit A: Map of new street names in Downtown Berkeley
- 2: Complete List of Street Names Submitted
- 3: Photos of the Names Submitted via the Idea Wall
4. Naming Advisory Committee (NAC) roster
- 5: Presentation

³ USPS Appendix C - C1 Street Suffix Abbreviations https://pe.usps.com/text/pub28/28apc_002.htm

RESOLUTION NO. -N.S.

RENAMING SHATTUCK AVENUE 'EAST' FROM CENTER STREET TO UNIVERSITY AVENUE, AND SHATTUCK SQUARE AND BERKELEY SQUARE TO KALA BAGAI WAY

WHEREAS, there is a desire to reduce confusion in Downtown Berkeley; and

WHEREAS, the Downtown Streets and Open Space Improvement Plan (SOSIP) have several goals and policies to reduce confusion and improve signage and wayfinding in Downtown Berkeley; and

WHEREAS, the Shattuck Avenue 'East' Naming Advisory Committee (NAC) was provided with all of the name submittals and met in person during a publicly accessible meeting on January, 6, 2020 at the Cypress Room at 2180 Milvia St. to determine the ten names the NAC would recommend to the Public Works Commission; and

WHEREAS, the Public Works Commission was provided all of the name submittals and the NAC's top ten names and met in person during a publicly noticed and accessible meeting on February, 6, 2020; and

WHEREAS, the Public Works Commission has reviewed the request to rename Shattuck Avenue 'East' to determine six finalists and found the renaming to be in accordance with the City's Naming Policy; and

WHEREAS, a Berkeley Considers Topic Poll was created to receive public input from the community on the six finalists and the preferred name was Ohlone⁴; and

WHEREAS, the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee was provided all of the name submittals, the NAC's top ten names, the Public Works Commission's six finalists names and met during a publicly noticed and accessible meeting on July 15, 2020; and

WHEREAS, the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee has reviewed the request to rename Shattuck Avenue 'East' to determine six finalists and found the renaming to be in accordance with the City's Naming Policy and recommended Kala Bagai Way; and

WHEREAS, the Council of the City of Berkeley recommends that the City Manager identify resources to include interpretive signage that explains the background of the new street name and the significance and contributions to the City of Berkeley; and

⁴ Or another indigenous name identified after consultation with the Muwekma Ohlone Tribe of the San Francisco Bay Area and other indigenous native peoples.

September 15, 2020
Renaming Shattuck Avenue 'East'

WHEREAS, the Council of the City of Berkeley recommends that the City Manager City Manager retain the list of names received during the outreach process including the top ten names recommended by the NAC for consideration of future renaming opportunities for City facilities and infrastructure; and

WHEREAS, this project is a City initiated project and no property owners or business in the affected project area shall be responsible for the costs of processing the City's address reassignment process and the administrative fees shall be waived.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Shattuck Avenue 'East' between Center Street and University Avenue and the eastern block faces of Shattuck Square and Berkeley Square be renamed to Kala Bagai Way (Exhibit A).

BE IT FURTHER RESOLVED that the western segment of Shattuck Avenue between Center Street and University Avenue and the western facing Shattuck Square and Berkeley Square block faces be named Shattuck Avenue (Exhibit A).

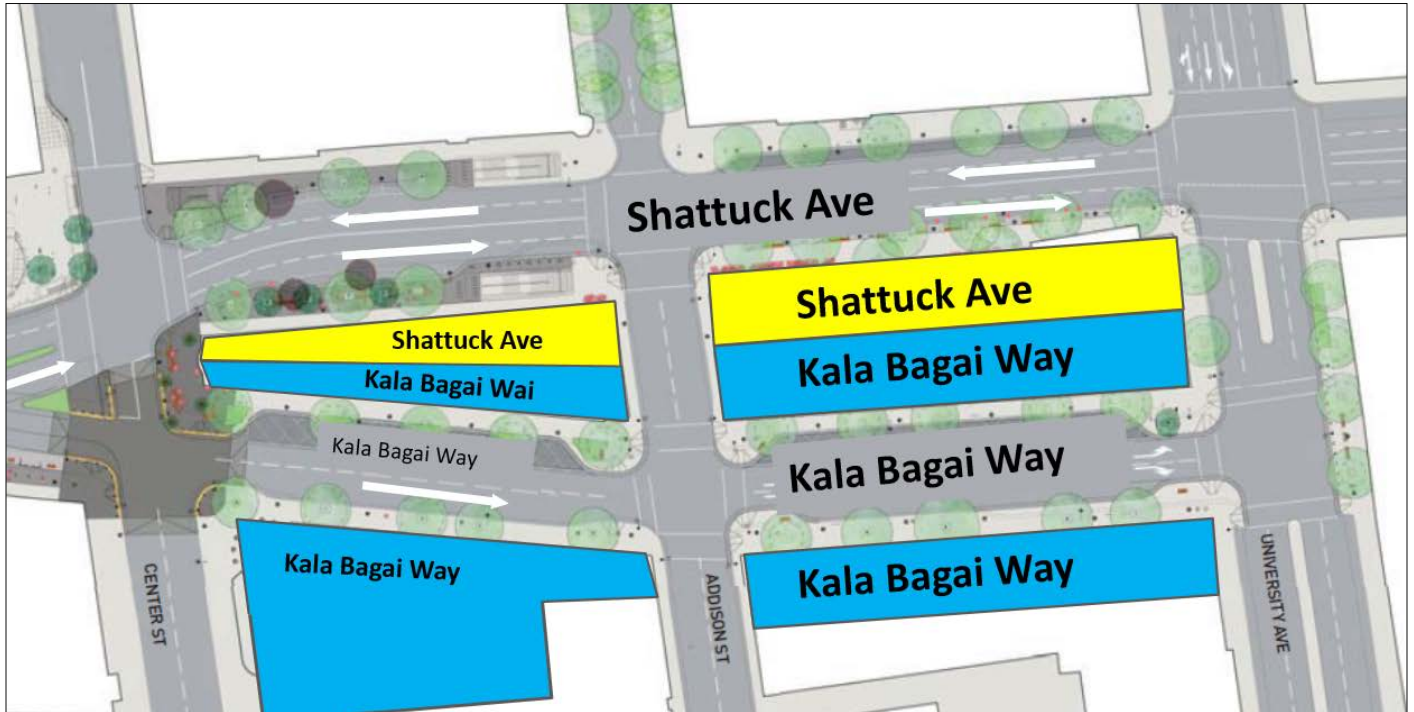
BE IT FURTHER RESOLVED that the City Council waive the City of Berkeley fee associated with the address change form for properties in the project area so no business or property owners will incur an expense due to the street name change and funding allocated from the General Funds from the Office of Economic Development shall cover the fees.

Exhibits

A: Map of new street names in Downtown Berkeley

Exhibit A

Map of new street names in Downtown Berkeley



See online:

https://www.cityofberkeley.info/Public_Works/Transportation/Shattuck_Reconfiguration_and_Pedestrian_Safety_Project.aspx

Submittal	Submitted By	Organization/Business	Method of Submittal	Reason for Submittal	Link to more information	Date Submitted	Additional Info
(The) Terminal) 1st Street 2nd Street 33rd Street 3rd Street 4.0 Drive 49er Avenue 4th Street Aaniiin Way	phil allen Diane Etzel		Email Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall			Sun 11/24/2019 5:38 PM Sat 10/19/2019 10:56 AM Week 4 Week 3 Week 2 Week 3 Week 2 Week 1 Week 6 Week 1	
ABG Boulevard Acrobat Avenue Activist Avenue Alice Waters Way Alt Left Lane Always Broken Boulevard Always Broken Boulevard Amber Strells Way Andrea Angela Davis Boulevard Angela Davis Boulevard Angela Davis Boulevard Angela Davis Way Angela Davis Way Angela Davis Way Angela Davis Way Angela Davis Way Aniin Way	Victor Magallanes Lisa Wurtele Gerald Wagman		Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall	Named suggested to recognize the excellence and outstanding contributions of Asian-American Women to Berkeley, the Bay Area, California and America throughout US History. A part of such a street could resemble that of the Hollywood Walk of Fame, but celebrating Asian-American women such as Elanie Chao, Brenda Song, my mom, et. al. ABG stands for "Asian Baby Girl," a term used to express affection for Women of Asian descent.		Mon 11/4/2019 10:19 PM Week 3 Sun 10/20/2019 7:51 AM Week 1 Sat 10/19/2019 10:17 PM Week 1 Week 2 Week 6 Week 5 Week 1 Week 1 Week 1 Week 3 Week 3 Week 3 Week 3 Week 3 Week 1	
Anna Saylor Way Announcements Antifa Alley Arrebal West/East Artist General Way Au Street August Vollmer Way Automatic Avenue Avenue Avenue	 John Caner, CEO Denise Robertson	 Downtown Berkeley Association	Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall	Midwest and educated as a librarian. After an extended family vacation through the west, including Berkeley, she migrated with her family to Berkeley from Indiana, so her children could ultimately go to the University. Her husband opened a pharmacy on Dwight and she immediately began participating in local civic activities. On November 5, 1918, seven years after women won the vote, four women won Assembly Seats in the California Legislature for the very first time. The women came from all over the State including Berkeley resident Anna Saylor to represent the 41st Assembly District (now part of the 15th Assembly District) with nearly sixty percent of the vote. She was the nominee for the Progressive and Prohibition parties in addition to the Democratic. She then won the general election on November 5, 1918, based on a "win-the-war" and prohibition platform. Saylor was reelected until 1924. During her service in the Assembly, this migrant from the Midwest was busy in the areas public charities and corrections, prisons and reformatories, hospitals and asylums, education, and constitutional amendments. She led a high-profile campaign in the Assembly that abolished the death penalty for minors. "Women, and wealthy young, never hang," she said. "It's always the friendless and poor boy who faces the gallows." After the 1924 election, she was appointed by Governor Young to be State Welfare Director and the	https://en.wikipedia.org/wiki/August_Vo	Sat 11/30/2019 10:21 PM Week 5 Week 6 Week 1 Week 1 Week 6 Thu 10/24/2019 2:20 PM Sat 11/2/2019 7:06 PM Week 5	

Avenue of Free Speech	Jessica L. Blome			Tue 11/5/2019 12:12 PM	
Avocado Toast		Naming Idea Wall		Week 1	
Avocado Toast		Naming Idea Wall		Week 1	
Avocado Toast		Naming Idea Wall		Week 1	
Avrelia's Fantasyland		Naming Idea Wall		Week 2	
Awane Way	at trace.create	#RenameShattuck		Fri 11/25/19	20 Likes on Instagram
Awane Way		Naming Idea Wall		Week 6	
Axe is Back		Naming Idea Wall		Week 6	
Babe I'm Sorry Please Come Home Boulevard		Naming Idea Wall		Week 5	
Balgink		Naming Idea Wall		Week 6	
			An Ohlone man. After his wife and child died, he fled to the Big Sur coast in 1780 to lead the first extensive Ohlone resistance to colonization.)		
Baltazar	Tony Mercer	Email		Mon 10/21/2019 7:53 PM	
Barack Boulevard	Barbara Sargent	Email		Fri 10/18/2019 5:14 PM	
Barack Obama	Gail Martin			Sat 10/19/2019 5:21 PM	
Coyote Lane	Madhuvanti Khare	Berkeley Arts Magnet Elementary School - 4th Grade		Thu 11/21/2019 2:17 PM	
Barack Obama Street		Naming Idea Wall		Week 1	
Barack Obama Street		Naming Idea Wall		Week 1	
Barack Obama Street		Naming Idea Wall		Week 1	
Barack Obama Street		Naming Idea Wall		Week 1	
			For the new section of Shattuck. I think his spirit and decorum will stand out in history and all Berkeley can get behind that name.		
Barack Obama Way	Rocky Offner	Email		Sat 10/19/2019 1:28 PM	
Barack Obama Square	Jim Brencic-Tiger Den	Berkeley Cub Scouts Pack 30		Tue 10/22/2019 6:58 PM	
			after James Loring Barker (1841–1919), a Berkeley pioneer who was the prime mover in inducing the Central Pacific Railroad Company to extend its train service to Berkeley in 1876.		
Barker Street	Daniella Thompson		http://berkeleyheritage.com/berkeley	Fri 10/18/2019 9:47 PM	
			James Loring Barker (1841–1919), a Berkeley pioneer who was the prime mover in inducing the Central Pacific Railroad Company to extend its train service to Berkeley in 1876.		
Barker Place.	DaniellaThompson		http://berkeleyheritage.com/berkeley	Tue 10/22/2019 3:46 PM	
Based God Way		Naming Idea Wall		Week 4	
Bates Folly		Naming Idea Wall		Week 1	
Bates Motel		Naming Idea Wall		Week 1	
Bayia Avenue		Naming Idea Wall		Week 2	
BBO		Naming Idea Wall		Week 2	
Bear Lane		Naming Idea Wall		Week 5	
Bears Boulevard	Kathy Baylor	Email		Fri 10/18/2019 7:35 PM	
Bears Boulevard	Rachel Hope Crossman	Email		Sun 10/20/2019 6:32 AM	
Beatles Boulevard	at trace.create	#RenameShattuck		Fri 11/25/19	20 Likes on Instagram
Beatles Boulevard		Naming Idea Wall		Week 6	
Bee Way		Naming Idea Wall		Week 6	
Bellay Avenue		Naming Idea Wall		Week 5	
Beltron Drive		Naming Idea Wall		Week 4	
Belva Davis Street		Naming Idea Wall		Week 1	
Berk Lane (sounds like Berkeleyan)	Erick Mikiten AIA			Tue 11/19/2019 3:06 PM	
Berk Street	Erick Mikiten AIA			Tue 11/19/2019 3:06 PM	
Berkeley		Naming Idea Wall		Week 6	
Berkeley	Sandy Rothman			Sun 10/20/2019 12:04 AM	
Berkenston Boulevard		Naming Idea Wall		Week 6	
Bernie		Naming Idea Wall		Week 2	
Berzerkeley Street		Naming Idea Wall		Week 2	
					City of Berkeley staff in the City Manager's Office
Better Way	COB/CMO Staff	CMO Naming Idea Wall		Week 6	
Better Way		Naming Idea Wall		Week 6	
Beyoncé Blvd	Rachel Pikelney			Fri 11/15/2019 11:26 AM	
Bezekeley Street		Naming Idea Wall		Week 1	
Bezerkeley Boulevard		Naming Idea Wall		Week 3	
Bezerkeley Sanctuary		Naming Idea Wall		Week 1	
Bezerkeley Street		Naming Idea Wall		Week 1	
Bezerkeley Street		Naming Idea Wall		Week 1	
Bezerkeley Way		Naming Idea Wall		Week 5	
Big B**bs Way		Naming Idea Wall		Week 5	
Big Body Bertha		Naming Idea Wall		Week 1	
Big Sea Avenue		Naming Idea Wall		Week 2	
Billzhi Avenue		Naming Idea Wall		Week 3	
Biophysics Boulevard		Naming Idea Wall		Week 6	
Boardwalk Way		Naming Idea Wall		Week 5	
Bob Weir Way		Naming Idea Wall		Week 6	

Bobby Seale	Tony Mercer	Email	American political activist. He and fellow activist Huey P. Newton co-founded the Black Panther Party. He went to Berkeley High	Mon 10/21/2019 7:53 PM
Bobby Shmurda Avenue		Naming Idea Wall		Week 2
Bootylakmama		Naming Idea Wall		Week 1
Born This Way		Naming Idea Wall		Week 3
Bortles Boulevard		Naming Idea Wall		Week 2
Bradley Way		Naming Idea Wall		Week 4
Bree Way		Naming Idea Wall		Week 4
Brie Boulevard		Naming Idea Wall		Week 1
Brower Way		Naming Idea Wall		Week 3
Bububbly		Naming Idea Wall		Week 3
Bus Lane	Erick Mikiten AIA			Tue 11/19/2019 3:06 PM
Bus Street	Erick Mikiten AIA			Tue 11/19/2019 3:06 PM
Busted		Naming Idea Wall		Week 2
Butt Way		Naming Idea Wall		Week 6
Butthole		Naming Idea Wall		Week 1
Buttuck Street		Naming Idea Wall		Week 1
Buzooble Boulevard		Naming Idea Wall		Week 3
Byron Rumford	Peter Y. Sussman			Fri 10/18/2019 6:27 PM
Byron Rumford Way		Naming Idea Wall		Week 6
Cacao Way		Naming Idea Wall		Week 6
Cackle Way		Naming Idea Wall		Week 2
Cal Avenue		Naming Idea Wall		Week 2
Cal Bear Boulevard		Naming Idea Wall		Week 6
Calcio Way		Naming Idea Wall		Week 4
Calvin Fong Way		Naming Idea Wall		Week 3
Captain Underpants Way		Naming Idea Wall		Week 3
Car Free		Naming Idea Wall		Week 2
Carol Christ		Naming Idea Wall		Week 2
Carolyn Reese Spruce Street	Lyn Reese	Email	in honor of Carrie L. Hoyt, the first woman Mayor of Berkeley. Here is the link to the article about Mayor Hoyt I wrote for the Spring 2017 issue of Exactly Opposite, the quarterly newsletter of the Berkeley Historical Society. http://www.berkeleyhistoricalsociety.c	Fri 10/18/2019 10:04 PM
Carrie L. Hoyt Way	Fred Etzel			Sat 10/19/2019 11:36 AM
Barack Obama Way	Jim Brencic-Webelos 2	Berkeley Cub Scouts Pack 30		Tue 10/22/2019 6:58 PM
Cat Way		Naming Idea Wall		Week 6
Chamallo Drive		Naming Idea Wall		Week 6
Chang		Naming Idea Wall		Week 3
Chang'am Avenue		Naming Idea Wall		Week 1
Chapela Crossings		Naming Idea Wall		Week 3
China Way		Naming Idea Wall		Week 6
Chiz Wiz		Naming Idea Wall		Week 2
Choassup Street		Naming Idea Wall		Week 2
ChoChe Nyo Way		Naming Idea Wall		Week 2
Chochenyo	Tony Mercer	Email	One of the divisions of the indigenous Ohlone people who lived in the Berkeley area	Mon 10/21/2019 7:53 PM
Chocolate Chip Cookie Avenue		Naming Idea Wall		Week 2
City Boulevard		Naming Idea Wall		Week 6
Community		Naming Idea Wall		Week 2
Congresswoman Barbera Lee Way		Naming Idea Wall		Week 1
Conrad Way		Naming Idea Wall		Week 2
Conscious Street		Naming Idea Wall		Week 1
Coochie Street		Naming Idea Wall		Week 1
Corner Street	Erick Mikiten AIA			Tue 11/19/2019 3:06 PM
Country Joe	José Vilar AIA			Tue 11/5/2019 12:53 PM
Carrot Valley	Jim Brencic-Wolf Den	Berkeley Cub Scouts Pack 30		Tue 10/22/2019 6:58 PM
Creativity Avenue	at trace.creates	#RenameShattuck		Fri 11/25/19 20 Likes on Instagram
Creativity Avenue		Naming Idea Wall		Week 6
Creep Street		Naming Idea Wall		Week 5
Crosby Street	Jim Brencic-Wolf Den	Berkeley Cub Scouts Pack 30		Tue 10/22/2019 6:58 PM
Dady Denero		Naming Idea Wall		Week 6
Daniel Ellsberg	Carla Woodworth	Email		Fri 10/18/2019 6:19 PM
Daniel Ellsberg		Naming Idea Wall		Week 3
Daniel Ellsberg Way		Naming Idea Wall		Week 4
Darrel Owens Blvd	Eddie Siegel			Mon 10/21/2019 9:49 AM
Darrell Owens Blvd	Terry Taplin			Sat 10/19/2019 8:20 AM
Darrell Owens Blvd	Race Bannon			Sat 10/19/2019 10:36 AM
Darrell Owens Boulevard	at TaplinTerry	#RenameShattuck	after the young activist.	Thu 10/24/2019 3:57:00 PM 1 Like on twitter
Darrell Ownes Boulevard		Naming Idea Wall		Week 1

Darrell Ownes Boulevard		Naming Idea Wall	Week 2	
Darrell Ownes Boulevard		Naming Idea Wall	Week 3	
David Lane	at trace.creates	#RenameShattuck	Fri 11/25/19	20 Likes on Instagram
David Lane		Naming Idea Wall	Week 6	
Daway Avenue		Naming Idea Wall	Week 6	
Daway Avenue		Naming Idea Wall	Week 6	
Deez Nuts Boulevard	Victor Magallanes		Mon 11/4/2019 10:19 PM	
Dellums Plaza	Peter Y. Sussman		Fri 10/18/2019 6:27 PM	
Dellums Plaza	Peter Y. Sussman		Fri 10/18/2019 6:26 PM	
Delphi Way		Naming Idea Wall	Week 6	
Democracy Way	Tony		Sun 11/3/2019 7:10 AM	
Denero Avenue		Naming Idea Wall	Week 1	
Desolation Row		Naming Idea Wall	Week 2	
Diggon Alley		Naming Idea Wall	Week 2	
Digita Heaven		Naming Idea Wall	Week 2	
Diveristy Way	at trace.creates	#RenameShattuck	Fri 11/25/19	20 Likes on Instagram
Diveristy Way		Naming Idea Wall	Week 6	
Doja Drive		Naming Idea Wall	Week 6	
Dona Spring Way	Soli Alpert		Tue 10/22/2019 2:45 PM	
Dope=187		Naming Idea Wall	Week 1	
Dragon Drive		Naming Idea Wall	Week 6	
Drei + Tim		Naming Idea Wall	Week 2	
Drug Rug Avenue		Naming Idea Wall	Week 3	
Duh		Naming Idea Wall	Week 5	
Dukakis Avenue		Naming Idea Wall	Week 1	
Durka Shot Avenue		Naming Idea Wall	Week 6	
E-40 Street		Naming Idea Wall	Week 4	
Easy Junction		Naming Idea Wall	Week 1	
Easy Street		Naming Idea Wall	Week 1	
Egg Street		Naming Idea Wall	Week 2	
El Barto		Naming Idea Wall	Week 6	
Elaine Boulevard		Naming Idea Wall	Week 6	
Elete Street		Naming Idea Wall	Week 3	
Eli		Naming Idea Wall	Week 2	
Elijah Cummings Way	Anita Levitch		Mon 10/21/2019 12:05 PM	
Elijah Cummings Way	julie denison	to honor our country's "north star"	Fri 10/18/2019 5:20 PM	
Ella Baker Way	Debra Guckenheime		Sun 10/20/2019 11:27 AM	
Embo Street		Naming Idea Wall	Week 2	
Emily Avenue		Naming Idea Wall	Week 5	
Emma Goldman Street		Naming Idea Wall	Week 6	
Epitome Avenue		Naming Idea Wall	Week 3	
Epstein Didn't Suicide		Naming Idea Wall	Week 4	
Equality Street	at trace.creates	#RenameShattuck	Fri 11/25/19	20 Likes on Instagram
Equality Street		Naming Idea Wall	Week 6	
Ethan Elliot Avenue		Naming Idea Wall	Week 1	
Excited Frog		Naming Idea Wall	Week 1	
EZ-E Boulevard		Naming Idea Wall	Week 2	
F* Jessica Avenue		Naming Idea Wall	Week 2	
F*ck Your Networks		Naming Idea Wall	Week 1	
Fedora Street		Naming Idea Wall	Week 3	
Fern Avenue		Naming Idea Wall	Week 3	
Fire Avenue	Jim Brencic-Wolf Den	Berkeley Cub Scouts Pack 30	Tue 10/22/2019 6:58 PM	
Fish streets	José Vilar AIA		Tue 11/5/2019 12:53 PM	
Fourth Place		Naming Idea Wall	Week 3	
Free Speech Street	Rosie Cohan		Fri 10/18/2019 6:11 PM	
Free Speech Way	Betsy Stern Parada		Fri 10/18/2019 8:52 PM	
Free Speech Way	Alan Tobey		Fri 10/18/2019 5:14 PM	
Freedom Avenue		Naming Idea Wall	Week 5	
Freedom Way		Naming Idea Wall	Week 4	
Freedom Way		Naming Idea Wall	Week 6	
Fubar Way		Naming Idea Wall	Week 3	
Full Send Street		Naming Idea Wall	Week 1	

Fullmore			Naming Idea Wall		Week 3
Funky Funky Broadway			Naming Idea Wall	Not sure to whom to suggest this idea so am sending it to the three of you with hopes that you will all find a smile after reading.	Week 4
				Thank you for this gracious and insightful way to engage the citizenry while modeling social justice. Berkeley sets the standard in this respect, as you know. If we admit it, there is also a certain pride in being one of the thousands of Berkeley residents who appreciate our city's leadership in, and authentic spirit for, social justice.	
				I'm not just trying to butter you up with the paragraph above, but it is the context around which I am suggesting a name which so embodies the historic spirit of this city. With an obvious bias, perhaps the decision might boil down to which of these two is the best: Gandhi Way, or Gandhi Path?	
				Can you imagine if the name of the street became as noted, and yes this is far-fetched, however you never know, and somehow it could become a global magnet for organizations for their offices, and retailers for their kindred products, that seek to promote social justice and nonviolence. As I say that I'm now imagining the press that could come from the name choice, and the value that could generate to support the Berkeley brand internationally.	
Gandhi Path	Jerry Beckerman		Email		Mon 10/21/2019 12:32 PM
Garcia Street			Naming Idea Wall		Week 6
Gay Man Way			Naming Idea Wall		Week 2
Gentrification Lane			Naming Idea Wall		Week 2
Gentrification Way			Naming Idea Wall		Week 1
Gentrify Way			Naming Idea Wall		Week 5
George Berkeley			Naming Idea Wall		Week 2
Get Comado Street			Naming Idea Wall		Week 5
Getouttamy Way			Naming Idea Wall		Week 3
Getouttamy Way			Naming Idea Wall		Week 3
Getouttamy Way			Naming Idea Wall		Week 3
Ghetto's Avenue			Naming Idea Wall		Week 5
Go Bears	Susan Koenig		Email		Sat 10/19/2019 4:50 AM
Go Bears Way			Naming Idea Wall		Week 1
Go BEARS!!!	Lei, Warren				Sun 10/20/2019 1:42 AM
Going My Way			Naming Idea Wall		Week 4
Good Gay Street			Naming Idea Wall		Week 2
Good Thella Street			Naming Idea Wall		Week 3
Gourmet Ghetto Annex			Naming Idea Wall		Week 1
Gourmet Ghetto Annex			Naming Idea Wall		Week 3
Grateful Avenue			Naming Idea Wall		Week 6
Gray Way			Naming Idea Wall		Week 3
Greta Thunberg Way			Naming Idea Wall		Week 1
Grinnell Avenue			Naming Idea Wall		Week 2
				It would be in honor not only of everyone's favorite falcons living in downtown Berkeley but one of the most notable and forward thinking ecologists in California's history.	
Grinnell Way	Lynn Schofield	The Institute for Bird Populations			Mon 11/18/2019 5:49 PM
Gruenubone			Naming Idea Wall		Week 3
GSW Sucks Way			Naming Idea Wall		Week 4
Gus Newport Blvd	Rivka Polatnick				Fri 10/18/2019 8:45 PM
Happy!			Naming Idea Wall		Week 2
Harriet Tubman Avenue			Naming Idea Wall		Week 1
Haunted Hotel Boulevard			Naming Idea Wall		Week 3
Haunted House Street			Naming Idea Wall		Week 3
Health Square	Jim Brencic-Tiger Den	Berkeley Cub Scouts Pack 30			Tue 10/22/2019 6:58 PM
Helping Hands Avenue			Naming Idea Wall		Week 1
Helping Hands Avenue			Naming Idea Wall		Week 1
Helping Homelessness			Naming Idea Wall		Week 1
Herb Avenue	Herb King		Email		Mon 10/21/2019 5:45 PM
	Hilary St Jean				
Herma Way				This would be to honor the great Herma Hill Kay who was a pioneer and influencer in the Berkeley community and beyond.	https://www.law.berkeley.edu/article/ Sat 10/19/2019 8:48 AM

Hipster Street		Naming Idea Wall		Week 1	
Hitleraids 69		Naming Idea Wall		Week 5	
Hollans		Naming Idea Wall		Week 3	
Holly Lane		Naming Idea Wall		Week 2	
Hollywood Boulevard		Naming Idea Wall		Week 3	
Holmless Avenue		Naming Idea Wall		Week 1	
Homeland Boulevard		Naming Idea Wall		Week 6	
Homeless Town		Naming Idea Wall		Week 6	
Hong Kong		Naming Idea Wall		Week 2	
Hook 'Em Horns		Naming Idea Wall		Week 2	
Huey P. Newton Avenue	Herb King	Email		Mon 10/21/2019 8:10 PM	
Hugh Hef		Naming Idea Wall		Week 4	
Huichin Way		Naming Idea Wall		Week 2	
Huichin Way		Naming Idea Wall		Week 2	
Huichin Way		Naming Idea Wall		Week 2	
Huichin Way		Naming Idea Wall		Week 2	
Hypocrisy Avenue		Naming Idea Wall		Week 4	
Hypotenuse Street	Erick Mikiten AIA			Tue 11/19/2019 3:06 PM	
I Like It		Naming Idea Wall		Week 2	
I Like Meatballs		Naming Idea Wall		Week 5	
I Love Life		Naming Idea Wall		Week 4	
I Love Theo		Naming Idea Wall		Week 3	
Ida B. Wells Way		Naming Idea Wall		Week 1	
I'm Gonna Say the N Work		Naming Idea Wall		Week 1	
In The Way		Naming Idea Wall		Week 4	
Independence Way		Naming Idea Wall		Week 4	
			It is well-known that Ishi's life after emerging from the wilderness included a period when he was put on display demonstrating his skills at the UC anthropology museum, then located in San Francisco, and that some later anthropologists criticized what they saw as his objectification as a museum exhibit		
Ishi Way	Charles Burress			Mon 11/4/2019 10:20 AM	
Jack Le Lane Lane		Naming Idea Wall		Week 2	
Jade Street		Naming Idea Wall		Week 2	
Jarmila Avenue	at trace.create	#RenameShattuck		Fri 11/25/19	20 Likes on Instagram
Jarmila Avenue		Naming Idea Wall		Week 6	
Jasmine Avenue		Naming Idea Wall		Week 2	
Jaxon		Naming Idea Wall		Week 3	
Jena Ave	Dr. Philipp Gutbrod		Jena is the sister city of Berkeley in Germany: https://www.cityofberkeley.info/Clerk/	Tue 10/22/2019 2:46 PM	
Jennifer Avenue	at trace.create	#RenameShattuck		Fri 11/25/19	20 Likes on Instagram
Jennifer Avenue		Naming Idea Wall		Week 6	
Jerry Garcia Avenue		Naming Idea Wall		Week 6	
Jerry Garcia Avenue		Naming Idea Wall		Week 6	
Jerry Garcia Avenue		Naming Idea Wall		Week 6	
Jerry Garcia Way		Naming Idea Wall		Week 6	
Jessie Avenue		Naming Idea Wall		Week 6	
Joan Didion Way		Naming Idea Wall		Week 2	
Joan Didion Way		Naming Idea Wall		Week 6	
Joaquin Phoenix Street		Naming Idea Wall		Week 1	
Joe Mama		Naming Idea Wall		Week 1	
Joe Street		Naming Idea Wall		Week 4	
Joey Cheng Avenue		Naming Idea Wall		Week 3	
			Named after perhaps the most philanthropic of Professional Wrestling in American History. A true patriot and humble man setting an example for generations to come. While not a lot of people can see, Mr. Cena has contributed outstandingly to the youth of America through his affiliations with the Make-A-Wish Foundation.		
John Cena Boulevard	Victor Magallanes			Mon 11/4/2019 10:19 PM	
John Lennon		Naming Idea Wall		Week 1	
Johnn J. Webb Street		Naming Idea Wall		Week 4	
Join Us Way		Naming Idea Wall		Week 4	
Jolo Lane		Naming Idea Wall		Week 6	
Jorgie Porgy Lane		Naming Idea Wall		Week 2	

Judith Heumann was a founding member of the Berkeley Center for Independent Living in the mid 1970s and then served on CIL's Board of Directors from 1973-1993. CIL Berkeley was the first of its kind in the United States and helped to launch the Independent Living Movement both nationally and globally.

In 1982, Judy co-founded the World Institute on Disability with Ed Roberts and Joan Leon, a nonprofit that works to fully integrate people with disabilities into the communities around them via research, policy, and consulting efforts.

Judy has been a lifelong advocate for the rights of disabled people. She contracted polio in 1949 in Brooklyn, New York and was denied the right to attend school because she was a "fire hazard" at the age of five. Her parents played a strong role in fighting for her rights as a child, but Judy soon determined that she, working in collaboration with other disabled people, had to play an advocacy role due to the continuous discrimination.

She is now an internationally recognized leader in the disability rights community. Her memoir, "Being Heumann: An Unrepentant Memoir of a Disability Rights Activist," is coming out through Penguin

<https://en.m.wikipedia.org/wiki/Judith> Mon 10/21/2019 2:47 PM

Berkeley has long been rightfully recognized as both the birthplace and spiritual center of the Independent Living / Disability Rights Movement; a political struggle and civil rights movement that in the intervening decades has spread not only throughout the nation, but throughout the entire world.

No one person personifies the development, growth and ongoing work of that movement more than, or any better than, Judith Heumann.

In honoring Judy, renaming this stretch of road 'Judy Heumann Way' will in a very real sense, bring attention to and honor that most important aspect of Berkeley's history and that movement; as well as honoring all of the unnamed many who have participated in that movement over the course of the past seven decades. As noted below, Judy has been on the front lines of this struggle for this entire time, and and continues on to this very day!

Judy Heumann Way	Ken Stein		Email			
	Rachel Antell					
Judy Heumann Way						Sat 10/26/2019 10:52 AM
Judy Heumann Way	Karen Nakamura	University of California Berkeley		For all of us in the disability community, she truly showed us the way		Fri 10/25/2019 11:26 PM
Julia Morgan Way Julia Morgan Julia Vinograd	COB/CMO Staff Stacey Merryman		CMO Naming Idea Wall Naming Idea Wall			Week 6 Wed 11/20/2019 10:47 PM Week 2 City of Berkeley staff in the City Manager's Office
June Jordan Justice Court Justice Court Justin's Bustin'	Tony Mercer at trace.creates		Email #RenameShattuck Naming Idea Wall Naming Idea Wall	Jamaican American self-identified Bisexual+ poet, essayist, teacher, and activist who lived in Berkeley		Mon 10/21/2019 7:53 PM Fri 11/25/19 Week 6 Week 2 20 Likes on Instagram
Kaknu	Tony Mercer		Email	The Chochoeny mythology of the San Francisco Bay Area has a strong culture hero figure named Kaknu, coyote's grandson, who is an anthropomorphic and closely resembles a peregrine falcon		Mon 10/21/2019 7:53 PM
Kala Bagai	Pallavi Somusetty			It's time to honor an Asian American woman in Berkeley		Mon 11/18/2019 7:22 PM
Kala Bagai	Swati Rayasam			It's time to honor an Asian American woman in Berkeley		Mon 11/18/2019 7:22 PM
Kala Bagai	Sangeeta Tripathi			It's time to honor an Asian American woman in Berkeley		Mon 11/18/2019 7:23 PM

Kala Bagai	Tatiana Chaterji	It's time to honor an Asian American woman in Berkeley	Mon 11/18/2019 7:23 PM
Kala Bagai	Adiba Khan	It's time to honor an Asian American woman in Berkeley	Mon 11/18/2019 7:23 PM
Kala Bagai	Sangeeta Sarkar	It's time to honor an Asian American woman in Berkeley	Mon 11/18/2019 7:24 PM
Kala Bagai	Chagan Sanathu	It's time to honor an Asian American woman in Berkeley	Mon 11/18/2019 10:58 PM
Kala Bagai	Neena Mohan	It's time to honor an Asian American woman in Berkeley	Mon 11/18/2019 11:02 PM
Kala Bagai	Sarang Shah	It's time to honor an Asian American woman in Berkeley	Tue 11/19/2019 7:45 AM
Kala Bagai	Alyza Jehangir	It's time to honor an Asian American woman in Berkeley	Tue 11/19/2019 8:00 AM
Kala Bagai	Cheuk-Ning Li	It's time to honor an Asian American woman in Berkeley	Tue 11/19/2019 8:13 AM
Kala Bagai	Aniruddha Gupta	It's time to honor an Asian American woman in Berkeley	Tue 11/19/2019 9:00 AM
Kala Bagai	Libby Lee-Egan	she deserves recognition for her work here and to call attention to our own racist past.	Tue 11/19/2019 9:39 AM
Kala Bagai	Jason Martens	It's time to honor an Asian American woman in Berkeley.	Tue 11/19/2019 9:43 AM
Kala Bagai	Sheela Shankar		Tue 11/19/2019 9:46 AM
Kala Bagai	Aparajita Das		Tue 11/19/2019 10:02 AM
		Her legacy of surviving racism and thriving by building bridges between cultures is an inspiration and should be honored with at least a street name, to hopefully inspire future generations of Berkeleyans	Tue 11/19/2019 10:27 AM
Kala Bagai	David Shere		Tue 11/19/2019 10:27 AM
Kala Bagai	Leah Martens		Tue 11/19/2019 10:45 AM
Kala Bagai	Ravi Mikkelsen	It's time to honor an Asian American woman in Berkeley	Tue 11/19/2019 10:51 AM
Kala Bagai	Aditi Pradhan	It's time to honor an Asian American woman in Berkeley	Tue 11/19/2019 10:54 AM
Kala Bagai	Wendy Qian		Tue 11/19/2019 10:56 AM
Kala Bagai	Caitlin Finnell		Tue 11/19/2019 11:46 AM
		As an Asian American, an immigrant, a woman of color, and a member of a minority faith, Bagai represents critical segments of our community who have been deeply unrepresented in civic naming. • As a survivor of local racism and federal anti-immigrant policies, honoring Bagai is a tribute to her resistance in the face of adversity, and part of our reckoning with a difficult past. • And honoring Bagai can help inform our choices today, underscoring the importance of preventing displacement, housing newcomers, and welcoming immigrants.	
Kala Bagai	Kendall Lee		Tue 11/19/2019 12:10 PM
Kala Bagai	Shanta Jambotkar	It's time to honor an Asian American woman in Berkeley	Tue 11/19/2019 12:12 PM
Kala Bagai	Sonali Mali		Tue 11/19/2019 12:45 PM
Kala Bagai	Simran Thind		Tue 11/19/2019 12:49 PM
Kala Bagai	Salma Saifuddin		Tue 11/19/2019 12:51 PM
Kala Bagai	Brandon Totevski-Wong		Tue 11/19/2019 12:53 PM
Kala Bagai	Alyssa Chhan		Tue 11/19/2019 12:59 PM
Kala Bagai	Bhumi Purohit		Tue 11/19/2019 1:16 PM
Kala Bagai	Lan Doan		Tue 11/19/2019 1:37 PM
Kala Bagai	Ian Umeda		Tue 11/19/2019 1:44 PM
Kala Bagai	Srinika Narayan		Tue 11/19/2019 1:45 PM
Kala Bagai	Madula Ramabathiran		Tue 11/19/2019 2:02 PM
Kala Bagai	Bikku Kuruvila		Tue 11/19/2019 2:03 PM
Kala Bagai	Dan Beringhele		Tue 11/19/2019 2:10 PM
Kala Bagai	Karen Parolek		Tue 11/19/2019 2:45 PM
Kala Bagai	Faris Ibrahim		Tue 11/19/2019 3:03 PM
Kala Bagai	Patricia Cardona		Tue 11/19/2019 7:53 PM
Kala Bagai	Amber Kakepoto		Tue 11/19/2019 8:17 PM
Kala Bagai	Joanna Foley		Tue 11/19/2019 8:25 PM
Kala Bagai	Sahana Sivakumar		Tue 11/19/2019 8:41 PM
Kala Bagai	Adena Ishii		Tue 11/19/2019 9:38 PM

Kala Bagai	Melody Copp	I have always noticed a large Indian and Asian presence throughout Berkeley and have very much enjoyed their varied cuisines throughout the city. Why not give this community a nod of gratitude by re-naming a street after Kala Bagai !	Tue 11/19/2019 9:40 PM
Kala Bagai	Andeep Kohli		Tue 11/19/2019 10:14 PM
Kala Bagai	Nandini Hegde		Wed 11/20/2019 9:20 AM
Kala Bagai	Markos Moulitsas		Wed 11/20/2019 9:12 AM
Kala Bagai	Natashia Fuksman		Wed 11/20/2019 9:10 AM
Kala Bagai	Tara Gonsalves		Wed 11/20/2019 9:21 AM
Kala Bagai	Rahul Pal		Wed 11/20/2019 8:43 AM
Kala Bagai	Vibhu Bithar		Wed 11/20/2019 8:30 AM
Kala Bagai	Faisal Alam		Wed 11/20/2019 8:21 AM
Kala Bagai	john holzrichter		Wed 11/20/2019 8:02 AM
Kala Bagai	Sweet Feet Pete		Wed 11/20/2019 7:30 AM
Kala Bagai	Gurmanpreet Sandhu		Wed 11/20/2019 7:28 AM
Kala Bagai	Niharika Saxen		Wed 11/20/2019 7:18 AM
Kala Bagai	Akashdeep Sandhu		Wed 11/20/2019 7:25 AM
Kala Bagai	T Kaira		Tue 11/19/2019 11:12 PM
Kala Bagai	Linda Hess		Tue 11/19/2019 10:38 PM
Kala Bagai	Alfred Twu		Tue 11/19/2019 10:25 PM
Kala Bagai	Katy Love		Wed 11/20/2019 10:33 AM
Kala Bagai	Shonali Shome		Wed 11/20/2019 11:01 AM

I write to you as a long-time Berkeley resident and community member. As you know, Berkeley has a rare opportunity to name a brand new street spanning two blocks of downtown.

I am writing to nominate Kala Bagai, one of the first South Asian women in the United States, as the person who this street should honor. She immigrated to the U.S. from present-day Pakistan to flee British colonial rule, only to confront and survive intense racism in Berkeley, going on to become an important community-builder.

As an Asian American woman, an immigrant, and a member of a minority faith, Bagai represents critical parts of our community who have been deeply unrepresented in civic naming. Asian Americans make up 20% of Berkeley, but the city has yet to acknowledge this history.

Kala Bagai	Ariana Thompson-Lastad	block stretch of Shattuck after Kala Bagai. As a public historian, I thought about this proposal quite carefully and have come to the conclusion that this is an important step for Berkeley in reckoning with our history. I have known about Kala and Vaishno Bagai's contribution to California history for some time and believe that South Asian history, along with women's history, is sorely underrepresented in our commemorative landscape. I was, at first, hesitant about this proposal given Bagai's very short tenure in Berkeley. Barnali Gosh's response was that "it is exactly the loss of her connection with Berkeley that moves her to the top of my list. She stands for the invisible, and for all of the folks who wanted to live in this country and in this city, that were driven out by racism on the Federal and local level. Every time I hear privileged folks talking about how long they've lived here as a claim to the city, I want to remind them that so many of us were not allowed to live here. Kala Bagai could have had a stronger connection to Berkeley if we hadn't driven her out and made her feel afraid for her children. Her contributions were then made elsewhere, and it is our loss. In some ways, this naming is an acknowledgement and a way to finally give her a home in Berkeley."	Wed 11/20/2019 11:08 AM
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Kala Bagai	Donna Graves	This is a convincing argument about the flaws in how we understand the past and whose histories rise to	Wed 11/20/2019 11:44 AM
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I am writing to support renaming the Berkeley street in honor of Kala Bagai. As an immigrant leader and woman of color, she represents folks that have been historically marginalized. She worked tirelessly on behalf of her community, despite her experiences of oppression and trauma. As a Berkeley resident I believe we should recognize her and show our support for immigrant and API communities. Thank you for your time and consideration.

Kala Bagai Elizabeth Clendenen
 Kala Bagai Lindsay Schubiner
 Kala Bagai Manish Goenka
 Kala Bagai Kinsey Drake
 Kala Bagai Tiffany Hsieh
 Kala Bagai Janhavi Deshpande
 Kala Bagai Jack Sawyer
 Kala Bagai Sophia Hussain
 Kala Bagai Farah Mahesri
 Kala Bagai Melody Parker
 Kala Bagai Harman Batra
 Kala Bagai TAsa Wilson
 Kala Bagai Jason NegronGonzales
 Kala Bagai Vishakha Milind
 Kala Bagai Sana K
 Kala Bagai Maureen Mitra
 Kala Bagai Lisa Simons
 Kala Bagai Justin lee
 Kala Bagai Ed Mechem
 Kala Bagai Seema Patel
 Kala Bagai Carrie Rybczynski
 Kala Bagai Laura Atkins
 Kala Bagai Beth Gerstein
 Kala Bagai Arvind Kumar
 Kala Bagai Liza Lutzker
 Kala Bagai Indrasen Bhattacharya
 Kala Bagai Tasneem Nomanbha
 Kala Bagai Ziv Tzvieli
 Kala Bagai Eli Jacobs-Fantauzzi
 Kala Bagai Deborah Scott
 Kala Bagai Sarah T
 Kala Bagai Mariana Viturro
 Kala Bagai TAsa Wilson
 Kala Bagai Tania Mirchandani

Wed 11/20/2019 12:30 PM
 Wed 11/20/2019 12:44 PM
 Wed 11/20/2019 12:46 PM
 Wed 11/20/2019 12:48 PM
 Wed 11/20/2019 12:53 PM
 Wed 11/20/2019 1:15 PM
 Wed 11/20/2019 12:58 PM
 Wed 11/20/2019 1:20 PM
 Wed 11/20/2019 1:28 PM
 Wed 11/20/2019 1:30 PM
 Wed 11/20/2019 1:31 PM
 Wed 11/20/2019 1:32 PM
 Wed 11/20/2019 1:36 PM
 Wed 11/20/2019 2:07 PM
 Wed 11/20/2019 2:35 PM
 Wed 11/20/2019 2:57 PM
 Wed 11/20/2019 3:11 PM
 Wed 11/20/2019 3:17 PM
 Wed 11/20/2019 3:21 PM
 Wed 11/20/2019 3:35 PM
 Wed 11/20/2019 4:23 PM
 Wed 11/20/2019 4:46 PM
 Wed 11/20/2019 4:46 PM
 Wed 11/20/2019 5:49 PM
 Wed 11/20/2019 6:18 PM
 Wed 11/20/2019 6:51 PM
 Wed 11/20/2019 7:01 PM
 Wed 11/20/2019 7:59 PM
 Wed 11/20/2019 8:01 PM
 Wed 11/20/2019 8:31 PM
 Wed 11/20/2019 9:29 PM
 Wed 11/20/2019 10:08 PM
 Wed 11/20/2019 1:32 PM
 Wed 11/20/2019 10:33 PM

I like the idea of naming Berkeley's newest street after one of its earliest immigrants, an Asian American woman

Kala Bagai Jeff Hobson
 Kala Bagai marianna sempari
 Kala Bagai Riya Desai
 Kala Bagai Marcie Kleiman
 Kala Bagai Danfeng Koon
 Kala Bagai Sundeep Sachdeva
 Kala Bagai Bharati Mandapati
 Kala Bagai Lani Ca
 Kala Bagai Omsri Bharat
 Kala Bagai crook iamie
 Kala Bagai Radhika Dhir
 Kala Bagai Sage Staggs
 Kala Bagai Namrata Dubey
 Kala Bagai Pete Woiwode

Wed 11/20/2019 10:55 PM
 Thu 11/21/2019 8:16 AM
 Thu 11/21/2019 8:22 AM
 Thu 11/21/2019 8:50 AM
 Thu 11/21/2019 8:51 AM
 Thu 11/21/2019 10:00 AM
 Thu 11/21/2019 10:07 AM
 Thu 11/21/2019 10:39 AM
 Thu 11/21/2019 11:05 AM
 Thu 11/21/2019 2:38 PM
 Thu 11/21/2019 3:02 PM
 Thu 11/21/2019 3:06 PM
 Thu 11/21/2019 3:26 PM
 Thu 11/21/2019 4:05 PM

it's a reminder of our past history, both good and bad, and should include unsung exemplaries, and not just rich and famous white men

Kala Bagai Teresa Allen-Piccolo
 Kala Bagai Susan Schwartz
 Kala Bagai Susan Katz
 Kala Bagai Josephine Piccolo
 Kala Bagai Russell Jeung
 Kala Bagai Celine Schein Das
 Kala Bagai Mischa Lorraine
 Kala Bagai Sandhya Sood
 Kala Bagai Thomas Sager
 Kala Bagai Helen Cagampang

Thu 11/21/2019 5:12 PM
 Thu 11/21/2019 5:38 PM
 Fri 11/22/2019 8:31 AM
 Fri 11/22/2019 12:38 AM
[Thu 11/21/2019 10:30 PM](#)
 Thu 11/21/2019 8:10 PM
 Thu 11/21/2019 7:52 PM
 Fri 11/22/2019 10:04 AM
 Fri 11/22/2019 10:36 AM
 Fri 11/22/2019 7:38 PM

Kala Bagai	Elise Proulx		Fri 11/22/2019 8:08 PM
Kala Bagai	Joe Lamb		Sat 11/23/2019 12:38 PM
Kala Bagai	Michael Herberger		Sun 11/24/2019 1:02 AM
Kala Bagai	David Bryson		Sun 11/24/2019 9:17 AM
Kala Bagai	Meena Makhijani		Sun 11/24/2019 12:01 PM
Kala Bagai	Gireeja Ranade		Sun 11/24/2019 2:22 PM
Kala Bagai	Anant Sahai	She is a hero in the history of activism rooted in Berkeley	Sun 11/24/2019 2:44 PM
Kala Bagai	S Sarkar		Sun 11/24/2019 3:50 PM
Kala Bagai	Anisha Desai		Sun 11/24/2019 5:02 PM
Kala Bagai	Mauna Dasari		Tue 11/26/2019 7:02 PM
Kala Bagai	Samudra Randazzo		Wed 11/27/2019 8:32 AM
Kala Bagai	Asok Chatterjee		Wed 11/27/2019 9:24 AM
Kala Bagai	Sathvik Nair		Wed 11/27/2019 1:23 PM
Kala Bagai	Manisha Gangopadhyay		Wed 11/27/2019 1:29 PM
Kala Bagai	Max Gomborg		Wed 11/27/2019 1:40 PM
Kala Bagai	Ky-Nam Miller		Sat 11/30/2019 6:41 AM
Kala Bagai	Vivek Mutalik		Sat 11/30/2019 11:15 AM
Kala Bagai	Mehak Khan		Sat 11/30/2019 2:47 PM
Kala Bagai	Juli Adhikari		Sat 11/30/2019 2:49 PM
Kala Bagai	Kavita Trivedi		Sat 11/30/2019 3:13 PM
Kala Bagai	Montana Weekes		Sat 11/30/2019 3:29 PM
Kala Bagai	Shailey Gupta		Sat 11/30/2019 3:33 PM
Kala Bagai	Sri Raman		Sat 11/30/2019 6:05 PM
Kala Bagai	Barnali Ghosh		Sat 11/30/2019 6:32 PM
Kala Bagai	Anjali Vadhri		Sat 11/30/2019 8:49 PM
Kala Bagai	Nivedita Saxena		Sat 11/30/2019 9:19 PM
Kala Bagai	Nivedita Saxena		Sat 11/30/2019 9:19 PM
Kala Bagai	Orko Malik	It will be a representation of a relationship that has long been overlooked by history. South Asia has long been under rep	Tue 11/19/2019 5:23 PM
Kala Bagai	Kiran Clair		Tue 11/19/2019 3:14 PM
Kala Bagai	Lakshmi Eassey		Tue 11/19/2019 3:17 PM
Kala Bagai	madeline ferwerda		Tue 11/19/2019 3:32 PM
Kala Bagai	me sine		Tue 11/19/2019 3:33 PM
Kala Bagai	Monisha Bajaj		Tue 11/19/2019 3:39 PM
Kala Bagai	paravinda		Tue 11/19/2019 4:07 PM
Kala Bagai	Preeti Gill		Tue 11/19/2019 4:07 PM
Kala Bagai	Julia Cosgrove		Tue 11/19/2019 4:41 PM
Kala Bagai	Kate Freeman		Tue 11/19/2019 4:41 PM
Kala Bagai	betsy thagard		Tue 11/19/2019 5:19 PM
Kala Bagai	Indrani Baruah		Tue 11/19/2019 5:31 PM
Kala Bagai	Margaret Nickolaus		Tue 11/19/2019 5:43 PM
Kala Bagai		This is an excellent opportunity to recognize the importance of Asians in our community. I am not familiar with Kala Bagai, but perhaps that is exactly the point	Tue 11/19/2019 5:55 PM
Kala Bagai	Joyce Vollmer		Tue 11/19/2019 5:55 PM
Kala Bagai	Cristine Peterson		Tue 11/19/2019 6:22 PM
Kala Bagai	Connie Tyler		Tue 11/19/2019 6:23 PM
Kala Bagai	Jordan Taleisnik		Tue 11/19/2019 6:23 PM
Kala Bagai	Cecile Moochnek		Tue 11/19/2019 6:27 PM
Kala Bagai	Zach Franklin		Tue 11/19/2019 6:40 PM
Kala Bagai	Cindy Shamban		Tue 11/19/2019 6:47 PM
Kala Bagai		She was a refugee, stranded by her birth country and adopted country, yet wished to remain here, despite initial rejection by the US Supreme Court and the resulting suicide of her husband. Her children, grandchildren, and great grandchildren revere her courage and strength, and her fight to regain citizenship in the country she loved	Tue 11/19/2019 6:57 PM
Kala Bagai	Eric Bagai		Tue 11/19/2019 6:59 PM
Kala Bagai	Rahul Sampat		Tue 11/19/2019 7:01 PM
Kala Bagai	Zuha Khan		Tue 11/19/2019 7:01 PM
Kala Bagai	Sathvik Nair		Tue 11/19/2019 7:31 PM
Kala Bagai		Kala Bagai represents California and the US experience in the same way as John F Kennedy, Lewis and Clark, Barack Obama and other brave Americans who also happen to be descendants of immigrants	Wed 11/20/2019 5:27 AM
Kala Bagai	Rohith Nandagiri		Wed 11/20/2019 5:04 AM
Kala Bagai	Kim Kovach		Wed 11/20/2019 4:49 AM
Kala Bagai	Daniya Binte Ahsan		Wed 11/20/2019 1:42 AM
Kala Bagai	Craig Strang		Wed 11/20/2019 12:25 AM
Kala Bagai	Hillary Brooks		Wed 11/20/2019 12:25 AM
Kala Bagai	Rosa Jimenez		Tue 11/19/2019 11:24 PM

Kala Bagai	Nimish Saxena			Tue 11/19/2019 11:12 PM	
Kala Bagai	Priyanka Kargupta			Wed 11/27/2019 2:04 PM	
Kala Bagai	Shefali S			Wed 11/27/2019 2:08 PM	
Kala Bagai	Bailey Henderson			Wed 11/27/2019 2:18 PM	
Kala Bagai	Harini Rajan			Wed 11/27/2019 2:21 PM	
Kala Bagai	Sobia Chahal			Wed 11/27/2019 2:28 PM	
Kala Bagai	Labanya Mukhopadhyay			Wed 11/27/2019 3:07 PM	
Kala Bagai	Madeline Chen			Wed 11/27/2019 3:31 PM	
Kala Bagai	Pierre Germain			Wed 11/27/2019 5:39 PM	
Kala Bagai	Robyn Hoke			Wed 11/27/2019 5:43 PM	
Kala Bagai	Nandita Singh			Wed 11/27/2019 8:07 PM	
Kala Bagai	Basudha Chaudhuri			Thu 11/28/2019 10:13 AM	
			You might agree that it is time to honor an Asian American woman in Berkeley, and I hope that Kala Bagai could be that woman. She was born in Amritsar in Punjab, India. My father hails from Amritsar too. It will be touching for me to see a street named after someone who was born in Amritsar, someone who became a freedom fighter for Indian independence.		
Kala Bagai	Vivek Anand			Thu 11/28/2019 12:31 PM	
Kala Bagai	Maria Fong			Thu 11/28/2019 1:07 PM	
Kala Bagai	Jane Hood			Fri 11/29/2019 3:12 PM	
Kala Bagai Way		Naming Idea Wall		Week 4	
Kala Bagai Way	Karuna Jaggar			Wed 11/20/2019 6:34 AM	
Kala Bahal	Pegeen Brosnan			Wed 11/20/2019 6:27 AM	
Kala Bahal	Rani Sanghera			Wed 11/20/2019 6:16 AM	
Kala Bahal	Alison Alkon			Wed 11/20/2019 6:15 AM	
Kala Bahal				Wed 11/20/2019 5:58 AM	
Kathmandu Boulevard		Naming Idea Wall		Week 6	
Kazue Togasaki Place	at Carrtsnjustice	#RenameShattuck		Tue 11/6/19 2:08 PM	1 Like on twitter
Kazue Togasaki Way		Naming Idea Wall		Week 3	
Kevin		Naming Idea Wall		Week 2	
Key Route	Susie W			Sun 10/20/2019 7:53 AM	
Keystone	James Wheeler	Email	Keystone (like the old electric Keystone trolley system that went down "Shattuck."	Mon 10/21/2019 3:51 PM	
Keystone Avenue		Naming Idea Wall		Week 1	
Keystone Court	Christopher Kenyon Silvey			Fri 10/18/2019 11:20 PM	
Keystone Way	julie denison		to honor the historic music venue that presided for many a year at the end of the intersection	Fri 10/18/2019 5:20 PM	
Kiki/Seq Street		Naming Idea Wall		Week 4	
Kiwibot Way		Naming Idea Wall		Week 4	
Kompa		Naming Idea Wall		Week 2	
Korna		Naming Idea Wall		Week 2	
Kyle		Naming Idea Wall		Week 6	
La Sede Way		Naming Idea Wall		Week 2	
La Tuya Way		Naming Idea Wall		Week 3	
Ladybug Avenue		Naming Idea Wall		Week 2	
Le Guin Lane	COB/CMO Staff	CMO Naming Idea Wall		Week 6	City of Berkeley staff in the City Manager's Office
Lenin Lane		Naming Idea Wall		Week 6	
Lenka Way	at trace.create	#RenameShattuck		Fri 11/25/19	20 Likes on Instagram
Lenka Way		Naming Idea Wall		Week 6	
Libertas Lane	Jim Brencic-Webelos 1	Berkeley Cub Scouts Pack 30		Tue 10/22/2019 6:58 PM	
Liberty Street		Naming Idea Wall		Week 4	
Life Avenue		Naming Idea Wall		Week 6	
Lil Asia		Naming Idea Wall		Week 2	
Lil B Based God Boulevard		Naming Idea Wall		Week 4	
Lil B Based God Way		Naming Idea Wall		Week 3	
Lil B The Based God	at WellsLucasSanto	#RenameShattuck		Tue 11/6/19 2:26 PM	2 Likes on Twitter
Lil B Way		Naming Idea Wall		Week 4	
Linus Way		Naming Idea Wall		Week 1	
Little Asia Town		Naming Idea Wall		Week 5	
Lob Town		Naming Idea Wall		Week 5	
Loneley Island		Naming Idea Wall		Week 2	
Lorenze Court	at trace.create	#RenameShattuck		Fri 11/25/19	20 Likes on Instagram
Lorenze Court		Naming Idea Wall		Week 6	
Loring Place	DaniellaThompson		James Loring Barker (1841-1919), a Berkeley pioneer who was the prime mover in inducing the Central Pacific Railroad Company to extend its train service to Berkeley in 1876.	http://berkeleyheritage.com/berkeley_	Tue 10/22/2019 3:46 PM

Love and Compassion Way		Naming Idea Wall	Week 1	
Love Avenue	at trace.creates	#RenameShattuck	Fri 11/25/19	20 Likes on Instagram
Love Avenue		Naming Idea Wall	Week 6	
Love My Way		Naming Idea Wall	Week 3	
Love Street	at trace.creates	#RenameShattuck	Fri 11/25/19	20 Likes on Instagram
Love Street		Naming Idea Wall	Week 6	
Love These White Weona		Naming Idea Wall	Week 6	
Love Way	at trace.creates	#RenameShattuck	Fri 11/25/19	20 Likes on Instagram
Love Way		Naming Idea Wall	Week 6	
	Marti Mogensen			
Mable Howard Way			Sun 10/27/2019 12:46 PM	
Mac Dre Street		Naming Idea Wall	Week 4	
Macho Way		Naming Idea Wall	Week 6	
Maga Avenue		Naming Idea Wall	Week 3	
Maga Street		Naming Idea Wall	Week 3	
Magdalena Boulevard	at trace.creates	#RenameShattuck	Fri 11/25/19	20 Likes on Instagram
Magdalena Boulevard		Naming Idea Wall	Week 6	
	Dorothy Walker			
				This is basically the area she helped preserve/protect by leading the efforts to underground BART in Berkeley. Naming it in her honor would recognize this great contribution to our community.
Maggie Gee			Tue 11/19/2019 8:32 PM	
	Linda Franklin			
Maggie Gee Square			Wed 10/23/2019 9:31 PM	
Main Street		Naming Idea Wall	Week 4	
Mak Amltam Way		Naming Idea Wall	Week 6	
Make it Pedestrian Only		Naming Idea Wall	Week 2	
Malcolm Margolin Way	Francine Hartman		Tue 10/22/2019 6:23 PM	
Malcolm X		Naming Idea Wall	Week 1	
Malcolm X		Naming Idea Wall	Week 1	
Malcolm X		Naming Idea Wall	Week 1	
	Nancy Schimmel			
				There was some support, but people do object to the bother of changing their addresses. However, if this street is going to be renamed anyway, how about Malvina Reynolds Way?
				Her song, "This World," which mentions Parker Street, where she lived for many years, is one of the lyrics and poems on sidewalk plaques on Addison Street, and there is a small mural there for her song "Magic Penny," so she has been memorialized in Berkeley, but I thought I'd put her name in the pot.
Malvina Reynolds Way			Tue 11/5/2019 11:59 AM	
Malvina Reynolds Way	Holly Harwood		Tue 11/5/2019 4:25 PM	
Malvina Reynolds Way	Rima Kittner		Tue 11/5/2019 9:27 PM	
	Melanie Lawrence			
				Malvina is part of La Pena's mural and another one in South Berkeley/North Oakland, I believe, but as far as I know, nothing in Berkeley has been named for her by the City--which, if true, is startling, given her residence here and the ways her work embodies the best of our spirit and
Malvina Way			https://www.azquotes.com/author/208 Tue 11/5/2019 12:54 PM	
Malvina Way	Kate Harrison	Berkeley City Councilmember, District 4	Tue 11/5/2019 2:15 PM	
Marc Fisher Way		Naming Idea Wall	Week 5	
Marsha P. Johnson Boulevard		Naming Idea Wall	Week 1	
Marie Chrie Avenue		Naming Idea Wall	Week 3	
Mario Savio Avenue		Naming Idea Wall	Week 2	
Mario Savio Way		Naming Idea Wall	Week 3	
Mario Savio Way	Miriam Kasin		Fri 10/18/2019 7:15 PM	
Marlon Riggs Avenue		Naming Idea Wall	Week 2	
Marsha P. Johnson St.	Debra Guckenheime		Sun 10/20/2019 11:27 AM	
Marsha P. Johnson Boulevard		Naming Idea Wall	Week 1	
Martin Luther King Street		Naming Idea Wall	Week 1	
Maya Angelou Blvd	julie denison		Fri 10/18/2019 5:20 PM	
				to honor a beautiful spirit and literary great

Proposed Name	Staff	Comments	City of Berkeley staff in the City Manager's Office
Maya Angelou Lane Maybeck Way Mayor Gus Newport! Mean Street M-Gas Mike Hawk Milky Way In Your Way	COB/CMO Staff debbie tenenbaum	CMO Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall	Week 6 Week 1 Fri 10/18/2019 9:47 PM Week 5 Week 6 Week 5 Week 2
Minecraft Boulevard Moen Lane Money Waste Monopoly Road Mordor Morioh Morioh	Victor Magallanes	Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall	Mon 11/4/2019 10:19 PM Week 2 Week 2 Week 6 Week 5 Week 2 Week 5
Mother India Movie Maker Avenue Mumford Plaza N95 Street	Devanshi Patel Peter Y. Sussman	Naming Idea Wall Naming Idea Wall	Wed 11/20/2019 7:43 AM Week 3 Fri 10/18/2019 6:26 PM Week 2
Name it a Tree that thrive in Berkeley Name it after Joe	Patricia Bulitt	Email Naming Idea Wall	Fri 10/18/2019 6:19 PM Week 5
Nancy Pelosi Way Native Origins Natures Way Nelson Mandela Avenue Neopolitan Boulevard Nick Avenue Nikita Lane No Marines Street No Names Way Nobel Street Nom'una Nonobo NPC Drive Way Numtots Avenue	JT Erick Mikiten AIA	Email Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall	I am immobilized currently so cannot get to the chalk board; however, I am a very long time resident of Berkeley since early 70's . I believe that naming ought to commemorate the natural history of our City and not human centered. Naturalist from Tilden park could offer names of trees for the street or trees which once thrived there or still might
Obama Obama Boulevard Obama street	Tony Mercer	Email Naming Idea Wall Naming Idea Wall	I love Nancy Pelosi. She stands for what most people in Berkeley believe in, she's made huge contributions to the Bay Area in her Presidio advocacy and did you see that Trump pic? She's Berkeley's kind of gal. Named for President Barack and his wife Michelle Obama

Obama Way			Naming Idea Wall	Week 6	
Obama Way	Mamie Lai			Fri 10/18/2019 5:08 PM	
Obama Way	Jim Brencic-Webelos 1	Berkeley Cub Scouts Pack 30		Tue 10/22/2019 6:58 PM	
Obama Way.	Cantor Lois			Sat 10/19/2019 10:22 AM	
O'Brian Boulevard			Naming Idea Wall	Week 1	
Ode2wij Sie Swinid Poicy			Naming Idea Wall	Week 4	
Ohlone Boulevard			Naming Idea Wall	Week 6	
Ohlone Court	at trace.creates		#RenameShattuck	Fri 11/25/19	20 Likes on Instagram
Ohlone Court			Naming Idea Wall	Week 6	
Ohlone Place	Taryn Smith		Email	Mon 10/21/2019 11:56 AM	
Ohlone Place			Naming Idea Wall	Week 1	
Ohlone Way			Naming Idea Wall	Week 2	
Ohlone Way			Naming Idea Wall	Week 2	
Oholone Place	Jessica L. Blome			Tue 11/5/2019 12:12 PM	
OK Booker			Naming Idea Wall	Week 5	
Old Town Road			Naming Idea Wall	Week 2	
Old Towne Road	Jim Brencic-Wolf Den	Berkeley Cub Scouts Pack 30		Tue 10/22/2019 6:58 PM	
Oliver Street	at trace.creates		#RenameShattuck	Fri 11/25/19	20 Likes on Instagram
Oliver Street			Naming Idea Wall	Week 6	
On The Way			Naming Idea Wall	Week 4	
One World			Naming Idea Wall	Week 6	
One World Way			Naming Idea Wall	Week 6	
Orale Guey			Naming Idea Wall	Week 6	
Oski Avenue			Naming Idea Wall	Week 2	
Oski Lane	at BerkeleyCanada		#RenameShattuck	Tue 10/22/19 4:09 PM	2 Likes on Twitter 102 Likes on Twitter 300 Likes on Instagram
Oski Lane	at Oski		#RenameShattuck	Wed 10/16/19 2:48 PM	
Oski Lane			Naming Idea Wall	Week 1	
Oski Way			Naming Idea Wall	Week 3	
Oski Way (Cal Bear Mascot)	Jim Brencic-Webelos 2	Berkeley Cub Scouts Pack 30		Tue 10/22/2019 6:58 PM	
Osri Love Street			Naming Idea Wall	Week 2	
Oxford Avenue			Naming Idea Wall	Week 6	
Paddington Bear Street			Naming Idea Wall	Week 6	
Panda Man Street Street			Naming Idea Wall	Week 1	
Parisa			Naming Idea Wall	Week 2	
Park Place Boulevard			Naming Idea Wall	Week 6	
Peace Court	at trace.creates		#RenameShattuck	Fri 11/25/19	20 Likes on Instagram
Peace Court			Naming Idea Wall	Week 6	
Peace Way			Naming Idea Wall	Week 6	
Pee Pee Pee Poe Way			Naming Idea Wall	Week 6	
Peoples			Naming Idea Wall	Week 4	
Peoples Boulevard			Naming Idea Wall	Week 6	
People's Place	Jessica L. Blome			Tue 11/5/2019 12:12 PM	
Peoples Street			Naming Idea Wall	Week 1	
Peoples Street			Naming Idea Wall	Week 1	
Peoples Street			Naming Idea Wall	Week 1	
Peoples Street			Naming Idea Wall	Week 2	
Pete Seeger Way	Andrew Page			Tue 11/26/2019 7:37 AM	
Peter Selz Way	Mara Bernstein		Email	https://www.google.com/amp/s/datebook.sfchronicle.com/art-exhibits/peter-selz-founding-director-of-berkeley-art-museum-dies-at-100/amp	Fri 10/18/2019 5:32 PM
PG&E Avenue			Naming Idea Wall	Week 2	
PG&E Road			Naming Idea Wall	Week 1	

I propose Peter Selz Way. Professor Selz was a titan in the world of Art and art history, was a beloved Cal professor for many decades, and played a huge role in bringing art and the original UC art museum to Berkeley. He died recently at age 100. Here's one of the many obituaries for him:
<https://www.google.com/amp/s/datebook.sfchronicle.com/art-exhibits/peter-selz-founding-director-of-berkeley-art-museum-dies-at-100/amp>

I don't have any personal connection to him, except that I took his class at Cal in the 1980s, and admired him tremendously.

To the committee, there's a saying that has been floating around, "let's give our legends their blessings and flowers now when they can enjoy it and not when they pass." My father has been a pillar for Berkeley. Growing up on Ashby and Harper St. coming where my Grandfather Philip A Cotton instilled a sense of service to the community as a Knight of the Peter Claver organization at St Columba Church paying for kids college tuition or my Grandmother who would cook for the Nuns at St. Joseph and Presentation High School. He started what he knew best, a coach for kids. He would teach baseball, basketball and football to those in the neighborhood of South Berkeley. Joining the Recreation Department started the expansion of his love for his community to be successful. I was only around to half of that but you ask anyone who went to Berkeley High or were in the summer program between the ages of 30 to 70 and best believe my father's name would come up more than most. 49 years of cultivating kids into Super Bowl champs, musicians, politicians, artists, businessmen and businesswomen. He never said no to something that help a person grow or help Berkeley. He earn the respect of those who don't know the programs they participate in was created by him. He is deserving a lot. He will never ask for it himself as being unselfish is his core. It would be great to have someone who did so much for Berkeley see Berkeley give to him one more thanks.

He has help many for 49 years in the Rec Dept, created a multitude of programs and commissions and have been what's Berkeley represents. You don't know how much of an impact he's made in the community, in the city, in city hall.

Philip Harper Cotton Sr Way Philip K. Dick Philip K. Dick	Philip Harper Cotton Jr		Naming Idea Wall Naming Idea Wall		Thu 10/24/2019 9:16 AM Week 2 Week 2
Philip L Harper Cotton Way Pigeon Way Pittosporum Avenue Pizza Territory Place, Plaza , Not Street or Way Pluto Avenue Poppy Lane Progress Boulevard Progressive Boulevard PRS Boulevard Puppy Lane Quiet Road	DJ Dunbar Grapes Matthew Taecker Jim Brencic-Wolf Den Jessica L. Blome Rosie Cohan	Taecker Planning & Design Berkeley Cub Scouts Pack 30	Email Naming Idea Wall Naming Idea Wall Naming Idea Wall Email Naming Idea Wall Naming Idea Wall Naming Idea Wall Naming Idea Wall		Mon 10/21/2019 11:29 PM Week 2 Week 3 Week 3 Tue 10/22/2019 11:38 AM Tue 10/22/2019 6:58 PM Tue 11/5/2019 12:12 PM Week 2 Fri 10/18/2019 6:11 PM Week 1 Week 3 Week 2

One would hope "Rachel Carson Way" would remind people that the modern communitarian ecology movement began here in Berkeley with the benign intention of cleaning up the current site of Berkeley People's Park in April, 1969, to grow flowers and vegetables with/for the community.

Prior to the creation of People's Park, only Rachel Carson's "Silent Spring" pointed the way to the modern ecology that embraced worldwide conservation for all creatures big and small, and including, of course, discovering and deploying the least harmful pest and disease control methods.

To truly position the greatness of Berkeley, the town and the gown, the People's Park's name could be expanded to "The Rachel Carson Berkeley's Park" as well, strengthening town/gown purpose and amicability.

The Ecology Center, Earth Day, EPA, all came after the literally and metaphorically ground breaking and inspiring creation of People's Park. Please dead Rachel Carson's 1962 "Silent Spring."

Wendy Schlesinger, MJ, UC Berkeley, 1997

Rachel Carson Way	Wendy Stephens	Email	Mon 10/21/2019 7:03 AM	
Radimir Court	at trace.creates	#RenameShattuck	Fri 11/25/19	20 Likes on Instagram
Ramble Avenue		Naming Idea Wall	Week 2	
Ramen		Naming Idea Wall	Week 5	
Ramen		Naming Idea Wall	Week 5	
Randle Way		Naming Idea Wall	Week 2	
Ravenclaw Road		Naming Idea Wall	Week 6	
Rename Street		Naming Idea Wall	Week 4	
Resistance Road	Bronwen Rowlands		Fri 10/18/2019 7:12 PM	
Revolution Road		Naming Idea Wall	Week 1	
Revolution Road		Naming Idea Wall	Week 1	
Revolution Road		Naming Idea Wall	Week 1	
Revolutions of Our Time (ROOT) Avenue		Naming Idea Wall	Week 1	
Rilakkuna		Naming Idea Wall	Week 1	
Rilakkuna Notice Me		Naming Idea Wall	Week 1	
Rivera Way		Naming Idea Wall	Week 5	
Roadie McRoadface Avenue		Naming Idea Wall	Week 5	
Ronald Takaki Way	at Carrtsnjustice	#RenameShattuck	Tue 11/6/2019 2:06 PM	
Ronald Takaki Way		Naming Idea Wall	Week 3	
Rosa L. Scrivner	Stacey Merryman		the first woman to grad from UC Berkeley	Wed 11/20/2019 10:47 PM
Ruth Bader Ginsberg		Naming Idea Wall	Week 2	
S*ck My Wing Wong		Naming Idea Wall	Week 5	
Saelas Way		Naming Idea Wall	Week 6	
Saiid Boulevard		Naming Idea Wall	Week 1	
Saint Brenton Street	Attila der Hunne		Tue 11/5/2019 7:43 AM	
Sanctuary Street/Way	COB/CMO Staff	CMO Naming Idea Wall	Week 6	City of Berkeley staff in the City Manager's Office
Sandstorm Street		Naming Idea Wall	Week 1	
Sarpong Way		Naming Idea Wall	Week 5	
Saturn Road	Jim Brencic-Wolf Den	Berkeley Cub Scouts Pack 30	Tue 10/22/2019 6:58 PM	
Savio Street		Naming Idea Wall	Week 2	
Savio Way		Naming Idea Wall	Week 2	
Scout Street	Jim Brencic-Tiger Den	Berkeley Cub Scouts Pack 30	Tue 10/22/2019 6:58 PM	
Scuba Scott Street		Naming Idea Wall	Week 3	
Self Love is the Answer		Naming Idea Wall	Week 2	
Sesame street		Naming Idea Wall	Week 5	
Sh*ttough		Naming Idea Wall	Week 2	
Shaduck		Naming Idea Wall	Week 1	
Shaggit Avenue		Naming Idea Wall	Week 2	
Shakedown Street		Naming Idea Wall	Week 1	
Shatf*ck		Naming Idea Wall	Week 2	
Shattuck		Naming Idea Wall	Week 4	
Shattuck		Naming Idea Wall	Week 4	
Shattuck 2.0		Naming Idea Wall	Week 5	

Shattuck Avenue		Naming Idea Wall		Week 3	
Shattuck Avenue		Naming Idea Wall		Week 3	
Shattuck Avenue		Naming Idea Wall		Week 3	
Shattuck Beast		Naming Idea Wall		Week 6	
Shattuck Electric Boulevard		Naming Idea Wall		Week 3	
Shattuck Ghetto		Naming Idea Wall		Week 1	
Shattuck Shmare		Naming Idea Wall		Week 2	
Shattuck Square East	Scott Page		why break it up at all to further confuse drivers, visitors etc.?	Sat 10/19/2019 8:34 AM	
Shattuck Swerve		Naming Idea Wall		Week 6	
Shattuck West		Naming Idea Wall		Week 1	
Shattuckz		Naming Idea Wall		Week 6	
Shattup Boulevard		Naming Idea Wall		Week 6	
She Gave it to me, her hand notsin to cross immagination		Naming Idea Wall		Week 4	
Shining		Naming Idea Wall		Week 6	
Shitick Way		Naming Idea Wall		Week 5	
Shitick Way		Naming Idea Wall		Week 5	
Shitick Way		Naming Idea Wall		Week 5	
Shitucky Mushiam		Naming Idea Wall		Week 1	
Shplanigan		Naming Idea Wall		Week 1	
Shrek Avenue		Naming Idea Wall		Week 1	
Sii	Tony Mercer	Email	the Ohlone word for water	Mon 10/21/2019 7:53 PM	
Singing Way	Bronwen Rowlands			Fri 10/18/2019 7:12 PM	
Sitha Vemireddy		Naming Idea Wall		Week 4	
Sitha Vemireddy	Fred Erma		one of Lakireddy Bali Reddy's victims, as a way to honor victims of human trafficking. Bali Reddy's restaurant was near this stretch of Shattuck.	Sun 10/20/2019 11:01 PM	
Skinner Lane		Naming Idea Wall		Week 5	
			Named in honor of one of the most revolutionary and prolific of Electronic Dance Music (EDM) artists: Sonny Moore, better known as Skrillex. With hits such as Bangarang, Scary Monsters And Nice Sprites, and Kill Everybody, he set a precedent in the US Electronic Dance Music scene, bringing it to greater heights and bringing about the most colorful generation of musicians, composers and producers to have ever roamed the Earth	Mon 11/4/2019 10:19 PM	
Skrillex Boulevard	Victor Magallanes			Week 2	
Sliver Avenue		Naming Idea Wall		Week 6	
Sliver Avenue		Naming Idea Wall		Week 6	
Slytherin Street		Naming Idea Wall		Week 6	
Snoopy Square	Siwany Kehret			Thu 10/24/2019 10:37 AM	
Snowflake Street		Naming Idea Wall		Week 1	
SOB 2 Pewdiepie		Naming Idea Wall		Week 2	
Society		Naming Idea Wall		Week 1	
Solve Homlessness		Naming Idea Wall		Week 1	
Squang Square		Naming Idea Wall		Week 2	
Squidward Sorells		Naming Idea Wall		Week 2	
Stamferd Avenue		Naming Idea Wall		Week 3	
Stanford Place		Naming Idea Wall		Week 3	
	John G. Aronovici	Berkeley Historical Society	we at the Berkeley Historical Society have been doing some research		
			for the original title for this 2 block street. We hope that the original name should be considered.		
Starlight Avenue	at trace.create	#RenameShattuck		Fri 11/22/2019 6:17 PM	
Starlight Avenue		Naming Idea Wall		Fri 11/25/19	20 Likes on Instagram
Station Place		Naming Idea Wall		Week 6	
				Week 6	

(1) The name reflects the history of the street. The current unusual configuration of Shattuck Avenue is the remnant of Berkeley Station served by Southern Pacific Railroad.

(2) The name also reflect current state of the branch. The branch is one of the closest streets to the BART station, and the name would show the city's commitment to public transit.

(3) Many candidate names for the branch are eponyms. Naming a street after a person could be a dangerous practice, as exemplified by the recent disputes about calling Berkeley's law school after John Henry Boalt, a person who held ideas unacceptably by today's standards. My suggestion will forever be free from potential controversies like this.

Station Place	Kentaro YAMAMOTO				
Station Street/Way/Siding	phil allen				Fri 11/29/2019 6:56 PM
Stephens Street		Naming Idea Wall			Sun 11/24/2019 5:38 PM
Steven Way		Naming Idea Wall			Week 3
Stick Street	Erick Mikiten AIA				Week 6
Stop-Driving-On-This Street		Naming Idea Wall			Tue 11/19/2019 3:06 PM
Streep Street		Naming Idea Wall			Week 1
Street is Murder		Naming Idea Wall			Week 1
Streetcar Lane		Naming Idea Wall			Week 1
Streetcar Way		Naming Idea Wall			Week 4
Streetcar Way	Bob Gill				Week 4
Streetie McStreetface		Naming Idea Wall			
Streety McStreetface		Naming Idea Wall			In view of the fact that historically, that section of the street was where the street cars lined up next to the old Berkeley SP station
Streety McStreetface		Naming Idea Wall			Sat 11/9/2019 1:15 PM
Streety McStreetface		Naming Idea Wall			Week 2
Substation B		Naming Idea Wall			Week 1
Suggar Daddy Avenue		Naming Idea Wall			Week 4
Susan Sontag Street		Naming Idea Wall			Week 5
Sweet Street		Naming Idea Wall			Week 6
Synbiote Street		Naming Idea Wall			Week 2
T Way		Naming Idea Wall			Week 2
T&C Boulevard		Naming Idea Wall			Week 3
Tacos Way		Naming Idea Wall			Week 1
Tamera Lane	at trace.creates	#RenameShattuck			Week 3
Tamera Lane		Naming Idea Wall			Week 6
Tammy Boulevard		Naming Idea Wall			Fri 11/25/19
Taro Way		Naming Idea Wall			Week 6
Tasty Wok Court	at trace.creates	#RenameShattuck			Week 3
Tasty Wok Court		Naming Idea Wall			Week 6
Tatsuta Princess	Mari Yamazaki	Email			Fri 11/25/19
Team Exiled		Naming Idea Wall			Week 6
Thankgod		Naming Idea Wall			Fri 10/18/2019 10:46 PM
The Artists Way	at trace.creates	#RenameShattuck			Week 2
The Artists Way		Naming Idea Wall			Week 4
The Block		Naming Idea Wall			Week 2
The Boyz		Naming Idea Wall			Fri 11/25/19
The E. Leg		Naming Idea Wall			Week 6
The Main Drag		Naming Idea Wall			Week 2
The Main Way		Naming Idea Wall			Week 2
The Maya Angelou Way	Chuck Toombs				Week 5
The Only Way		Naming Idea Wall			Sun 10/20/2019 6:05 PM
The Other Martin Luther King Jr. Way		Naming Idea Wall			Week 2
The Other Way		Naming Idea Wall			Week 1
The Panhandle		Naming Idea Wall			Week 5
The Peoples Place Way		Naming Idea Wall			Week 2
The Play	Lei, Warren				Week 6
The Real Haight Man		Naming Idea Wall			Sun 10/20/2019 1:42 AM
The Right Way		Naming Idea Wall			Week 3
The Scout Way	Jim Brencic-Webelos 1	Berkeley Cub Scouts Pack 30			Week 3
The Street		Naming Idea Wall			Tue 10/22/2019 6:58 PM
The Street Street	Jim Brencic-Webelos 2	Berkeley Cub Scouts Pack 30			Week 6
					Tue 10/22/2019 6:58 PM

The University		Naming Idea Wall		Week 6	
The Worlds Largest Looney Bin		Naming Idea Wall		Week 2	
This City is a Nightmare		Naming Idea Wall		Week 1	
Tight Pajamas Way		Naming Idea Wall		Week 5	
T-I-Love-You Street		Naming Idea Wall		Week 1	
Tiny Way		Naming Idea Wall		Week 2	
Tiny Way		Naming Idea Wall		Week 3	
Tiny Way		Naming Idea Wall		Week 6	
Tolerance Avenue		Naming Idea Wall		Week 6	
Toni Morrison Way	COB/CMO Staff	CMO Naming Idea Wall		Week 6	City of Berkeley staff in the City Manager's Office
Tracy Avenue	at trace.creates	#RenameShattuck		Fri 11/25/19	20 Likes on Instagram
Tracy Avenue		Naming Idea Wall		Week 6	
Tran E. Lane		Naming Idea Wall		Week 2	
Triangle Street	Erick Mikiten AIA			Tue 11/19/2019 3:06 PM	
Triggered Avenue		Naming Idea Wall		Week 1	
Tripps Avenue		Naming Idea Wall		Week 6	
Trump		Naming Idea Wall		Week 2	
Trump Avenue		Naming Idea Wall		Week 2	
Try Honoring to End		Naming Idea Wall		Week 5	
Tu Madres		Naming Idea Wall		Week 2	
Tuckaway (Avenue)	Nicole Maderas			Wed 10/23/2019 10:25 PM	
Uh Oh Stinky Avenue		Naming Idea Wall		Week 1	
Ultralord		Naming Idea Wall		Week 5	
U'Ma Way	at trace.creates	#RenameShattuck		Fri 11/25/19	20 Likes on Instagram
U'Ma Way		Naming Idea Wall		Week 6	
Under Construction		Naming Idea Wall		Week 2	
Union Way		Naming Idea Wall		Week 2	
Uranus Way		Naming Idea Wall		Week 5	
Uris Avenue		Naming Idea Wall		Week 4	
Ursula K. Le Guin		Naming Idea Wall		Week 1	
Ursula K. Le Guin	Melissa McDonough			Wed 10/23/2019 6:46 AM	
Ursula K. Le Guin	Elizabeth Agawa		after one of Berkeley's authors, the great Ursula K. Le Guin	Fri 10/18/2019 8:31 PM	
Ursula Le Guin Way	Chris Feldman	Email		Sat 10/19/2019 5:35 PM	new Shattuck street name.msg
Utopia Street		Naming Idea Wall		Week 6	
Valley Court	at trace.creates	#RenameShattuck		Fri 11/25/19	20 Likes on Instagram
Valley Court		Naming Idea Wall		Week 6	
Vespan		Naming Idea Wall		Week 3	
Vladimir Way	at trace.creates	#RenameShattuck		Fri 11/25/19	20 Likes on Instagram
Vladimir Way		Naming Idea Wall		Week 6	
Wacko Way	Ed Findrick			Sat 10/19/2019 10:11 PM	
Wakeputa Boulevard		Naming Idea Wall		Week 6	
Walk Don't Drive		Naming Idea Wall		Week 1	
Walk Don't Drive		Naming Idea Wall		Week 1	
Walnut St	Helene Vilett		After all it is as easily an extension of Walnut St as it was of Shattuc	Sat 10/19/2019 5:27 PM	
Walter Avenue		Naming Idea Wall		Week 5	
Ward Street		Naming Idea Wall		Week 6	
Washington		Naming Idea Wall		Week 4	
Wavy Gravy Way	Susana Sastre	Email		Sat 10/19/2019 6:55 PM	
We Are In Space Street		Naming Idea Wall		Week 4	
Weeb Street		Naming Idea Wall		Week 5	
Weed Smell Avenue		Naming Idea Wall		Week 2	
Who Cares Lane		Naming Idea Wall		Week 1	
Who's Jo Avenue		Naming Idea Wall		Week 4	
Why Are You Gay?		Naming Idea Wall		Week 2	
Why Are You Not Gay?		Naming Idea Wall		Week 2	
William Byron Rumford Way	Melanie E. McLean			Thu 10/17/2019 3:26 PM	
Willie Colon Street		Naming Idea Wall		Week 3	
World's Greenest Parking Garage Dr at barakgila		#RenameShattuck		Fri 10/18/19 11:23 PM	
Wrong Way		Naming Idea Wall		Week 2	
Wrong Way		Naming Idea Wall		Week 3	
Wrong Way		Naming Idea Wall		Week 6	
Ya Momma		Naming Idea Wall		Week 2	
Yeoooooooooooo		Naming Idea Wall		Week 5	
Yeelow Jacket Path	COB/CMO Staff	CMO Naming Idea Wall		Week 6	City of Berkeley staff in the City Manager's Office

Yes Way
Yeth
Yoda Lane
Your Mom Street
Yoyoma Avenue
Yuri Kochiyama
Zinfandel
Zollo Ol Le'

at WellsLucasSanto

Naheed Hasnat
Anna Goldstein
Pallavi
Princejeet Sandhu

Naming Idea Wall
Naming Idea Wall
Naming Idea Wall
Naming Idea Wall
Naming Idea Wall
#RenameShattuck
Naming Idea Wall
Naming Idea Wall
Naming Idea Wall

As a Cal Alum and as someone who has lived in the SF Bay Area my entire life, it is important to have the historical South Asian experience as part of our history

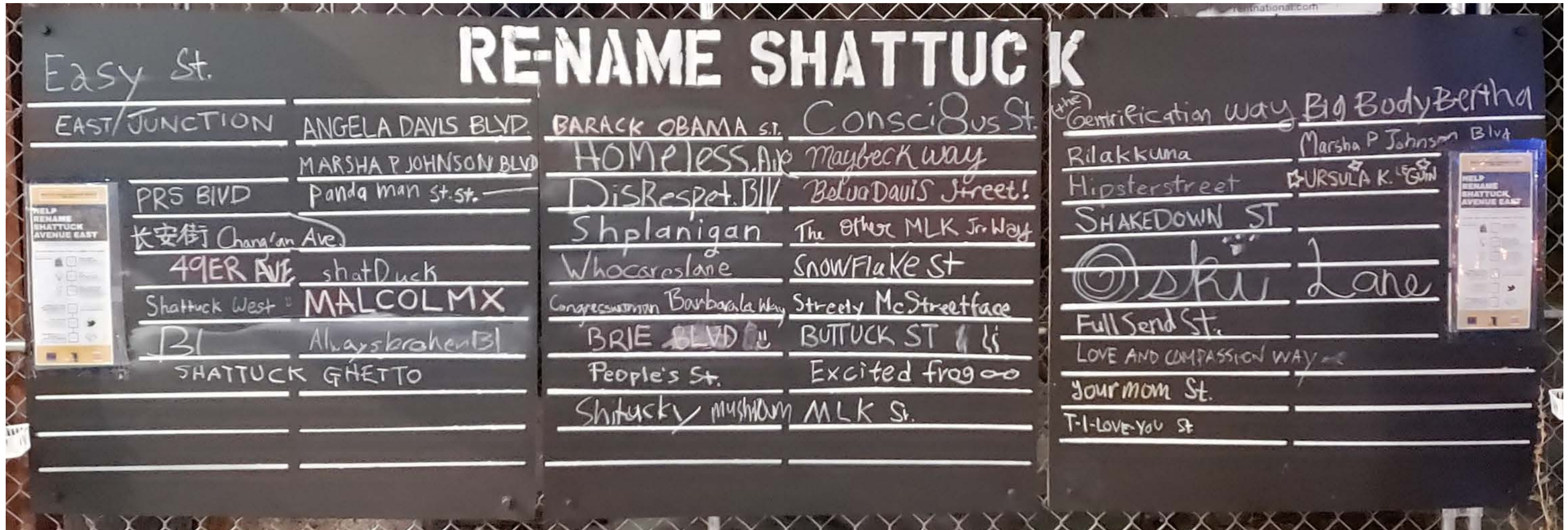
Week 1
Week 1
Week 6
Week 1
Week 5
Tue 11/6/19 2:45 PM
Week 4
Week 6
Week 5

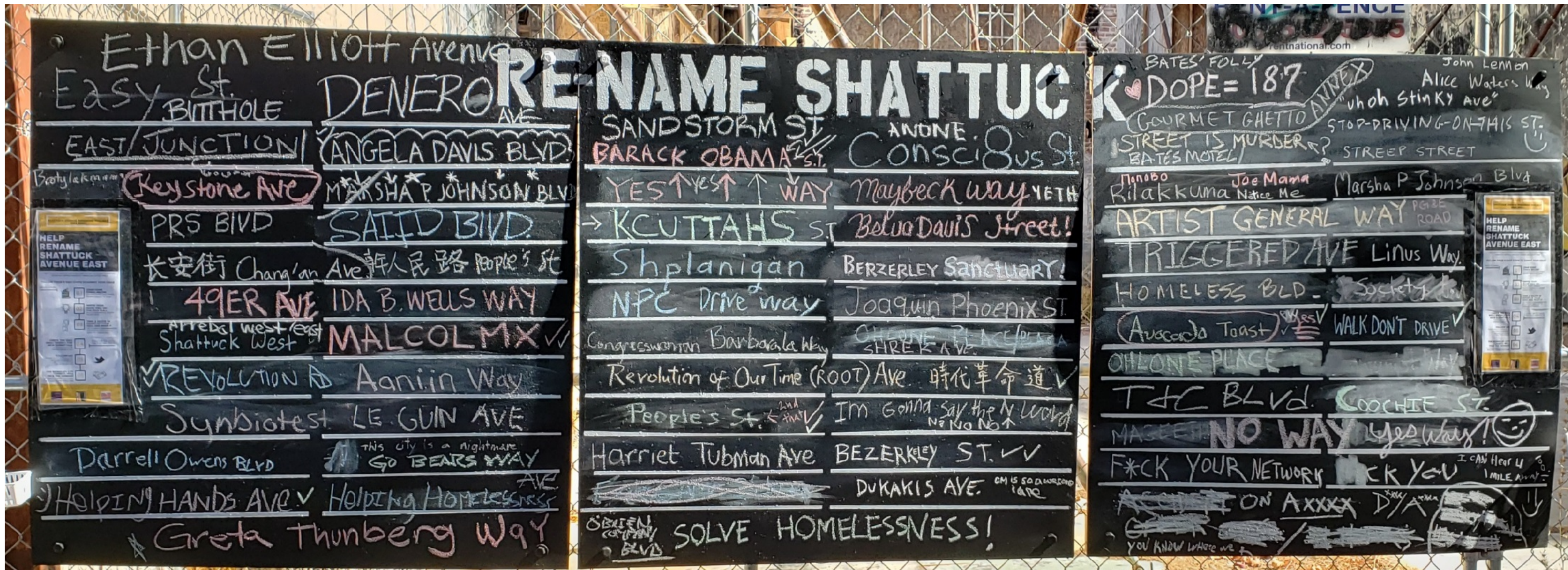
Fri 11/22/2019 2:26 PM
Fri 11/22/2019 2:51 PM
Friday, November 22, 2019 4:45 PM
Wed 11/20/2019 7:27 AM

Shattuck Avenue East Renaming Project

Week 1 Naming Idea Wall Submittals

#RenameShattuck

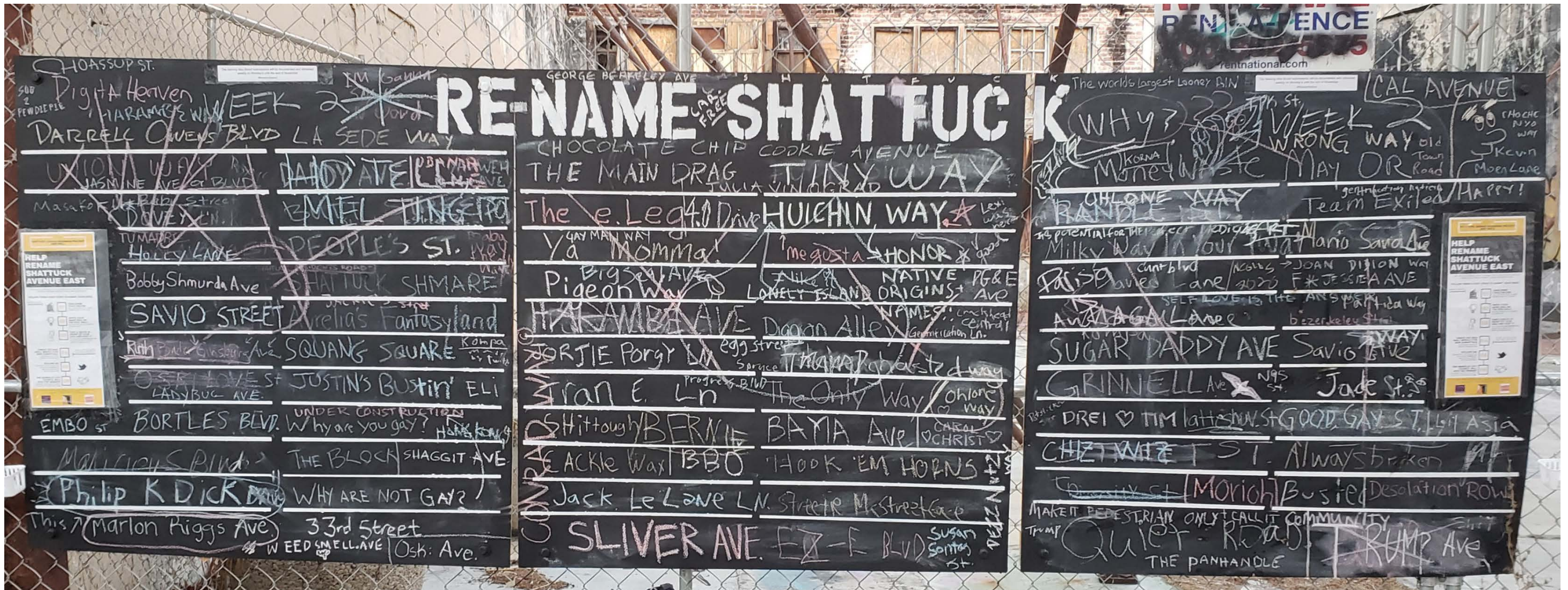


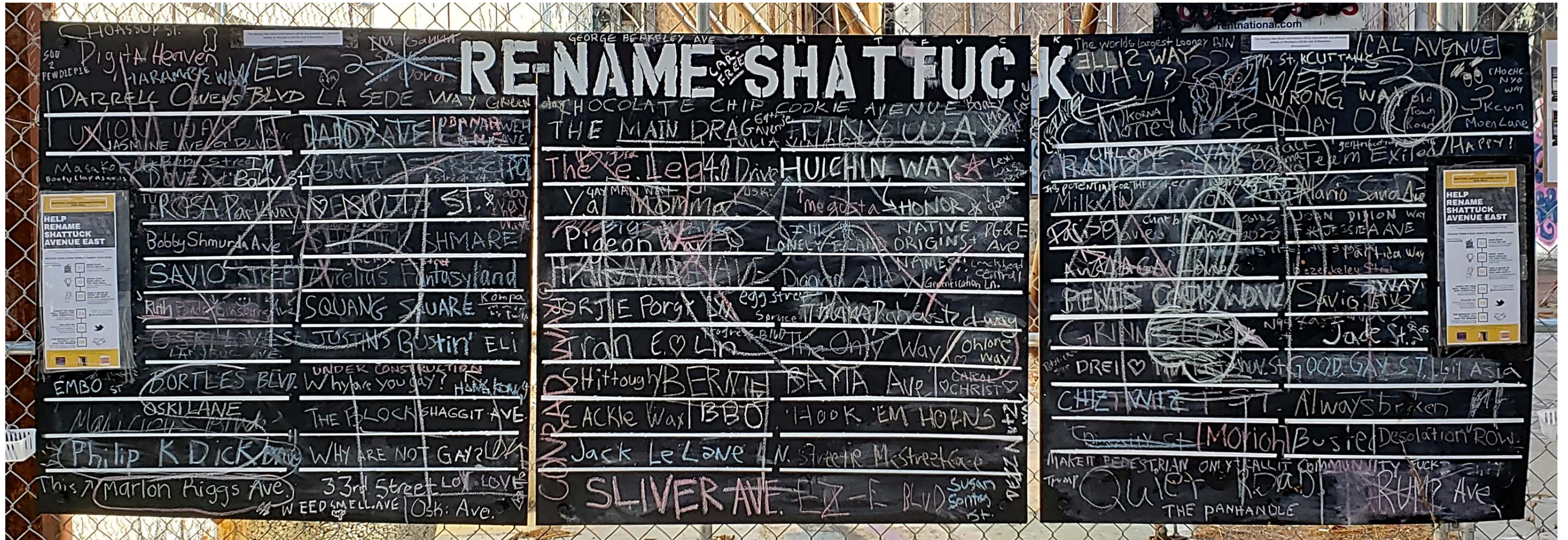


Shattuck Avenue East Renaming Project

Week 2 Naming Idea Wall Submittals

#RenameShattuck





Shattuck Avenue East Renaming Project

Week 3 Naming Idea Wall Submittals

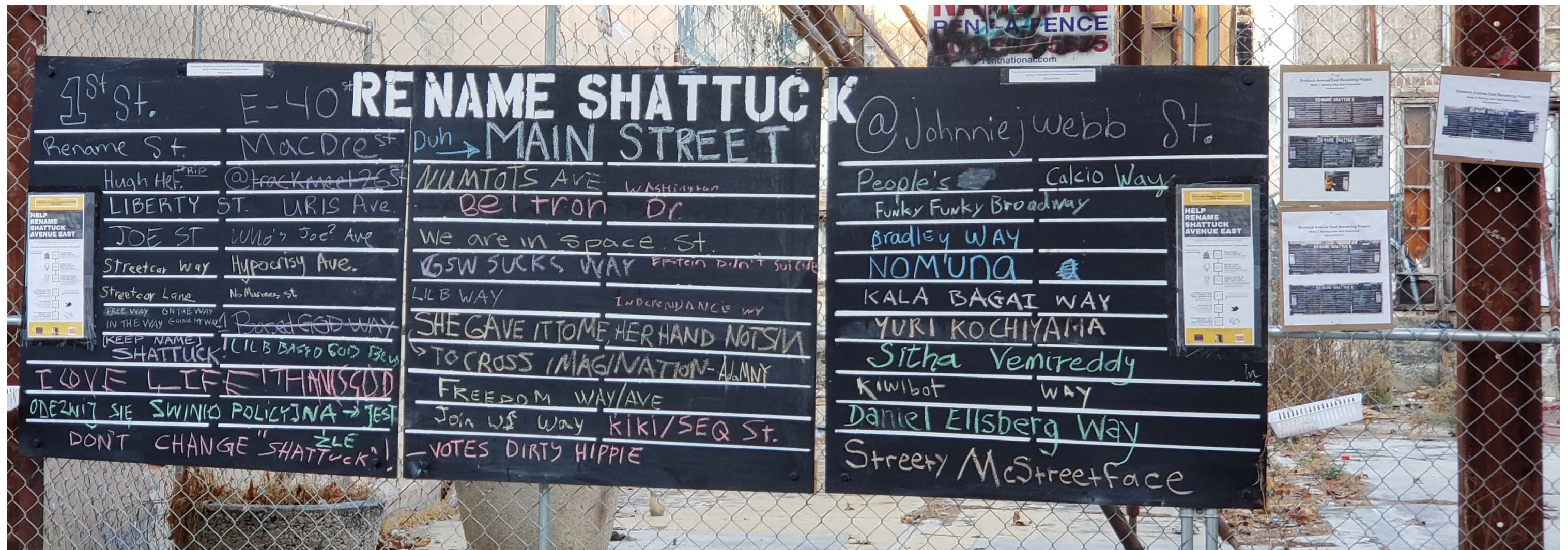
#RenameShattuck



Shattuck Avenue East Renaming Project

Week 4 Naming Idea Wall Submittals

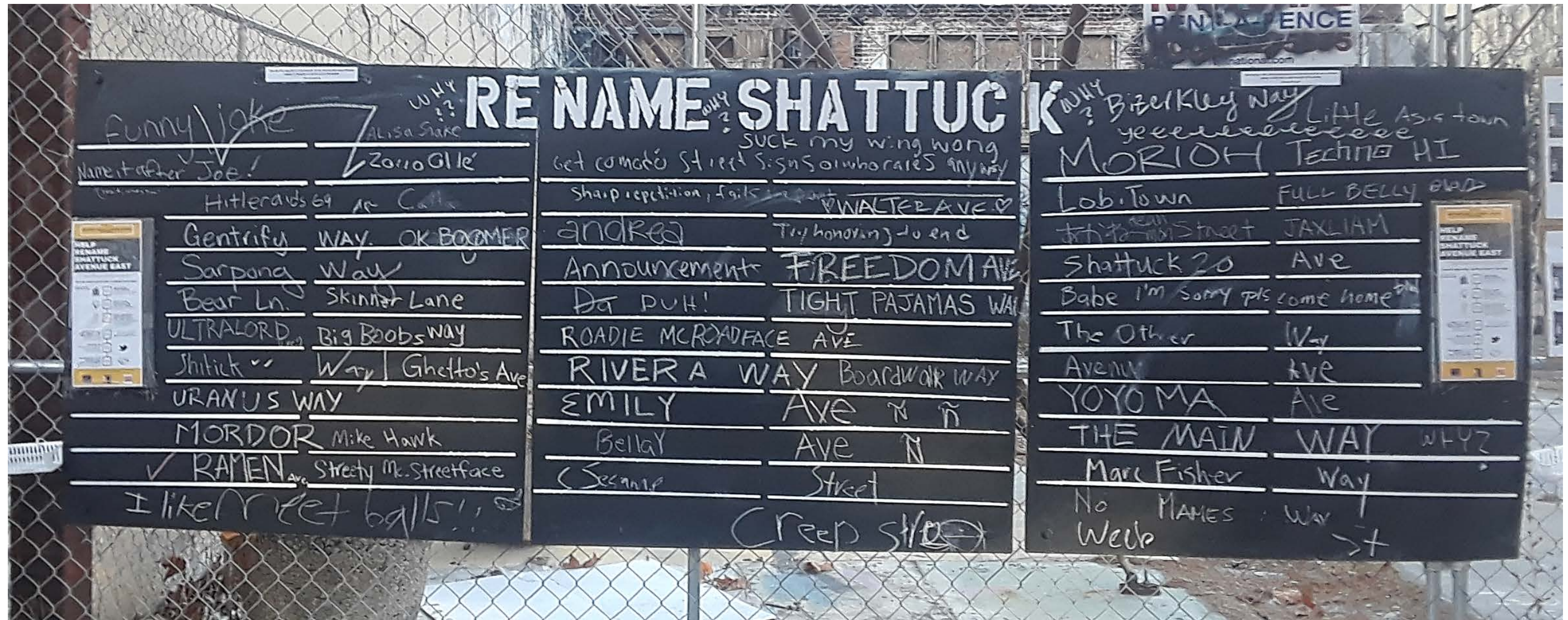
#RenameShattuck



Shattuck Avenue East Renaming Project

Week 5 Naming Idea Wall Submittals

#RenameShattuck



Page 42 of 64
Shattuck Renaming Project
Naming Advisory Committee (NAC)

Attachment 4

Name	Affiliation
John Caner	Downtown Berkeley Association
Barbara Hillman	Visit Berkeley
Steven Finacom	Landmarks Commission
John Aronovici	Berkeley Historical Society
Jen Loy	UC Berkeley - Local Government and Community Relations
Matthew Lewis	Alternate Transportation Commissioner, Measure O Bond Oversight Committee
MiSoon Burzlaff	Bravo Your City
Matthew Taecker	Taecker Planning & Design
Kristen Davis	KC's BBQ
Amir Wright	UC Berkeley ASUC Senator and Housing Advisory Commissioner
Igor Tregub	Zoning Adjustments Board Chair, Housing Advisory Commissioner, Peace and Justice Commission, Measure O Bond Oversight Committee, Joint Subcommittee for the Implementation of State Housing Laws
Todd Kerr	Berkeley Times
Tasha Henneman	Berkeley City College

Shattuck Avenue East Renaming Project

City Council Meeting
September 15, 2020

OFFICE OF ECONOMIC DEVELOPMENT

KIERON SLAUGHTER

COMMUNITY DEVELOPMENT PROJECT COORDINATOR



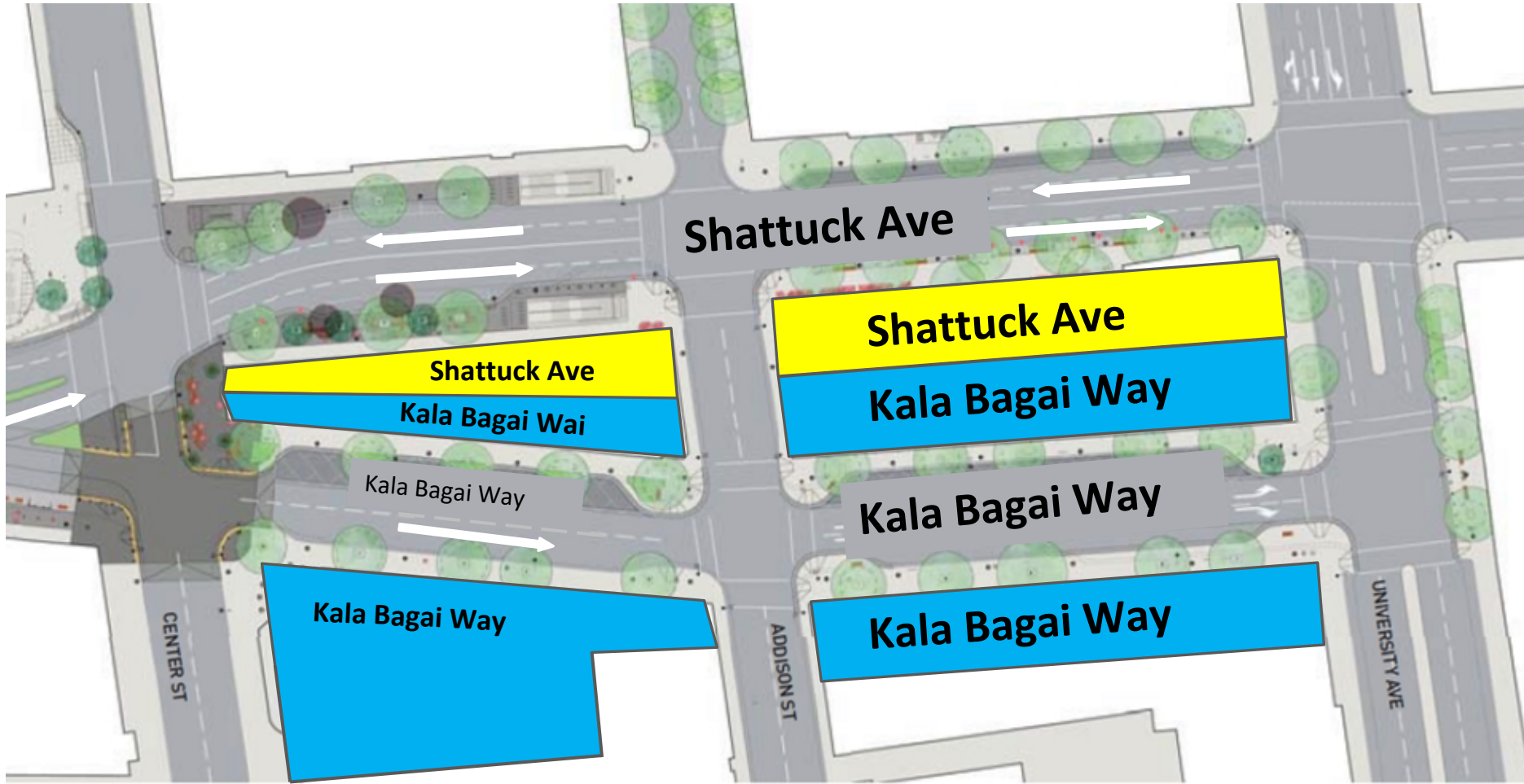
Shattuck Renaming Project

Existing Conditions



Shattuck Renaming Project

Street Names with Proposed Renaming Project



Shattuck Renaming Project

Project Goals

- Reduce confusion about existing street names and addresses for patrons, visitors and vendors
- Simplify and standardize the street names and addresses in Downtown Berkeley
- Provide an opportunity to rebrand the street and section of Downtown Berkeley
- Generate excitement and optimism and honor and individual, place, culture or movement that isn't typically recognized



Shattuck Renaming Project

Naming Criteria

- The City will consider proposals for street naming but is under no obligation to accept a proposal to name, or rename a street, or assign a ceremonial name to a Street.
- Street names should portray a strong positive image and have historical, cultural, geographical or social significance or contributions to the community, the City, State or Country.

Continued...

Shattuck Renaming Project

Naming Criteria

- Increased emphasis will be on street names that honor and represent segments of the Berkeley population that have traditionally been marginalized or overlooked.
- Street names shall not be (or be perceived to be) discriminatory or derogatory of race, color, ethnic origin, gender identity or expression, sex, sexual orientation, creed, political affiliation, disability or other social factors.
- Street names shall not result in an inappropriate abbreviation or be similar sounding to an existing Street name.

Shattuck Renaming Project

Process

- Followed the City of Berkeley Policy for Naming and Renaming Public Facilities
- Held open and transparent public outreach involving anyone interested in participating

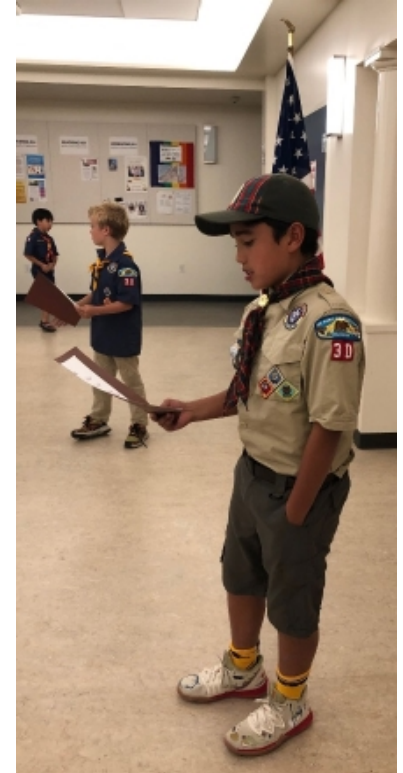
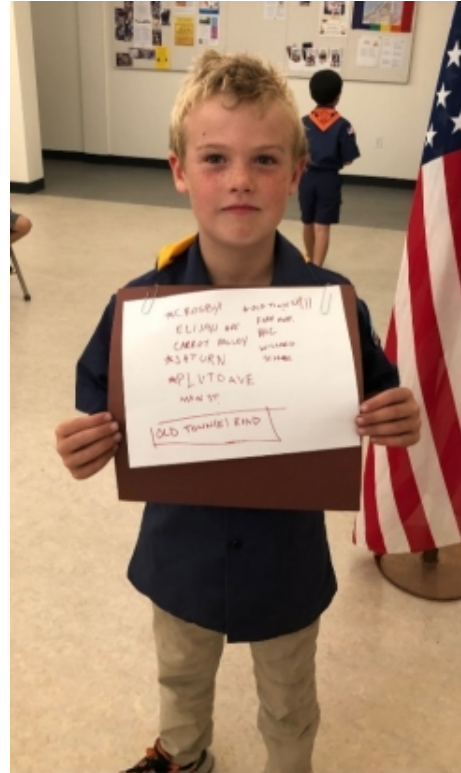
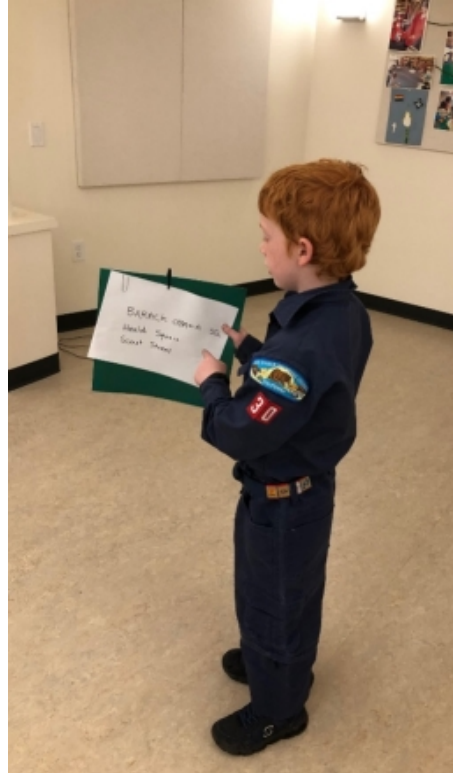
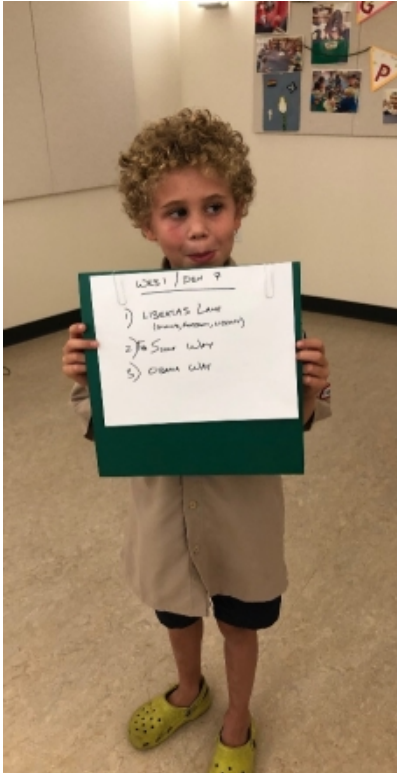


Project Kickoff Meeting at the Veggie Grill

- Public meetings and forums, online polls via Berkeley Considers, Social Media #RenameShattuck, elected officials newsletters, youth engagement, email, news article comments, stakeholder group meetings and the public *Renaming Idea Wall*.

Shattuck Renaming Project

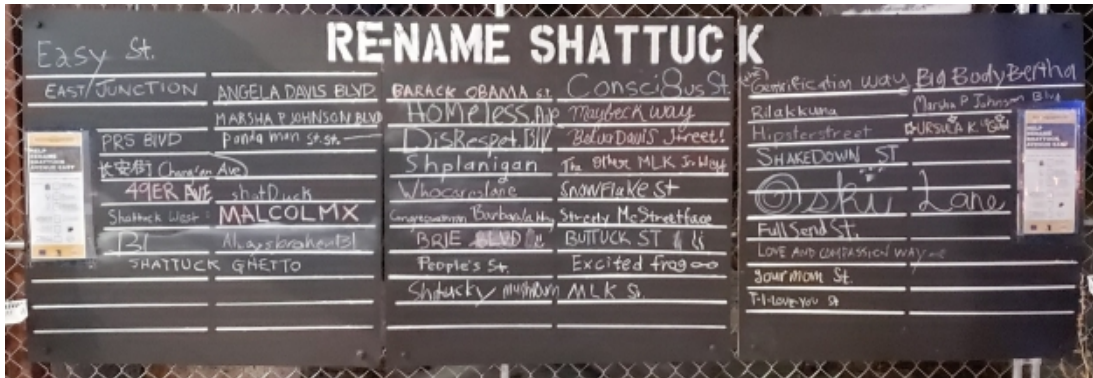
Engagement



Berkeley Cub Scout Pack 30 submitting names on behalf of the Pack

Shattuck Renaming Project

Process – Renaming Idea Wall – 2023 Shattuck Ave



Shattuck Renaming Project



Shattuck Renaming Project



Shattuck Renaming Project

Engagement



“Tiny” on the left, submitted *Tiny Street* on the Naming Idea Wall

Shattuck Renaming Project

Engagement



Shattuck Renaming Project

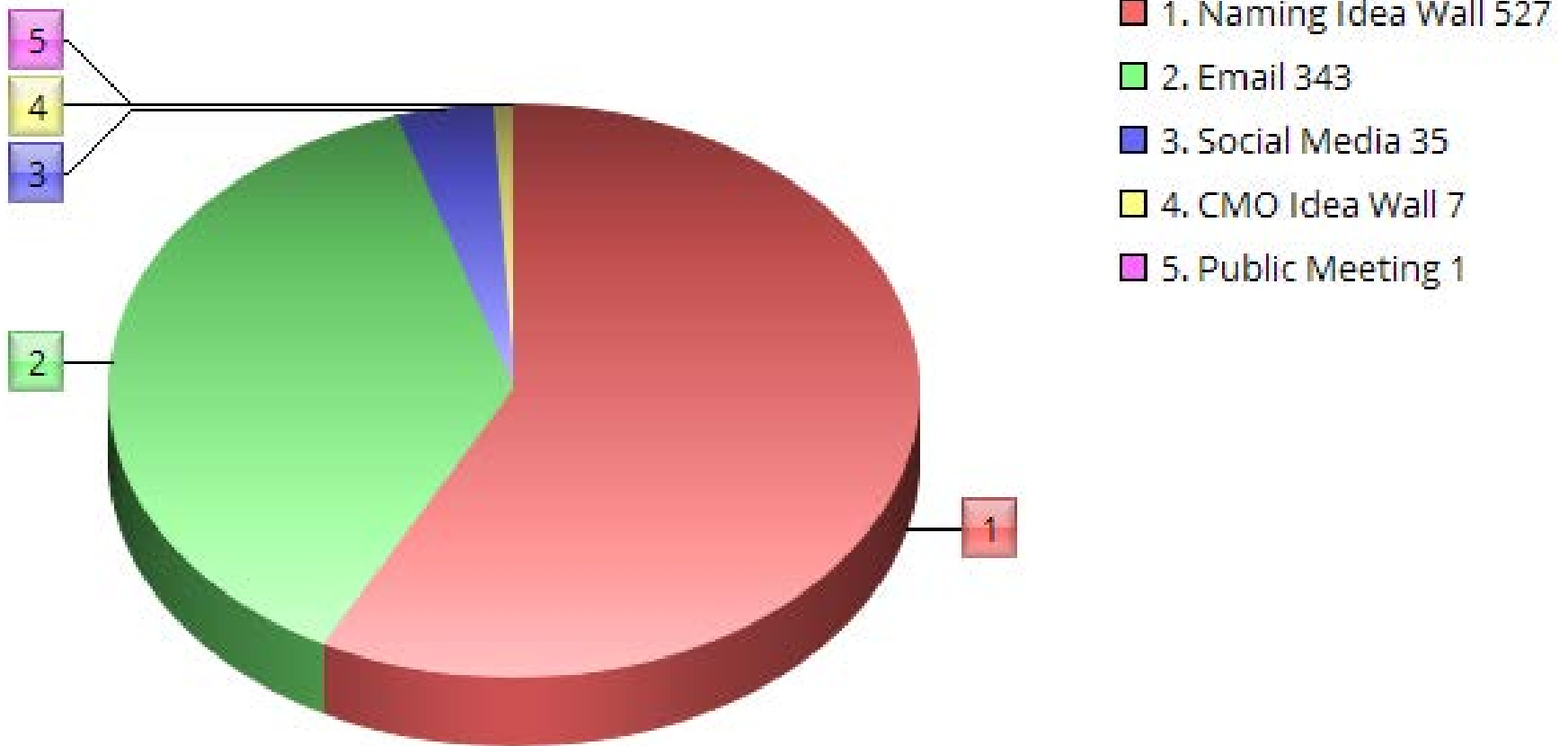
Project Milestones

Milestone	Date	Location
Public Kickoff Meeting	10/24/19	Veggie Grill
Open Call for Names Ends	11/30/19	n/a
NAC Meeting	1/6/20	2180 Milvia St.
PWC Meeting	2/6/20	Corp. Yard
FITES Committee Meeting	7/15/20	Virtual meeting
City Council Meeting	TBD	Council Chambers

Shattuck Renaming Project

Method of Name Submittals

913 Submissions



Shattuck Renaming Project

Naming Advisory Committee (NAC) Recommendations

Unanimous NAC Support	Split NAC Support
Kala Bagai	Ohlone**
William Byron Rumford	Sanctuary
Maggie Gee	Freedom
Anna Saylor	Old Station***
Julia Morgan*	Sitha Vemireddy

**Julia Street is an existing street name in Berkeley*

***Or an appropriate indigenous name related to the Berkeley area determined after consultation with leaders of local Native peoples and Muwekma Ohlone Tribe representatives.*

Ohlone Greenway and Ohlone Park are existing facility names in Berkeley

****Station Place is an existing small street name in Berkeley*

Shattuck Renaming Project

Public Works Commission (PWC) Recommendations

Unanimous PWC Support

Kala Bagai

Maggie Gee

Ohlone *or another indigenous name identified after consultation with the Muwekma Ohlone Tribe of the San Francisco Bay Area and other indigenous native peoples.*

William Byron Rumford

Anna Saylor

Sitha Vemireddy

Shattuck Renaming Project

Berkeley Considers Poll Results: 2/18/20 – 2/26/20

Street Name Candidate	Response Percent	Vote Count
Kala Bagai	37.3%	466
Maggie Gee	4.9%	61
Ohlone	41.8%	523
William Byron Rumford	3.3%	41
Anna Saylor	4.2%	52
Sitha Vemireddy	8.6%	108
		Total: 1,251

Shattuck Renaming Project

**Facilities, Infrastructure, Transportation, Environment &
Sustainability Policy (FITES) Committee**

Unanimous FITES Committee Support

Kala Bagai Way

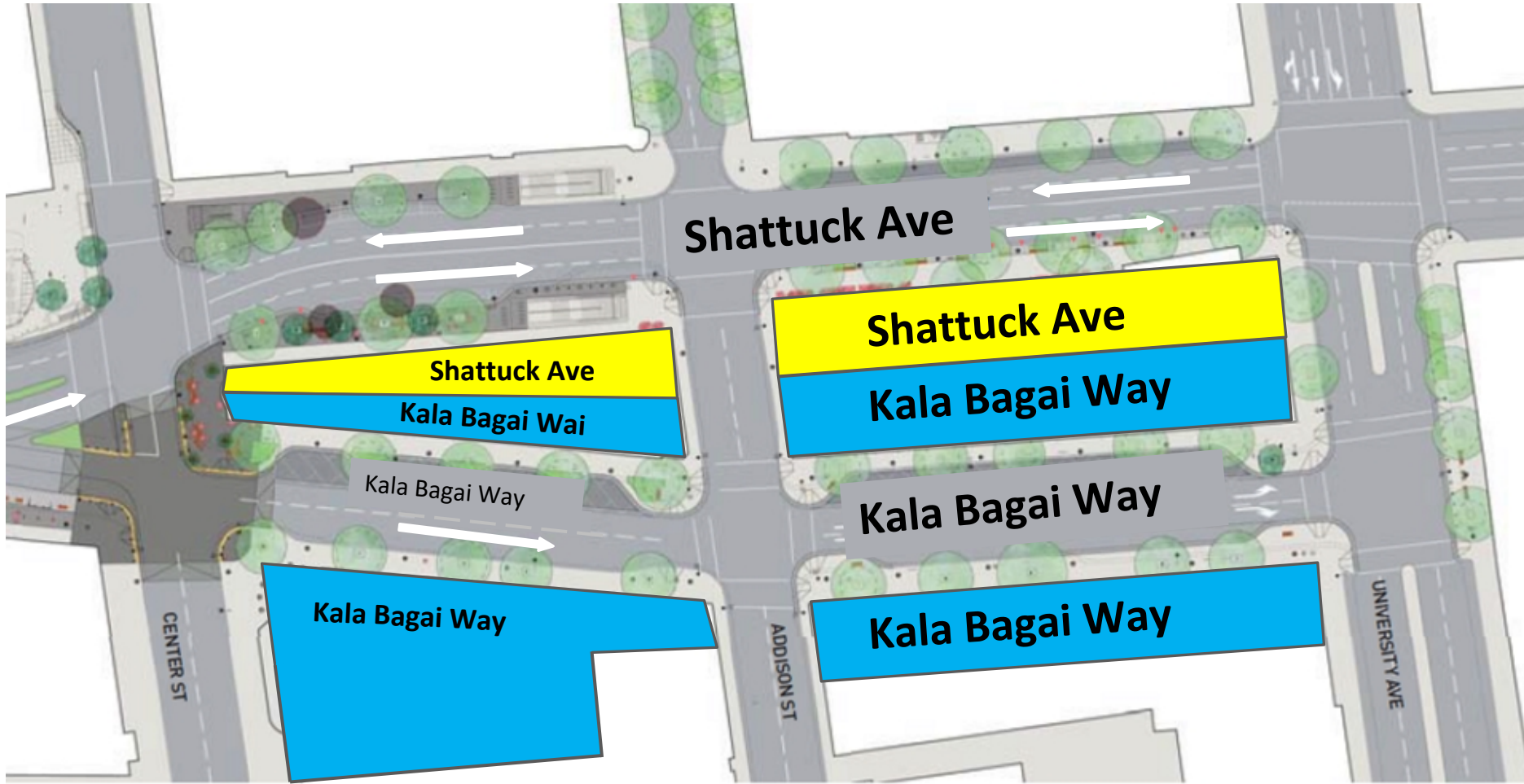
Shattuck Renaming Project

Existing Conditions



Shattuck Renaming Project

Street Names with Proposed Renaming Project



Shattuck Renaming Project

Staff Recommendation:

Adopt a Resolution renaming the two block portion of Shattuck Avenue 'East' from Center Street to University Avenue, including the eastern facing block faces of Shattuck Square and Berkeley Square to Kala Bagai Way as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy (FITES) Committee and affirming the western segment of Shattuck Avenue, including the western facing block faces of Shattuck Square and Berkeley Square will be known as Shattuck Avenue.



Office of the City Manager

CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Paul Buddenhagen, Deputy City Manager
 Subject: Civil Enforcement of Face Covering Orders; Amending BMC Section 2.55.040

RECOMMENDATION

Adopt an urgency ordinance amending Berkeley Municipal Code Section 2.55.040 to authorize the City of Berkeley Public Health Officer or her designee to issue administrative citations for violation of a Health Officer order.

SUMMARY

The Berkeley City Council appoints a local public health officer to enforce provisions of the California Health and Safety Code related to public health within the City, and in particular, provisions related to the control of infectious disease. The City's Health Officer has authority to issue orders to enforce isolation or quarantine measures, or to close or restrict public assemblies or gatherings, require evacuation, examination, inspection, vaccination, decontamination, disinfection, property destruction or commandeering, and to compel assistance in the provision of public health services.¹

Under state law, violation of a Health Officer order is a misdemeanor.² However, state law provides no civil mechanism for the enforcement of local health officer orders.

The proposed ordinance seeks to create an alternative means to enforce orders of the Berkeley Health Officer through an administrative citation process. Any person violating a Health Officer order could be subject to a civil penalty of up to \$100 per day for the first violation under the City's existing administrative citation policy, with penalties increasing for repeat violations.³

Even with passage of the Ordinance, City staff would continue to focus primarily on achieving voluntary compliance with Health Officer orders. However, the availability of a

¹ See Health & Safety Code § 120175; [Health Officer Practice Guide for Communicable Disease Control in California](#), pp. 4-5.

² Health & Safety Code §120275,

³ Administrative Citation Handbook (Oct. 2008), p. 2.

civil enforcement mechanism would provide City Code Enforcement, Environmental Health, and other personnel a more practical enforcement mechanism in the event that education and outreach fail to achieve acceptable public health outcomes.

In order to mitigate the potential for an unfair impact on people suffering financial hardship, the proposed ordinance would include a provision that allows the City Manager to waive administrative penalties upon demonstration of financial hardship.

BACKGROUND

Since March 17, 2020, City of Berkeley Public Health Officer Dr. Lisa Hernandez has issued a series of orders seeking to limit the spread of COVID-19 within the City, including orders limiting public gatherings and activities (“Shelter in Place”), requiring the wearing of face coverings, and regulating certain licensed care facilities.⁴ The Health Officer has broad authority to issue orders to prevent the spread of communicable disease under the California Health and Safety Code.⁵

In most cases, Berkeley residents have voluntarily complied with the requirements of the Health Officer orders. Voluntarily compliance is reinforced through education and outreach conducted by the Public Health Division, Emergency Operations Center staff, or other City employees.

The proposed ordinance addresses the relatively infrequent instances in which education and encouragement are insufficient to achieve compliance with the Health Officer’s orders. In those cases, the City’s enforcement options are presently limited to criminal prosecution under the Health and Safety Code or, in cases of violations by a business, an order shutting down the business to correct violations.

The proposed ordinance would provide the Health Officer or their designee an additional and more effective mechanism for addressing non-compliance with Health Officer orders. The proposed ordinance would authorize the Health Officer or their designee to issue administrative citations to persons or entities who violate a Health Officer order, thereby providing a civil remedy for correcting noncompliance by individuals and businesses.

Administrative citations would be issued under the existing provisions of Chapter 1.28 of the Berkeley Municipal Code and the policies in the City’s Administrative Citation Handbook. Individuals and businesses could be cited up to \$100 per day for a first-time violation, with penalties escalating to \$500 per day for repeat violations.⁶ Persons

⁴ See <https://www.cityofberkeley.info/covid-19/>.

⁵ See Health & Safety Code § 120175; [Health Officer Practice Guide for Communicable Disease Control in California](#), pp. 4-5.

⁶ Administrative Citation Handbook, p. 2.

receiving citations would have the right to appeal the citation to an administrative hearing officer.⁷

To mitigate the potential for an unfair and disparate impact on people with low incomes, the proposed ordinance includes a provision that allows the City Manager to waive the assessment of an administrative penalty upon a demonstration of hardship. The applicant for a hardship waiver would be required to demonstrate that the condition leading to the violation of the Health Officer order has been corrected.

Staff recommends that the City Council adopt the proposed ordinance to provide the Health Officer and their designees with an effective mechanism for the civil enforcement of Health Officer orders when voluntary compliance cannot be obtained. The Ordinance would provide an efficient enforcement mechanism that avoids unnecessary criminalization of community members' conduct and would reinforce existing education and outreach efforts surrounding COVID-19 that emphasize the importance of social distancing, the wearing of face coverings, and hygiene measures.

FISCAL IMPACTS OF RECOMMENDATION

There is no direct fiscal impact associated with the proposed ordinance. However, staff anticipates that additional resources from the Code Enforcement Unit, the Environmental Health Division, and potentially other departments or divisions will be necessary to ensure adequate enforcement of the Health Officer orders, including issuing administrative citations where appropriate. The reassignment of City staff to enforce Health Officer orders will impact their ability to perform their other duties.

ENVIRONMENTAL SUSTAINABILITY

The proposed order would not have a significant impact on the environment.

RATIONALE FOR RECOMMENDATION

Amendments to BMC Section 2.50.040 are necessary to provide a civil enforcement tool to address violations of Health Officer orders when education and outreach efforts fail to result in voluntary compliance. Further, immediate passage of an urgency ordinance is necessary to address the imminent risk to public health and safety posed by the COVID-19 pandemic.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered existing mechanisms for enforcing Health Officer orders (principally misdemeanor prosecution), but determined that those tools are generally impracticable and risk leading to the unnecessary criminalization of conduct that is more appropriately addressed through a civil remedy.

⁷ BMC § 1.28.060.

CONTACT PERSON

Erin Steffen, Assistant to the City Manager 981-7017

Attachments:

1: Ordinance: Proposed BMC Section 2.55.040

ORDINANCE NO. -N.S.

URGENCY ORDINANCE: CIVIL ENFORCEMENT OF HEALTH OFFICER ORDERS;
AMENDING BERKELEY MUNICIPAL CODE SECTION 2.55.040

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

Section 1. That Berkeley Municipal Code Section 2.55.040 is amended to read as follows:

2.50.040 Rule and regulation adoption authority.

A. The Director of Health, Housing and Community Services, subject to the approval of the City Manager, shall have authority to adopt rules and regulations for the prevention of disease and the promotion of health in the City. (Ord. 7227-NS § 1 (part), 2012)

B. The City of Berkeley Public Health Officer shall have authority to adopt rules, regulations, and orders pursuant to the authority granted under Health and Safety Code Sections 20175 through 120250.

1. The Health Officer and their designees shall have authority to enforce all such rules, regulations, and orders. Violation of any order issued by the Health Officer shall be subject to administrative citation under Chapter 1.28.

2. The City Manager may, upon request of any person receiving a citation under this Paragraph, waive the requirement to pay an administrative penalty upon a demonstration that payment of the penalty would result in undue financial burden or hardship. The person requesting a waiver of the administrative penalty must demonstrate that the condition leading to the violation of the Health Officer order has been corrected.

Section 2. Vote Required, Immediately Effective

The Council determines that this Ordinance is necessary for the immediate preservation of the public health, peace and safety in accordance with Article XIV Section 93 of the Charter of the City of Berkeley and must therefore go into effect immediately. This Ordinance shall go into effect immediately upon a seven-ninths vote of the City Council, in satisfaction of the Charter of the City of Berkeley.



Office of the City Manager

CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 15, 2020

RECOMMENDATION

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

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is \$4,100,000

<u>PROJECT</u>	<u>Fund</u>	<u>Source</u>	<u>Amount</u>
Sanitary Sewer Rehabilitation Project: Walnut Street, Vine Street, Rose Street, Spruce Street, and Glen Avenue	611	Sanitary Sewer Operation	\$4,100,000
Total:			\$4,100,000

CURRENT SITUATION AND ITS EFFECTS

On May, 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager's purchasing authority for services to \$50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of \$100,000 for goods; and \$200,000 for playgrounds and construction; and \$50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and

Formal Bid Solicitations and Request for Proposals
Scheduled for Possible Issuance After Council
Approval on September 15, 2020

CONSENT CALENDAR
September 15, 2020

upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

BACKGROUND

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

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Need for the services.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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

Attachments:

1: Formal Bid Solicitations and Request for Proposals Scheduled For Possible Issuance After Council Approval on July 28, 2020

- a) Sanitary Sewer Rehabilitation Project: Walnut Street, Vine Street, Rose Street, Spruce Street, and Glen Avenue

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

DATE SUBMITTED: September 15, 2020

SPECIFICATION NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
21-11410-C	Sanitary Sewer Rehabilitation Project: Walnut Street, Vine Street, Rose Street, Spruce Street, and Glen Avenue	9/16/2020	10/13/2020	Sewer rehabilitation and replacement project to repair and replace old and deteriorated sewer lines.	\$4,100,000	611-54-623-676-0000-000-473-665130-PWENSR2103 (830-5213-432-6510-21SR03)	PW - Engineering	Daniel Akagi 981-6394 Tiffany Pham 981-6427
DEPT. TOTAL					\$4,100,000			
GRAND TOTAL					\$4,100,000			



Office of the City Manager

CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director Department of Health, Housing and Community Services

Subject: Memorandum of Understanding with Alameda County Behavioral Health Care Services for Wellness Center operations

RECOMMENDATION

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

FISCAL IMPACTS OF RECOMMENDATION

The execution of this MOU will result in the transfer of a portion of the City of Berkeley's Mental Health Services Act (MHSA) Community Services and Supports (CSS) funding allocation to Alameda County BHCS so that funds may be leveraged for operational costs of a Wellness Center. The total amount of money to be expended on the Wellness Center operational costs from the City of Berkeley would be \$775,000 (\$387,500 per fiscal year); ACBHCS will also contribute an identical \$775,000 for operational costs, for a total outlay of \$1,550,000 combined. The MOU is the mechanism that defines the terms of the fiscal relationship between the City and the County and will enable the transfer of funds.

The State of California MHSA provides funding for local mental health services and supports. City of Berkeley MHSA Three Year Program and Expenditure Plans (Three Year Plans) and Annual Updates, details the uses of local MHSA funds. Development of local MHSA Three Year Plans and Annual Updates require community program planning, writing a draft plan, providing a 30-day public review, and conducting a public hearing at the Mental Health Commission.

The development of the MHSA FY20/21 – 22/23 Three Year Plan is currently underway and will be on the City Council Agenda in October 2020. The proposed Three Year Plan will include continued funding for Wellness Center operational costs.

Given unforeseen delays due to Covid-19, that have occurred (and may likely continue to occur in the near future), approval of this Council Item will enable contract amendments to be executed and payments to be made in a timely manner. The City and County have been in negotiations around a revised overall contract, and this delayed the process of finalizing this contract around the Wellness Center. This will assist Contractors who may be experiencing financial hardships during this time as a result of Covid-19. Funding for these services and supports has been included in the FY21 Budget in ERMA GL Code 315-51-503-525-2020-000-451-636110-.

CURRENT SITUATION AND ITS EFFECTS

On October 13, 2015, via Resolution No. 67,228-N.S., City Council approved an MOU with ACBHCS to implement, manage, and evaluate a Mental Health Wellness Center. On January 29, 2019 via Resolution No. 68,749-N.S., City Council approved an MOU with ACBHCS for the construction of a Wellness Center. The Mental Health Division and ACBHCS decided to mutually end the previous contracts and enter into negotiations for a new MOU for Wellness Center operations exclusively, which is the subject of this report. The Wellness Center is currently conducting both groups and providing services to the community via telehealth and telephone. They are prepared to provide in-person services when the Covid-19 pandemic allows.

Bonita House is the vendor who is contracted by ACBHCS for the operation of the Wellness Center, located at 1909 University Avenue, Berkeley, CA 94704. Bonita House has cost estimates of \$775,000 in operational costs per year for fiscal years 2020 and 2021. This MOU will allow MHSA CSS funding to be spent on operating the Wellness Center, and a new agreement is beneficial to all parties involved to allow for enhanced contractual oversight and accountability.

BACKGROUND

The City of Berkeley is partnering with Alameda County to fund continued operation of a Wellness Center for residents of Berkeley and Albany. The Wellness Center is modeled after existing Wellness Centers in other parts of Alameda County and provides three level of services. First, the Wellness Center is open to anyone in the community who either needs support or connection to the mental health system. This is the largest level of service and is primarily staffed by individuals with lived experience with mental health illness. Second, for a smaller cohort, the Wellness Center provides short term case management with a licensed clinician. This level of service allows people who are not otherwise connected to care, and who use the Wellness Center, to receive some targeted support for a wide variety of issues. Finally, the Wellness Center has some capacity to provide psychiatry and medication services for individuals not otherwise connected to care.

On October 13, 2015, via Resolution No. 67,228-N.S., City Council approved an MOU with ACBHCS to implement, manage, and evaluate a Mental Health Wellness Center. On October 30, 2018 via Resolution No. 68,639-N.S., City Council approved the MHSA FY 2018-2019 Annual Update, which included funding for Wellness Center operations. The Wellness Center has been in operation since late fall of 2019, and has continued to provide services via tele-health since the start of the COVID-19 pandemic. Bonita House will continue to operate and support the goals of the Wellness Center. ACBHCS will utilize the funding provided by the City of Berkeley to pay for approved charges for this project. Previous contracts for the Wellness Center were mutually ended by the Mental Health Division and ACBHCS and new terms were negotiated for an MOU for Wellness Center operations exclusively, which is the subject of this report.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Providing this funding will support the ability of the vendor to operate a Wellness Center in Berkeley, which provides a needed expansion of the system of care for individuals with mental health issues in Berkeley and Albany.

ALTERNATIVE ACTIONS CONSIDERED

The City could decide not to fund the operational costs for the Wellness Center. This would either lead to the closing of the Wellness Center or greatly complicate its capacity to exist in its current form.

CONTACT PERSON

Conor Murphy, Assistant Management Analyst, HHCS, (510) 981-7611
Steven Grolnic-McClurg, Mental Health Manager, HHCS, (510) 981-5249

Attachments:

1: Resolution

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

MEMORANDUM OF UNDERSTANDING WITH ALAMEDA COUNTY BEHAVIORAL
HEALTH CARE SERVICES FOR WELLNESS CENTER OPERATIONS

WHEREAS, as part of the Mental Health Services Act (MHSA), the State of California designated a process for all mental health jurisdictions for expenditures from Community Services and Supports (CSS); and

WHEREAS, on October 13, 2015, via Resolution No. 67,228-N.S., City Council approved an Memorandum of Understanding with Alameda County Behavioral Health Care Services to implement, manage, and evaluate a Mental Health Wellness Center; and

WHEREAS, on January 29, 2019, via Resolution No. 68,749-N.S. City Council approved funding the construction of a Wellness Center located in Berkeley in partnership with Alameda County Behavioral Health Care Services; and

WHEREAS, the City of Berkeley has an approved FY 2021 Program and Expenditure Plan that designates \$775,000 a year from CSS to fund operational costs for a Mental Health Wellness Center (Wellness Center); and

WHEREAS, a Memorandum of Understanding will provide the mechanism whereby the City of Berkeley Mental Health Services Act CSS funds can be transferred to the lead agency, Alameda County Behavioral Health Care Services, to be utilized for the operational costs of the Mental Health Wellness Center; and

WHEREAS, funds are available in the FY 2021 budget code 315-51-503-525-2020-000-451-636110- in the MHSA fund received from the State of California.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to adopt an MOU between the City of Berkeley and Alameda County Behavioral Health Care Services for the term July 1, 2019 through June 30, 2021 for an expenditure of up to \$775,000 to fund the operational costs of a Mental Health Wellness Center (Wellness Center) located in the City of Berkeley.



Office of the City Manager

CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

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

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to:

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

FISCAL IMPACTS OF RECOMMENDATION

CSBG CARES Act Funding: CSD has awarded the City of Berkeley CSBG CARES Act funding in the amount of \$373,097 (Budget Code: 334-51-504-530-2075-000-444-Variou) which is available until May 31, 2022. The funds will be appropriated as part of the First Amendment to the FY 2021 Annual Appropriations Ordinance (AAO #1).

2020 CSBG Adjusted Funding: On July 28, 2020, City Council authorized the City Manager or her designee to execute an amendment to City Contract No. 42000079 with the State of California's Department of Community Services and Development (CSD) for 2020 CSBG funds (CSBG Contract No. 20F-3001) to increase the amount to \$304,355 as part of the 2020 CSBG second release of funds (April 21, 2020), and extend the contract period to May 31, 2021, and to execute any resultant agreements and amendments to provide services to low-income people for the period January 1, 2020 to May 31, 2021. On July 1, 2020 CSD issued a second release of funds to the City of Berkeley in the amount of \$2,751, bringing the total 2020 CSBG award to \$307,106 (Budget Code: 334-51-504-530-0000-000-000-431110) for the City of Berkeley. These additional funds will be appropriated as part of the FY21 AAO #1.

The City Manager recommends adding \$185,408 in CSBG CARES Act funds to an existing agreement with WeHOPE (Contract No. 32000206), for a new total contract amount of \$215,408 and extending the contract to May 31, 2022.

Due to the nature of the COVID-19 emergency, the City Manager requests the authority to execute additional new or amended agreements, up to \$142,917, with various service providers using adjusted 2020 CSBG funds and/or CSBG CARES Act funding, as allowable, to address the short-term and long-term impacts of COVID-19, such as mobile showers, meals for the unhoused, hygiene services such as porta-potties and handwashing stations, or other eligible services or supplies for low-income persons as allowed under CSBG funds.

Additionally, the City Manager is proposing that that the allowable 12% (\$44,772) of CSBG CARES Act funds be used to administer the funds. A summary of all funding is shown below:

CURRENT SITUATION AND ITS EFFECTS

On March 27, 2020, Congress enacted the CARES Act, which included supplemental CSBG funding. The purpose of the supplemental CSBG CARES Act funds is to "prevent, respond to, or prepare for coronavirus" as well as address both the short-term and long-term impacts of COVID-19. The CSBG CARES Act funding follows many of the rules and requirements of the regular CSBG Act, particularly in the use of funds to address the needs of low-income people.

In April of 2020 CSD announced they would allocate CSBG CARES Act funds to the City of Berkeley. On May 12, 2020, City Council adopted the first reading of an Ordinance amending the FY 2020 Annual Appropriations Ordinance No. 7,694–N.S. for fiscal year 2020, which included the acceptance of estimated CSBG CARES Act funds to prevent, prepare for, and respond to coronavirus (COVID-19). In July, CSD notified the City of Berkeley that it revised the final CSBG CARES Act funding amount.

The City of Berkeley entered into a contract in February 2020 with WeHOPE to operate the Dignity on Wheels program, a mobile shower and laundry service for people living on the streets and in encampments. The City's normal allocation of CSBG funds was used for this purpose. This program, which operates at two locations weekly, is eligible for CSBG CARES Act funding. Staff recommend continuing this program through May 31, 2022.

Council approved an allocation of \$37,492 in CSBG CARES Act and CSBG discretionary funding to continue the Double Helping Hand program through the end of August and the delivery of non-perishable food to encampments through the end of September. The Double Helping Hand program is a partnership between the Downtown Berkeley Association (DBA) and a number of restaurants to provide nutritious to-go meals to unhoused individuals living outdoors for \$10 each. The City has contracted with the DBA at a cost of \$19,800 per month. Non-perishable food items cost approximately \$10,000 per month. The City may allocate additional CSBG CARES Act funding to this effort if the Double Helping Hand program continues. CSBG CARES Act funds will also be used to support unhoused individuals with additional hygiene resources to mitigate the spread of the COVID-19 virus. Through its Emergency Operations Center, the City added 14 porta-potties and 27 handwashing stations at various locations near where unhoused residents live with Homeless Emergency Assistance Program (HEAP) funds. These funds have been exhausted and CSBG CARES Act funds can be used for these costs.

BACKGROUND

The City of Berkeley is a Community Action Agency (CAA) and receives Community Services Block Grant funds (CSBG) to support programs for residents with incomes at 120% of the federal poverty level and below. CSBG funds are part of the federal Department of Health and Human Services budget passed through the state to local CAAs. CSBG funds are used as part of the City's commitment to anti-poverty efforts for critical community services, including providing healthcare services to low-income residents. In past years, the Human Welfare and Community Action Commission (HWCAC), which acts as an advisory tri-partite Board to the Council, has provided public participation in the administration of the CSBG funds, and has made a recommendation to Council as to how these funds should be allocated. However, due to the impact of COVID-19 on the ability of City commissions to do business, the HWCAC has not been able to meet and vote upon a recommendation.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

The CSBG is an important source of funding for services that help Berkeley residents living at or below 120% of the federal poverty line.

ALTERNATIVE ACTIONS CONSIDERED

Rejecting CSBG funding would reduce funding for those living in poverty in Berkeley.

CONTACT PERSON

Mary-Claire Katz, Associate Management Analyst, HHCS Department, (510) 981-5414

Attachments:

1: Resolution

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

CONTRACTS AND AMENDMENTS WITH CALIFORNIA'S DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT (CSD) FOR COMMUNITY SERVICES BLOCK GRANT (CSBG) CARES ACT FUNDS FOR SERVICES FOR LOW-INCOME RESIDENTS THROUGH MAY 2022

WHEREAS, the City of Berkeley is a Community Action Agency and receives CSBG funds as the Berkeley Community Action Agency to support anti-poverty programs; and

WHEREAS, On December 10, 2019, City Council authorized the City Manager or her designee to execute a revenue contract (Contract No. 42000079) with the State of California Department of Community Services and Development (CSD) for a total of \$266,863 for calendar year 2020 (Budget Code: 334-51-504-530-0000-000-000-431110); and

WHEREAS, on May 19, 2020 CSD notified the City Manager that the 2020 allocation would increase by \$5,492 and that the City was awarded an additional \$32,000 in CSBG discretionary funding, which is available for use until May 31, 2021; and

WHEREAS, the City has existing contracts with Lifelong (Contract #31900225 totaling \$160,000) and the Downtown Berkeley Association (Contract # 32000238, totaling \$37,492) supported with CSBG 2020 funds; and

WHEREAS, On May 12, 2020, City Council adopted the first reading of an Ordinance amending the FY 2020 Annual Appropriations Ordinance No. 7,694–N.S. for fiscal year 2020, which included an adjustment for the acceptance of CSBG funds to prevent, prepare for, and respond to coronavirus (COVID-19) in the amount of \$200,000; and

WHEREAS, on June 29, 2020, CSD issued a revised CSBG CARES Act allocation in the amount of \$373,097 (Budget Code: 334-51-504-530-2075-000-444-Various); and

WHEREAS, the City Manager recommends expanding shower and laundry services for unhoused residents and providing food, hygiene and other services to low-income residents to mitigate the spread of the COVID-19 virus.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to

1. Execute a revenue agreement with the State of California's Department of Community Services and Development (CSD) for Community Services Block Grant (CSBG) Coronavirus Aid Relief and Economic Security (CARES) Act funds (CSBG Contract No. 20F-3640) in the amount of \$373,097 to provide services in response to COVID-19; and

September 15, 2020

2. Execute any and all amendments to CSBG Contract No. 20F-3640 that may increase the contract amount to provide services in response to COVID-19; and
3. Execute an amendment to an existing revenue agreement totaling \$304,355 with CSD for CSBG funds, adding \$2,751, bringing the total 2020 CSBG award to \$307,106; and
4. Execute an amendment to an existing \$30,000 contract with WeHOPE (Contract No. 32000206) to provide mobile shower and laundry services from August 1, 2020 through May 31, 2022, adding \$185,408 for a total not to exceed \$215,408; and
5. Execute additional new or amended agreements, for up to \$142,917 plus any amended amounts resulting in an increased contract amount, with various service providers using CSBG CARES Act funding to address the short-term and long-term impacts of COVID-19, such as mobile showers, meals for the unhoused, hygiene services such as porta-potties and handwashing stations, or other services for low-income persons as allowed under CSBG funds; and
6. Allocate the allowable 12% (\$44,772) of CSBG CARES Act funds to support City staff administering the funds.

A recorded signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Lisa Warhuus, Director, Health, Housing & Community Services Department
 Subject: Contract No. 32000201 Amendment: The Eikenberg Institute for Relationships for Cultural Humility Training Consultant

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000201 with The Eikenberg Institute for Relationships through June 30, 2022, adding \$15,000 to increase the total contract to \$90,000 to fund the Cultural Humility Training Consultant position with Dr. Kenneth Hardy. The contract term will not change.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the scope of work in the amount of \$15,000 will be provided from Short Doyle Fund, ERMA GL Code 316-51-503-520-0000-000-451-612990. Funding is available in the FY21 budget.

CURRENT SITUATION AND ITS EFFECTS

On July 9, 2019 via Resolution No. 69,016-N.S., City Council approved entering into a contract with the Eikenberg Institute of Relationships for Cultural Humility Training Consultation in the amount of \$75,000. This amendment to that contract will support costs for the training to be moved online, and for additional technical assistance to be provided to the mental health division.

Due to circumstances surrounding the COVID-19 pandemic, the consultant has agreed to transition from in-person to remote training sessions, which will require additional technical support for the vendor. The vendor will transform what was a series of in person trainings to webinars, ensure all participants are connected, documents are uploaded and projected onto every screen, support question and answer sessions and chat functions, and handle all technical difficulties which may occur before, during, and after each webinar. The additional technical assistance will support the mental health division in implementing the concepts of the training into ongoing staff support and service delivery.

The goal of the service is to increase staff proficiency in delivering services using a cultural humility approach with consumers/clients, family members, and communities within the division's system of care; increase positive staff interactions and relationships; and assist Berkeley Mental Health (BMH) in developing systems that support cultural humility practices and approaches.

BMH staff have to navigate implications of diversity and culture in their clinical relationships and settings in ways that best support people; thereby making the necessity of ongoing staff training, supervisory support, and staff development paramount in the area of cultural humility/competence. This contract will align with the City of Berkeley strategic goal to champion and demonstrate social and racial equity.

BACKGROUND

Historically, mental health services have not effectively met the needs of many people of color and other marginalized populations in its service delivery system, including providing culturally relevant services related to race, ethnicity, sexual orientation, and/or religious practices. Often times, these issues were not addressed in the client's treatment plan. This is due, in part, to limited in-depth knowledge and/or comfort of mental health professional's ability to discuss cultural, ethnic, and sexual orientation issues with consumers/clients.

The City Council approved funding for a Cultural Humility Consultant for the Mental Health Division within the MHSA Plan 2018-2019, via Resolution No. 68,639-N.S., and the release of the Request for Proposal (RFP) for a Cultural Humility Consultant was approved by City Council on May 29, 2018. The proposal from The Eikenberg Institute for Relationships was deemed the most responsive to the RFP and was selected as the vendor for this service.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Research indicates that mental health services have not successfully met the needs of most people of color and other marginalized populations. By investing in staff training in this area and embedding cultural humility as an important value in the division's service delivery system, we can increase positive outcomes for consumers, family members, and communities within the system of care.

The Eikenberg Institute for Relationships brings the desired knowledge, skills, and talent required to support the division's goal of continued education and staff development in the area of delivering cultural humility services and help staff to produce better service outcomes for consumers, family members, and communities in BMH's service delivery system of care.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Steven Grolnic-McClurg, Manager of Mental Health, (510) 981-5249

Conor Murphy, Assistant Management Analyst, HHCS, (510) 981-7611

Barbara Ann White, Training and Diversity & Multicultural Coordinator, (510) 981-7646

Attachments:

1: Resolution

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

CONTRACT NO: 32000201 AMENDMENT: THE EIKENBERG INSTITUTE FOR
RELATIONSHIPS FOR CULTURAL HUMILITY TRAINING CONSULTANT

WHEREAS, the Mental Health Division would like to increase staff proficiency in delivering services using a cultural humility approach with consumers/clients, family members, and communities within the division's system of care; and

WHEREAS, the division would like to enhance positive staff interactions and relationships, as it relates to navigating differences in the work place; and

WHEREAS, approved annual funding for training in the Mental Health Division is allocated in the Mental Health Services Act (MHSA), Community Services and Supports (CSS) funding stream; and

WHEREAS, on July 9, 2019 via Resolution No. 69,016-N.S., City Council approved entering into Contract No. 32000201 with the Eikenberg Institute of Relationships for Cultural Humility Training Consultation in the amount of \$75,000; and

WHEREAS, due to circumstances surrounding the COVID-19 pandemic, the consultant has agreed to transition from in-person to remote training sessions, which will require additional technical support, requiring an expenditure of \$15,000; and

WHEREAS, funds are available in the current budget year in the amount of \$15,000 in Short Doyle Fund, ERMA GL Code 316-51-503-520-0000-000-451-612990.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute a contract and any amendments with The Eikenberg Institute for Relationships for Cultural Humility Training Consultation through June 30, 2022, increasing the contract by \$15,000 for a total amount not to exceed \$90,000. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.



Office of the City Manager

CONSENT CALENDAR
September 15, 2020

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 No. 122411-2 Amendment: Communication Strategies for Consulting Services for Voice over IP (VoIP) 911 Compliance

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 122411-2 with Communication Strategies for Consulting Services for Voice over IP (VoIP) Support and Maintenance, increasing the contract amount by \$6,000 for a total not-to-exceed amount of \$82,811 from July 1, 2017 to June 30, 2021.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the one-time additional consulting services in the amount of \$6,000 will be appropriated as part of the First Amendment to the FY 2021 Annual Appropriations Ordinance in the Department of Information Technology's Fiscal Year (FY) 2021 IT Cost Allocation fund as itemized below.

\$6,000	<i>FY 2021: Consulting Services</i> Budget Code: 680-35-363-380-0000-000-412-612990 (IT Cost Allocation, Information Technology, Professional Services)
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\$6,000	Total FY 2021: Professional Services
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CURRENT SITUATION AND ITS EFFECTS

The City is upgrading its Voice over Internet Protocol (VoIP) phone system. Part of this upgrade includes efforts to comply with Kari's Law and Ray Baum's Act, two new FCC regulations that ensure the safety of City staff while making 911 phone calls from City desk phones.

Kari's law mandates that any multi-line telephone system (MLTS), like the City's, allow users to dial 9-1-1 without having to dial a prefix, like 9 or 0. In other words, to dial 9-1-1, there's no extra 9 needed. The City's Avaya VoIP phone system is capable of doing this, but was initially configured in 2013 to dial 9-9-1-1 for an emergency call. All City phones have an "Emergency" button programmed on it that will automatically dial 9-9-1-1, however this does not meet the current mandate of Kari's Law.

Ray Baum's Act requires that a "dispatchable location" is conveyed with 911 calls to dispatch centers. A dispatchable location consists of a valid street address of the caller, and may include additional information such as suite or apartment. The City's current phone system provides address information for all calls through AT&T's e911 database, however as the City upgrades both its phone system and the inbound and outbound communication lines for both normal and emergency calls, we will need to review, update, and ensure the successful migration of this information to ensure compliance with Ray Baum's Act.

Communication Strategies has helped many agencies comply with both Kari's Law and Ray Baum's Act, and will assist the City of Berkeley in both of these efforts.

The efforts to comply with Kari's Law and Ray Baum's Act is critical to advancing the City's strategic goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities, as well as provide improved safety for both staff and visitors to City 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 July 2019, the City contracted with Communication Strategies to assist with developing the requirements for a Request for Proposals (RFP) for a new Voice Over IP (VoIP) support and maintenance vendor, and to assist with reviewing the proposals to help the City make a final selection.

In August 2019, the Federal Communications Commission (FCC) adopted rules to implement two laws enacted to strengthen emergency calling. First, the FCC took action to implement Kari's Law, which requires multi-line telephone systems (MLTS) to enable users to dial 911 directly, without having to dial a prefix (such as a "9") to reach an outside line. Kari's Law also requires MLTS to provide notification, such as to a front desk or security office, when a 911 call is made in order to facilitate building entry by first responders.

Second, pursuant to Section 506 of RAY BAUM'S Act, the FCC adopted rules to ensure that "dispatchable location" information (meaning the validated street address, plus additional information such as suite, apartment, or similar information necessary to adequately identify the location of the calling party) is conveyed with 911 calls so that first responders can be quickly dispatched to the caller's location. The new rules apply improved location requirements to MLTS (as well as to fixed telephony, interconnected Voice over Internet Protocol (VoIP) services, Telecommunications Relay Services (TRS), and mobile texting services).

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 with a core belief in client advocacy, and has grown to become 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 to assist with developing the requirements for a Request for Proposals (RFP) for a new Voice Over IP (VoIP) support and maintenance vendor, and to assist with reviewing the proposals to help the City make a final selection. 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

The City considered implementing phone system changes to comply with Kari's Law and Ray Baum's Act independently, however given the critical nature of these public safety efforts, 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 NO. 122411-2 AMENDMENT: COMMUNICATION STRATEGIES FOR
CONSULTING SERVICES FOR VOICE OVER IP (VOIP) 911 COMPLIANCE

WHEREAS, The City is upgrading its Voice over Internet Protocol (VoIP) phone system, and part of this upgrade includes efforts to comply with Kari's Law and Ray Baum's Act, two new FCC regulations that ensure the safety of City staff while making 911 phone calls from City desk phones; and

WHEREAS, Kari's Law and Ray Baum's Act require all multi-line phone systems to provide direct dialing to 911, including providing location information to dispatch centers; and

WHEREAS, The Department of Information Technology previously worked with Communication Strategies to develop the RFP for VoIP support contracts and Communication Strategies is an expert in the voice and IT communications field and has helped many agencies comply with Kari's Law and Ray Baum's Act; and

WHEREAS, Funding for the one-time additional consulting services in the amount of \$6,000 will be appropriated as part of the First Amendment to the FY 2021 Annual Appropriations Ordinance in the Department of Information Technology's Fiscal Year (FY) 2021 IT Cost Allocation fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 122411-2 with Communication Strategies for Consulting Services for Voice over IP (VoIP) 911 Compliance, increasing the contract amount by \$6,000 for a total not-to-exceed amount of \$82,811 from July 1, 2017 to June 30, 2021.



Office of the City Manager

CONSENT CALENDAR
September 15, 2020

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 No. 114382-1 Amendment: MC Dean Inc. for Uninterrupted Power Supplies (UPS) Maintenance

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 9747 (ERMA Contract No. 114382-1) with MC Dean, Inc. for Uninterrupted Power Supplies (UPS) Maintenance, increasing the amount by \$51,698 for a total not to exceed \$146,906 from July 1, 2014 to June 30, 2023.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the additional \$51,698 is budgeted in the Department of Information Technology's Fiscal Year (FY) 2021-2023 IT Cost Allocation Fund as itemized below. Ongoing funding in future fiscal years is subject to council approval of the proposed citywide budget and annual appropriation ordinances.

Summary:

\$16,399	FY 2021 Total Software Maintenance
\$17,219	FY 2022 Total Software Maintenance
\$18,080	FY 2023 Total Software Maintenance
\$51,698	FY 2021-2023 Total Software Maintenance

Itemized, By Fiscal Year:

	Annual Software Maintenance, July 1, 2020 – June 30, 2021
\$16,399	Budget Code: 680-35-363-384-6005-000-472-613130- (Information Technology, Annual Maintenance)
\$16,399	FY 2021 Total Software Maintenance

	Annual Maintenance, July 1, 2021 – June 30, 2022
\$17,219	Budget Code: 680-35-363-384-6005-000-472-613130- (Information Technology, Annual Maintenance)
\$17,219	FY 2022 Total Software Maintenance

Annual Maintenance, July 1, 2022 – June 30, 2023
\$18,080 Budget Code: 680-35-363-384-6005-000-472-613130-
(Information Technology, Annual Maintenance)

\$18,080 FY 2023 Total Software Maintenance

CURRENT SITUATION AND ITS EFFECTS

Uninterrupted Power Supplies (UPS) provide continued operation of critical network equipment and servers during planned and unplanned power outages, including the PG&E Public Safety Power Shutoff (PSPS) program, while also protecting network equipment and servers from damage in the event of a power spike. Routine health checks and maintenance, including battery replacement, is critical to ensure that UPS equipment functions as designed to protect City assets and help maintain continuity of service. The Department of Information Technology (DoIT) has been using MC Dean for routine UPS maintenance since 2014, and have been satisfied with the quality of service they have provided.

BACKGROUND

In July 2014, The City Manager approved a contract with MC Dean, Inc. (formerly Tima Power Systems) based on Request for Proposal#: 14-10797, for services and hardware for the Uninterrupted Power Supply (UPS) system.

In April 2017, The City Manager approved an amendment and assignment of the original contract with Tima Power Systems, Inc., assigning the contract to MC Dean, Inc.

In June 2017, The City Council approved an amendment with MC Dean, Inc. (formerly Tima Power Systems), for Uninterrupted Power Supply (UPS) Maintenance and Repair.

RATIONALE FOR RECOMMENDATION

M.C. Dean, Inc. provides comprehensive service in the critical power industry, providing UPS maintenance, repair, and battery replacement for commercial, government, industrial, institutional, and educational clients for more than 50 years.

ALTERNATIVE ACTIONS CONSIDERED

The Department of Information Technology (DoIT) considered foregoing scheduled maintenance on the UPS systems, however due to the critical nature of the equipment being protected by the UPS systems, and the implementation of the PG&E Public Safety Power Shutoff (PSPS) program, we felt it necessary to keep this equipment on a regular maintenance schedule.

ENVIRONMENTAL SUSTAINABILTY

MC Dean follows Environmental Protection Agency (EPA) standards for proper disposal of replacement batteries.

CONTACT PERSON

Savita Chaudhary, Director, Department of Information Technology, 981-6541

Attachments:

1: Resolution

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

CONTRACT NO. 114382-1 AMENDMENT: MC DEAN INC. FOR UPS MAINTENANCE

WHEREAS, Uninterrupted Power Supplies (UPS) provide continued operation of critical network equipment and servers during a power outage, while also protecting network equipment and servers from damage in the event of a power spike; and

WHEREAS, the PG&E Public Safety Power Outage (PSPS) Program increases the chances of a planned power outage in the area; and

WHEREAS, In July 2014, The City Manager approved a contract with MC Dean, Inc. (formerly Tima Power Systems) based on Request for Proposal#: 14-10797, for services and hardware for the Uninterrupted Power Supply (UPS) system.

WHEREAS, In April 2017, The City Manager approved an amendment and assignment of the original contract with Tima Power Systems, Inc., assigning the contract to MC Dean, Inc.; and

WHEREAS, In June 2017, The City Council approved an amendment with MC Dean, Inc. (formerly Tima Power Systems), for Uninterrupted Power Supply (UPS) Maintenance and Repair; and

WHEREAS, M.C. Dean, Inc. provides comprehensive service in the critical power industry, providing UPS maintenance, repair, and battery replacement for commercial, government, industrial, institutional, and educational clients for more than 50 years; and

WHEREAS, funding for the additional \$51,698 is budgeted in the Department of Information Technology's Fiscal Year (FY) 2021-2023 IT Cost Allocation Fund, and funding in future fiscal years is subject to council approval of the proposed citywide budget and annual appropriation ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 114382-1 with MC Dean, Inc., increasing the amount by \$51,698 for UPS Maintenance for a total contract amount not to exceed \$146,906 for the period July 1, 2014 to June 30, 2023.



Office of the City Manager

CONSENT CALENDAR
September 15, 2020

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. 32000082 Amendment: Mar Con Builders, Inc. for Live Oak Community Center Seismic Upgrade Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000082 with Mar Con Builders, Inc. for the Live Oak Community Center Seismic Upgrade Project, increasing the contract amount by \$200,000 for a total amount not to exceed of \$5,905,668.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment is available in the Parks Tax Fund (138-52-545-000-0000-000-461-663110-PRWT119005) and will be included in the First Amendment to the FY 2021 Annual Appropriations Ordinance. No other funding is required, and no other projects will be delayed due to this expenditure.

CURRENT SITUATION AND ITS EFFECTS

The existing community center at Live Oak Park is in need of renovation and is one of the City's identified care and shelter facilities. The scope for the existing contract with Mar Con Builder's Inc. includes seismic upgrades to the foundations, roofing, and wall systems, upgrades to current building codes, ADA accessibility improvements, and various energy upgrades and building improvements.

The contract at the time of bid did not include exterior site improvements outside of the originally planned code related improvements. During construction, staff explored exterior site improvements to enhance the site, fix deferred maintenance items, and remove old infrastructure.

Site improvements to be included as part of this exterior improvements package include removal and replacement of old seating elements around a fallen tree, modifications to the existing play area, improvements to exterior stairs, protection of existing site features, incorporation of art from the Civic Arts Commission, and exterior signage.

Staff determined that the exterior improvements are necessary to prevent recurring maintenance to deferred items and to prevent the need for future projects to complete these improvements. The city can utilize the current contractor that is working at the site to reduce overhead, mobilization fees, downtime and future site closures, and

administrative costs to complete this work. Staff has been able to identify funding within Parks Tax to be used for this work.

BACKGROUND

On September 24, 2019, Council adopted Resolution No. 69,112-N.S., authorizing the City Manager to execute a contract and any amendments with Mar Con Builders Inc. for the seismic upgrade of the Live Oak Community Center. The total contract was for \$5,415,927, which included a contingency in the amount of \$492,357.

On December 10, 2019, Council adopted Resolution No. 69,219-N.S., authorizing the City Manager to execute an amendment to the contract with Mar Con Builders, Inc. for the Kitchen Additive Alternate which included a switch from natural gas to electrification, and various energy and building code upgrades. The contract amendment was for \$289,741 for a total amended amount not to exceed \$5,705,668.

The originally planned renovations at Live Oak Community Center incorporated upgrades needed for code compliance and also as many energy efficiency upgrades as possible. At the time, improvements to the exterior entry of the building were limited to code compliance upgrades only.

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 exterior site improvements allow for work on deferred maintenance items to be completed without additional impacts to the public at a later time. The City does not have the in-house labor or equipment resources to complete this renovation project.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront (PRW), 981-6700
Evelyn Chan, Supervising Civil Engineering, PRW, 981-6430
Isaac Carnegie, Associate Civil Engineer, PRW, 981-6432

Attachments:

1: Resolution

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

CONTRACT NO. 32000082 AMENDMENT: MAR CON BUILDERS, INC., FOR LIVE OAK COMMUNITY CENTER SEISMIC UPGRADE

WHEREAS, the community center at Live Oak Park is in need of renovation; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this project; and

WHEREAS, an invitation for bids was duly advertised on July 22, 2019, bids were opened on August 29, 2019, and the City received eight bids; and

WHEREAS, Mar Con Builders, Inc. was determined to be the lowest responsive and responsible bidder, and references for Mar Con Builders, Inc. were provided and checked out satisfactorily; and Mar Con Builders, Inc. was awarded Contract No. 32000082; and

WHEREAS, on December 10, 2019, Council adopted Resolution No. 69,219-N.S., authorizing the City Manager to execute an amendment to the contract with Mar Con Builders, Inc. for the Kitchen Additive Alternate which included a switch from natural gas to electrification, and various energy and building code upgrades. The contract amendment was for \$289,741 for a total amended amount not to exceed \$5,705,668; and

WHEREAS, an increase of \$200,000 to the not to exceed contract amount is necessary to perform exterior site improvements to Live Oak Community Center; and

WHEREAS, funds will be appropriated as part of the First Amendment to the FY 2021 Annual Appropriations Ordinance in the Parks Tax Fund (Fund 138).

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. 32000082 with Mar Con Builders Inc. for the Live Oak Community Center Seismic Upgrade project, increasing the amount by \$200,000, for a total amended amount not to exceed \$5,905,668. A record signature copy of any amendments to be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront
 Subject: Memorandum of Agreement: Construction of Gilman Street Sanitary Sewer Line Extension as part of the I-80 Gilman Street Interchange Improvements Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a Memorandum of Agreement (MOA) with the Alameda County Transportation Commission (Alameda CTC) to provide an initial \$290,000 in Measure T1 Infrastructure Bond funding for the construction of a new sanitary sewer line extension on Gilman Street to serve the future fieldhouse restroom at the Tom Bates Regional Sports Complex (TBRSC).

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY 2021 budget in the remaining portion of Measure T1 Fund allocation for this project (Fund 511-52-545-000-0000-000-461-663110-PRWT119001), subject to adoption of the Annual Appropriations Ordinance. The T1 allocation covered the conceptual design, the public process, and the sewer line project.

CURRENT SITUATION AND ITS EFFECTS

The I-80 Gilman Street Interchange Improvements project, led and primarily funded by the Alameda County Transportation Commission (Alameda CTC), will reconfigure the intersection to improve navigation and traffic operations, and will construct bicycle and pedestrian facilities to improve access to the Tom Bates Sports Fields from areas east of the freeway, including Harrison Park and Codornices Path. The interchange project is currently in the final design phase with bidding scheduled to occur in late 2020, and construction anticipated to start in spring of 2021.

In 2019, the City completed the conceptual design of a new fieldhouse and restroom at the Tom Bates Sports Fields. For the restroom to function, a new sanitary sewer line is needed underneath Gilman Street. The closest point of connection to the City's existing sanitary system is just east of the highway, at the intersection of Eastshore Highway and Gilman Street, at a length of approximately 1,000 feet. The City can achieve considerable savings in cost, time, and disruption to the public by paying for the installation of the new sanitary

line when the Gilman Interchange Project excavates Gilman Street. The City will provide the funding for the construction of the new sanitary sewer line through a Memorandum of Agreement with the Alameda CTC.

BACKGROUND

The Tom Bates Regional Sports Complex, located at 400 Gilman Street was completed in 2008, and is one of the most highly used public sports complexes in the region. The master plan for the Tom Bates Fields includes a fieldhouse and restroom; however, these elements have not been constructed-to-date due to insufficient funding, and the City must provide portable toilets at the facility. In 2019, the City completed the conceptual plan for a new fieldhouse and restroom in collaboration with the field user groups and the five Joint Powers Agreement cities (Albany, Berkeley, El Cerrito, Emeryville, and Richmond), using Measure T1 infrastructure bond funding. Funding for the design and construction phase of the Fieldhouse can potentially be identified in Phase 2 of the Measure T1 Infrastructure Bond program.

During the conceptual phase, the City researched a non-plumbed restroom solution (e.g., vault or compost toilet system). However, this solution would require the excavation of contaminated soils at the site to install a large underground sanitary holding tank, which would then require frequent pump-out service to prevent the building up of toxic gases, odors, and overflow issues. As a result, this option would not be feasible in terms of construction and annual operating costs. City staff have worked closely with the design consultant team at Alameda CTC to finalize design of the sanitary sewer line extension. The new sanitary line will be comprised of a gravity line underneath Gilman Street, and a force main that conveys the wastewater from the future pump station near the Fieldhouse facility to the gravity section. The engineer's construction cost estimate by the design consultant team is \$290,000.

The purpose of the I-80 Gilman Street Interchange Improvements project is to improve navigation and traffic operations on Gilman Street between West Frontage Road and 2nd Street through the I-80 interchange so that congestion is reduced, queues are shortened and merging and turn conflicts are minimized.

In addition to improving vehicular mobility through the Gilman Street corridor, the project aims to close the gap in local and regional bicycle facilities through the I-80/Gilman Street interchange and provide access for bicycles and pedestrians traveling between the Bay Trail and North Berkeley. This will include closing the gap between the existing terminus, the Bay Trail at the intersection of Gilman at West Frontage Road, and the south end of the new section of Bay Trail leading to the Albany Beach, as well as constructing a pedestrian overcrossing from the Tom Bates Fields across the highway to Harrison Park and the Lower Codornices Path in West Berkeley.

ENVIRONMENTAL SUSTAINABILITY

The proposed sanitary sewer line extension elements have been incorporated into the environmental evaluations as part of the I-80 Gilman Street Interchange Improvements project.

A copy of the Final Environmental Document can be found: https://www.alamedactc.org/wp-content/uploads/2019/07/EA0A7700_Gilman_FED_IS-EA_and_Appendices_20190617.pdf

RATIONALE FOR RECOMMENDATION

The Tom Bates Regional Sports Complex fields are some of the most highly used public fields in the region. Just the two artificial turf fields alone provide up to 300,000 player hours per year, rain or shine, and serve approximately 19,000 youth and adult users. The Fieldhouse facility with permanent restrooms should be constructed in order to provide a reasonable accommodation to the sports field users.

With access to the City's Measure T1 Infrastructure Bond funds (Phase 1) in conjunction with Alameda CTC's I-80 Gilman Street Interchange Improvements project, the construction of this sewer line is currently the most efficient and effective way to create this important infrastructure to support the upcoming development of the Fieldhouse facility at the highly-used Tom Bates Sports Fields.

ALTERNATIVE ACTIONS CONSIDERED

The City can decide that the construction of the sanitary sewer line extension serving TBRSC is not in the City's best interest at this time. It should be noted that the estimated cost to construct this sewer line by the I-80 Gilman Street Interchange Improvements project is significantly less than a standalone project after the completion of the interchange improvements. If the City were to elect this alternative action, in addition to losing the cost-effectiveness, and the efficiency of the combined construction work, it would substantially delay the development of the Fieldhouse facility, and cause significant traffic impacts during re-construction of the newly improved interchange to install the sewer line after the interchange project.

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700
Farid Javandel, Transportation Manager, Public Works, 981-7061
Nelson Lam, Supervising Civil Engineer, PRW, 981-6395

Attachment:

- 1: Resolution
- 2: Project Fact Sheet: I80 Gilman Street Interchange Improvement Project

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

A MEMORANDUM OF AGREEMENT (MOA) WITH THE ALAMEDA COUNTY
TRANSPORTATION COMMISSION (ALAMEDA CTC) TO PROVIDE \$290,000 IN
MEASURE T1 BOND FUNDING FOR THE CONSTRUCTION OF A SANITARY SEWER
LINE EXTENSION IN GILMAN STREET AS PART OF THE INTERSTATE I-80 GILMAN
STREET INTERCHANGE IMPROVEMENTS PROJECT

WHEREAS, the Tom Bates Regional Sports Complex, located at 400 Gilman Street was completed in 2008, and is one of the most highly used public sports complexes in the region; and

WHEREAS, the master plan for the Tom Bates Fields includes a fieldhouse and restroom; however, these elements have not been constructed-to-date due to insufficient funding, and the City must provide portable toilets at the facility; and

WHEREAS, in 2019, the City completed the conceptual plan for a new fieldhouse and restroom in collaboration with the field user groups and the five Joint Powers Agreement cities (Albany, Berkeley, El Cerrito, Emeryville, and Richmond), using Measure T1 infrastructure bond funding. Funding for the design and construction phase of the Fieldhouse can potentially be identified in Phase 2 of the Measure T1 Infrastructure Bond program; and

WHEREAS, City staff have worked closely with the design consultant team at Alameda CTC to finalize design of the sanitary sewer line extension. The new sanitary line will be comprised of a gravity line underneath Gilman Street, and a force main that conveys the wastewater from the future pump station near the Fieldhouse facility to the gravity section. The engineer's construction cost estimate by the design consultant team is \$290,000; and

WHEREAS, funding is available in the FY 2021 budget in the Measure T1 Fund (Fund 511-52-545-000-0000-000-461-663110-PRWT119001) subject to adoption of the Annual Appropriations Ordinance.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a Memorandum of Agreement (MOA) with the Alameda County Transportation Commission (ACTC) to provide \$290,000 in Measure T1 Infrastructure Bond funding for the construction of sewer line extension in Gilman Street as part of the Interstate I-80 Gilman Street Interchange Improvements Project. A record signature copy of the MOU and any amendments to be on file in the Office of the City Clerk.



Interstate 80/Gilman Street Interchange Improvement Project

AUGUST 2020

PROJECT OVERVIEW

The Alameda County Transportation Commission (Alameda CTC), in cooperation with the California Department of Transportation (Caltrans) and the cities of Berkeley and Albany, proposes to reconfigure the Interstate 80 (I-80)/Gilman interchange, located in northwest Berkeley near the City of Albany. The main component of this project is a pair of roundabouts at Gilman Street intersections on both sides of I-80, as well as new pedestrian and bicycle facilities at and near the interchange.

The purpose of the project is to increase safety and improve navigation, mobility and traffic operations on Gilman Street between West Frontage Road and 5th Street through the I-80 interchange. The project will reduce congestion, shorten queues and minimize merging and turning conflicts. In addition to the roundabouts, the project provides:

- A pedestrian and bicycle overcrossing over I-80
- An at-grade pedestrian/bicycle path through the interchange
- A two-way cycle track on Gilman Street, from the interchange to Fourth Street
- A new traffic signal at Gilman and 4th Streets
- A Bay Trail gap closure at the foot of Gilman Street

This project will be constructed in two phases:

Phase 1: Pedestrian and Bicycle Overcrossing

Phase 2: Interchange Improvements and Local Street Improvements; pedestrian and bicycle Improvements through interchange; Bay Trail gap closure; safety improvements at the Gilman/Union Pacific Railroad at-grade crossing



PROJECT NEED

- Higher than average rates of injury collisions
- Significant roadway deficiencies
- Excess left turn vehicle queue lengths on Gilman Street
- Gap in the San Francisco Bay Trail
- Lack of safe pedestrian and bicycle routes to access recreation areas west of I-80

PROJECT BENEFITS

- Provides safe access for pedestrians and bicyclists
- Reduces congestion and improves mobility
- Simplifies traffic operations, navigation and mobility at the interchange
- Shortens queues
- Reduces turning conflicts and improves merging
- Improves local and regional biking facilities

INTERSTATE 80 GILMAN INTERCHANGE IMPROVEMENTS



Overlay of the roundabouts at the project location.



Conceptual rendering of the I-80 Gilman Interchange Improvements project looking north along Eastshore Highway before Gilman Street.

STATUS

Implementing Agency: Alameda CTC

Current Phase: Final Design/Pre-Construction

- Final Environmental Document approved on June 21, 2019; Project Report approved on June 28, 2019.
- Construction funding for Phase 1 approved by the California Transportation Commission in August 2020.

PARTNERS AND STAKEHOLDERS

Caltrans, Alameda CTC, cities of Berkeley and Albany, East Bay Regional Park District, East Bay Municipal Utility District (EBMUD) and various bicycle groups

COST ESTIMATE BY PHASE¹ (\$ x 1,000)

Planning/Scoping	\$794
PE/Environmental	\$4,819
Final Design (PS&E)	\$6,172
Right-of-Way/Utility	\$2,645
Construction	\$47,294
Total Expenditures	\$61,724¹

¹ Does not include separate construction items funded by partner agencies, estimated at \$1.5 million.

FUNDING SOURCES² (\$ x 1,000)

Measure BB	\$14,400
Federal	\$1,079
State (ATP) ³	\$4,152
State (STIP) ⁴	\$41,229
Other (Local, State and EBMUD) ⁵	\$364
Total Revenues	\$61,724

² Does not include separate construction items funded by partner agencies, estimated at \$1.5 million.

³ Active Transportation Program.

⁴ State Transportation Improvement Program.

⁵ City of Berkeley and East Bay Municipal Utility District (EBMUD).

SCHEDULE BY PHASE⁶

	PHASE 1		PHASE 2	
	Begin	End	Begin	End
Scoping	Spring 2012	Fall 2014	Spring 2012	Fall 2014
Preliminary Engineering/Environmental	Fall 2015	Summer 2019	Fall 2015	Summer 2019
Final Design	Fall 2018	Summer 2020	Fall 2018	Early 2021
Right-of-Way	Fall 2018	Summer 2020	Fall 2018	Late 2020
Construction	Late 2020	2023	Summer 2021	2023

⁶ Schedule subject to funding availability.

Note: Information on this fact sheet is subject to periodic updates.



Office of the City Manager

CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Department of Public Works

Subject: Purchase Order: TYMCO, Inc. For One (1) Model 435 Regenerative Air Sweeper

RECOMMENDATION

Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in HGACBuy contract bid procedures, and authorizing the City Manager to execute a purchase order for one (1) TYMCO model 435 Regenerative Air Sweeper in an amount not to exceed \$165,000.

FISCAL IMPACTS OF RECOMMENDATION

The purchase of one (1) model 435 Regenerative Air Sweeper will not exceed \$165,000 including CA tire fees and sales tax. Funding for this purchase is subject to appropriation in the First Amendment to the FY 2021 Annual Appropriations Ordinance (AAO1) in Zero Waste Fund (601) budget (601-54-627-734-3023-000-473-664120).

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley Solid Waste Management Center and Transfer Station, located at 1201 Second Street, is subject to Federal regulations (40 CFR 122.26(b)(14)(i)-(xi)) requiring compliance with the National Pollution Discharge Elimination System Permit for Stormwater Discharge related to Industrial Activities. To ensure compliance with this Permit and prevent pollutants from reaching the waters of the Bay, Transfer Station staff are required to sweep the 7.45 acre site daily. This new Regenerative Air Sweeper (Sweeper) will work well for removing suspended solids (dirt) which in turn will assist the removal of heavy metal materials, such as, copper, zinc, etc. This Sweeper will employ a blast and suction (vacuum) effect, which has proven more effective in cleaning the Transfer Station's paved areas. The regenerative sweeper's blast force is able to reach and clean the entire area the sweeper is trying to cover, thus effectively reducing contaminants (dirt, etc.) entering storm drain system. In addition, this Sweeper runs on renewable diesel fuel, designed to reduce greenhouse gas emissions by up to 80%.

Approval of this item will further the Strategic Plan goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities and being a global leader in addressing climate change and protecting the environment. In addition, approval of this item will further implementation of the following plans either adopted or accepted by the

City Council: 2020 Municipal Fleet Electrification Assessment, 2019 Green Infrastructure Plan, 2011 Watershed Master Plan, and 2009 Climate Action Plan.

BACKGROUND

If a purchase request exceeds \$25,000, the Department of Finance, General Services Division solicits bids or “piggybacks” off competitively bid contracts to ensure the City’s departments receive the best pricing.

Since 2008, the City of Berkeley has been a no-cost member of the Houston-Galveston Area Council (HGACBuy), a Cooperative Purchasing Program that has offered inter-local purchasing. HGACBuy provides procurement services that make the government procurement process more efficient by establishing competitively priced contracts for goods and services made available to local governments nationwide.

Products and services offered through HGACBuy have been subjected to a public competitive bid process. On September 8, 2019 HGACBuy released an Invitation to Submit a Competitive Bid No. SW04-20 for Sweeping Equipment. This solicitation was nationally advertised for eighty-nine days. Ten bids were submitted and reviewed by the Houston-Galveston Area Council staff who selected TYMCO, Inc. as one of the most responsive and responsible proposers to meet the specifications, thusly awarding Contract No. SW04-20 to TYMCO, Inc.

HGACBuy charges an order processing fee for each sale successfully completed through their contract. For this purchase a flat fee charge of 1.5% will be paid directly to HGACBuy by TYMCO, Inc. and the cost will not be passed on to the City.

ENVIRONMENTAL SUSTAINABILITY

The new TYMCO 435 Regenerative Air Sweeper will be powered by renewable diesel fuel designed to reduce greenhouse gas emissions by up to 80%.

Consistent with the City Council’s recently accepted *Municipal Fleet Electrification Assessment*, Public Works conducted extensive research to determine the availability of a comparable electric version of a regenerative air sweeper. Staff queried top manufacturers’ representatives and the findings are presented as follows:

Distributor	Response
Municipal Maintenance Equipment (MME) – Schwartz & Ravo Sweepers.	No Regenerative Air Sweeper available at this time. Ravo Brand is a mechanical EV Sweeper but cannot be equipped with Air Regeneration.
GCS Environmental Equipment Service - TYMCO Sweepers	No EV Version available at this time.
Owen Equipment – Elgin Sweeper	No EV Version available at this time.

Global Environmental Products	EV Version available in Mechanical Sweeper. No Regenerative Air Available at this time.
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Additional in-depth research and discussions with these representative revealed that the blower unit for a regenerative air vehicles will require enormous amounts of energy which is not possible in today's EV Versions.

RATIONALE FOR RECOMMENDATION

Equipment is needed to reduce the amount of contaminants (suspended solids, metals, etc.) to support compliance with the Permit and protect against these contaminants from reaching the Bay via storm water discharged from the Transfer Station.

ALTERNATIVE ACTIONS CONSIDERED

None. The Regenerative Air System is designed to remove finer debris from hard to reach surface and subsurface areas.

CONTACT PERSON

Greg Ellington, Superintendent, Public Works Maintenance, (510) 981-6469

Attachment:

1: Resolution

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

TYMCO, INC. FOR ONE (1) MODEL 435 REGENERATIVE AIR SWEEPER

WHEREAS, one (1) model TYMCO 435 Regenerative Air Sweeper is needed by the City of Berkeley Solid Waste Management Center and Transfer Station to be used for daily sweeping the site including picking up finer, hard-to-reach stormwater contaminants; and

WHEREAS, equipment must be procured based upon the need of the department to efficiently and effectively carry out their duties, and support regulatory requirements; and

WHEREAS, Charter section 67.2 allows the City to purchase goods without undergoing a competitive bid process if the City uses pricing obtained by another entity through a competitive bid process; and

WHEREAS, on September 8, 2019 HGACBuy released an Invitation to Submit a Competitive Bid, No. SW04-20 for Sweeping Equipment. The solicitation was released for approximately eighty-nine days and ten bids were submitted. Upon their review HGACBuy selected TYMCO, Inc. as the best most responsive bidder to meet the specifications, thusly awarding Contract No. SW04-20; and

WHEREAS, funds in the amount of \$165,000 will be appropriated in the First Amendment to the FY 2021 Annual Appropriations Ordinance in the FY 2021 Zero Waste Fund (601) Account Code 601-54-627-734-3023-000-473-664120; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a purchase order for one (1) TYMCO 435 Regenerative Air Sweeper in an amount not to exceed \$165,000.



Community Environmental
Advisory Commission

CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council
From: Community Environmental Advisory Commission
Submitted by: Ben Gould, Chairperson, Community Environmental Advisory Commission
Subject: 100% Sustainable Trips by 20452040

RECOMMENDATION

Adopt the attached Resolution, setting a goal of achieving ~~100~~50% of trips taken by sustainable modes by 2030 and 100% by 20452040, and refer to the Community Environmental Advisory Commission, the Energy Commission, and the Transportation Commission to develop relevant proposals and recommendations for accomplishing that goal.

POLICY COMMITTEE RECOMMENDATION

On July 1, 2020, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action: M/S/C (Harrison/Robinson) to send the item back to council with a qualified positive recommendation, amending the recommendation to add a definition of a trip, and to achieve a 50% improvement of sustainable trips by 2030 and 100% by 2040. Vote: All Ayes.

FISCAL IMPACTS OF RECOMMENDATION

Potential for some additional staff time required to serve commission meetings.

CURRENT SITUATION AND ITS EFFECTS

Berkeley envisions a radically different city within the next 30 years: a future in which every car, truck, bus, and motorcycle on Berkeley streets run on clean, renewable resources.

This fossil-fuel free city won't invent itself. However, given current trajectories, it is clear that Berkeley requires aggressive policy approaches to phase out the use of fossil fuels for transportation and re-envision the way we get around our city. Berkeley must explore aggressive and transformative approaches to solve our linked transportation and climate crises.

Setting the goal of 100% sustainable trips by 20452040 aligns with Berkeley's Strategic Plan, advancing the goal to be a global leader in addressing climate change, advancing

100% Sustainable Trips by [20452040](#)

environmental justice, and protecting the environment. [Trips are defined here as consistent with the Federal Highway Administration's National Household Travel Survey Glossary.](#)¹

At a regular meeting on Thursday, November 14, 2019, the Community Environmental Advisory Commission unanimously approved a motion to send the *100% Sustainable Trips by 20452040* recommendation to City Council (M/S/C Hetzel, Gould. Ayes: Simmons, Varnhagen, Hetzel, De Loen, Goldhaber, Gould. Abstained: None. Absent: Ticconi).

BACKGROUND

In June 2018, the Berkeley City Council unanimously declared a state of Climate Emergency. Coupled with a resolution to become a Fossil Fuel Free city and subsequent goals of carbon neutrality, Berkeley has officially acknowledged the need for robust social change—one that can only be facilitated by an equally robust policy response. Moreover, with the clear disconnect between state, federal, and even international approaches towards the climate crisis, it is clear that local governance ought to take a greater role in actively finding, drafting, and implementing solutions.

As such, since June 2019, the Community Environmental Advisory Commission has workshopped various sustainable mobility measures in order to address this local concern. These proposals rise to the challenge of inventing new visions for a sustainable future, ranging from eliminating the sale of gasoline within City limits to a wholesale prohibition on the operation of fossil-fuel powered vehicles on City streets.

In neighboring San Francisco, which has had a long legacy of transit-first policy and recently reached over 50% of trips taken by sustainable modes, Mayor London Breed has set the goal of achieving 100% of trips taken by sustainable modes – walking, biking, transit, and EVs – by 2040.

ENVIRONMENTAL SUSTAINABILITY

Moving 100% of trips to sustainable modes by [20452040](#) will have significant environmental benefits if achieved, reducing Berkeley's greenhouse gas emissions by over 60% from a 2019 baseline and positioning the City to achieve the voter-mandated target of an 80% reduction below 1990 levels by 2050.

RATIONALE FOR RECOMMENDATION

¹ See [NHTS Glossary: Abbreviations, Travel Concepts and Glossary of Terms, https://nhts.ornl.gov/2009/pub/UsersGuideGlossary.pdf](https://nhts.ornl.gov/2009/pub/UsersGuideGlossary.pdf)

100% Sustainable Trips by 20452040

As things currently stand, Berkeley is extremely unlikely to meet its carbon reduction and fossil-free goals without aggressive action on transportation decarbonization and investment in sustainable mobility alternatives.

Adopting this goal will empower City commissions and staff to develop and propose more aggressive solutions that are effectively targeted to the scale of the problem.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's Report.

CONTACT PERSON

Ben Gould, Chair, Community Environmental Advisory Commission, 510-725-9176
Viviana Garcia, Commission Secretary, Planning & Development, (510) 981-7467

Attachments: Resolution

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

100% Sustainable Trips by 20452040

WHEREAS, concentrations of greenhouse gases (GHGs) continue to reach new records and are at some of the highest levels in the millennia; and

WHEREAS, the latest analysis from the Global Atmosphere Watch program of the World Meteorological Organization shows that globally averaged surface mole fractions for carbon dioxide (CO₂), methane (CH₄) and nitrous oxide (N₂O) reached new highs in 2017, with CO₂ at 405.5 ± 0.1 ppm, CH₄ at 1859 ± 2 ppb, and N₂O at 329.9 ± 0.1 ppb—these values constituting, respectively, 146%, 257% and 122% of preindustrial levels; and

WHEREAS, carbon dioxide is the single most important anthropogenic GHG in the atmosphere, primarily because of emissions from combustion of fossil fuels; and

WHEREAS, the current climate crisis leads to sudden climate risks: floods, drought, extreme weather (including hurricanes and cyclones, torrential rains, storm surges, sand and dust storms, heatwaves, wild fire and cold spells), landslides and glacial lake outburst floods; and

WHEREAS, there are also slow onset impacts: higher temperatures, sea level rise, rainfall variability, reduced river flows, changing seasonal patterns, changes in species distribution, invasive species, changes in disease distribution, soil and coastal degradation, erosion, desertification, ocean acidification, coral bleaching, salt water intrusion, changes in ocean circulation patterns, and glacier or permafrost melting; and

WHEREAS, such hazards, together with other factors, create a pattern of vulnerability expected to affect all economic sectors, in particular water resources, agriculture, ecosystems, health and forestry; and

WHEREAS, while most sectors made similar percentage contributions to the GHG emission growth in 2010 and 2016, global transport emissions experienced disproportionate growth; and

WHEREAS, according to the U.S. Energy Information Administration, transportation (which includes cars, trucks, trains, etc.) has now eclipsed electric power sector as the largest emitter of CO₂ at 1.9 billion tons annually; and

WHEREAS, while the global market share for electric vehicles (EVs) is still small, with 3 million sales in 2017, a multi-layered policy package comprised of financial incentives and behavioral incentives (e.g. allowing EV drivers to use bus lanes and free public parking) contributed to higher EV sales in Norway; and

WHEREAS, nationally and locally, core climate policies are not in place, existing carbon rates are too low and inconsistent, and broad fiscal systems are not well aligned with decarbonization; and

WHEREAS, in recent years, political attention has been acknowledging the increasingly important role of nonstate and subnational actors such as cities, regions, civil society organizations, and local governance; and

WHEREAS, while Berkeley City Council unanimously declared a state of Climate Emergency in June 2018; and

WHEREAS, Berkeley has a passed a resolution to becomes a Fossil Fuel Free City with a goal of carbon neutrality; and

WHEREAS, the City of Berkeley Climate Action Plan has commendable goals of 33% reduction in greenhouse gases compared to 2000 by 2020 and 80% reduction by 2050; and

WHEREAS, the December 7, 2017 report from City staff showcase that there was only a 12% reduction as of 2015, indicating that the City is well behind in achieving both its 2020 and 2050 goals; and

WHEREAS Berkeley's Strategic Plan sets the goal of being a global leader in addressing climate change, advancing environmental justice, and protecting the environment, it will be unlikely at this current trajectory; and

WHEREAS, the price of inactivity is only rising as harms are only exacerbated, showcasing the need to act with urgency; and

WHEREAS, several studies provide estimates of the global emission reductions that could be achieved, if existing good practice policies were replicated universally; and

WHEREAS, the City and County of San Francisco has adopted the goal of 100% of trips by sustainable modes by 2040;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City is committed to ensuring ~~50~~100% of trips which begin or end within Berkeley use sustainable modes – walking, bicycling, public transit, or electric vehicles – no later than ~~2030~~45.

BE IT FURTHER RESOLVED the City is committed to ensuring 100% of trips which begin or end within Berkeley use sustainable modes no later than 2040.

BE IT FURTHER RESOLVED that the City of Berkeley aims to achieve a zero-emission transportation sector no later than ~~2045~~2040.



Office of the Mayor

CONSENT CALENDAR
September 15, 2020

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Amending Ordinance No. 7,692-N.S. extending the grace period for Fair Chance Housing Ordinance

RECOMMENDATION

Adopt an ordinance amending Ordinance No. 7,692-N.S. (Fair Chance Housing Ordinance) to extend the grace period for landlords to be held liable to January 1, 2021 so that staff has adequate time to complete the intended outreach prior to the ordinance going into full effect.

BACKGROUND

On March 10, 2020 the City Council unanimously passed the Fair Chance Housing Ordinance. Subsequently, on March 16, 2020 the Berkeley Health Officer issued a Shelter in Place Order in conjunction with six Bay Area counties. Final adoption of the ordinance came with the second reading on April 14, 2020.

The ordinance directed the City Manager to develop a notice and mail it to all residential property owners within 90 days of final adoption. Additionally, under the current ordinance a Housing Provider is not liable for a violation until 180 days after adoption, which would be October 11, 2020. The initial outreach, as well as more robust and collaborative efforts to ensure residential property owners and managers are properly informed and educated on this new law has been delayed. Staff has been rightfully focused on responding to the COVID-19 pandemic and closing the City's budget shortfall.

The proposed amendment extends the grace period for landlords to January 1, 2021 which would maintain the timelines and spirit of the ordinance as originally passed. Staff has indicated that they can get the notice out to property owners by Mid-September, which is more than 90 days before the proposed grace period extension expires. This should allow for sufficient time for outreach to and education to be executed as it was initially intended.

ENVIRONMENTAL SUSTAINABILITY

Not applicable

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

1: Proposed Ordinance

ORDINANCE NO. -N.S.

AMENDING SECTION 2 OF ORDINANCE NO. 7,692-N.S., PROHIBITING THE USE OF
CRIMINAL HISTORY IN HOUSING DECISIONS

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

Section 1. That Section 2 of Ordinance No. 7,692-N.S. is hereby amended to read as follows:

Effective Date

The provisions of this Chapter shall take effect upon thirty days after final adoption of this ordinance. A Housing Provider shall not be liable for a violation ~~within 180 days after final adoption of this Chapter~~ prior to January 1, 2021, unless the Housing Provider has first received a warning letter from the City regarding a violation of the Ordinance.

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.



Cheryl Davila
Councilmember
District 2

CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Letter to East Bay Regional Park District supporting renaming Vollmer Peak

RECOMMENDATION

Send the attached letter to the East Bay Regional Park District Board of Directors supporting renaming Vollmer Peak.

BACKGROUND

The residents of Berkeley have demonstrated unprecedented engagement in discussions of policing and community safety in the past several months. The overwhelming majority of those residents commenting in Berkeley City Council meetings called for substantially defunding the Berkeley Police Department and many called for a vote of no confidence in Chief Greenwood, following his June 9th comments¹ about resorting to shooting people for crowd control, where tear gas is banned.

As the city takes the time to deeply consider the role of police in public safety and figure out the best way to invest in community safety resources, we must also consider the history of policing in Berkeley. Berkeley's first police chief, August Vollmer, has been called the "father of American policing," and has been widely celebrated for his innovations in policing. He was widely influential in the early twentieth century, traveling around the country, helping establish other police departments and criminology schools².

While Vollmer was beloved by many and instituted many reforms that were seen as progressive at the time, his innovations were foundational for institutionalizing the systemic racial bias in policing that is evident in Berkeley Police Department in recent years. Just as it has become clear that artificial intelligence programs have racist outputs due to their biased inputs,³ Vollmer's own biases have been programmed into the operations of the Berkeley Police Department since its inception. Although Vollmer was considered progressive for hiring Black officers, it is clear that he personally upheld White Supremacy and further codified it in his

¹ <https://www.berkeleyside.com/wp-content/uploads/2020/06/Greenwood-City-Council-Transcript.pdf>

² https://www.cityofberkeley.info/Police/Home/History_The_Earliest_Years_1905-1925.aspx
<https://www.dailycal.org/2020/06/09/ucb-role-in-shaping-modern-police/>
<https://www.eastbaytimes.com/2017/04/20/berkeley-a-look-back-free-talk-looks-at-citys-groundbreaking-first-police-chief/>

³ <https://thenextweb.com/neural/2020/06/24/stop-calling-it-bias-ai-is-racist/>

esteemed criminology school. Vollmer was a member of multiple eugenics societies and his proposed curriculum⁴ for his criminology school included units on Racial types, Race degeneration, Eugenics, and Hereditary crime and criminal tendencies.

After Vollmer passed away in the 1950s, the highest point in the Berkeley and Oakland hills (elevation 1905 ft) was renamed from Bald Peak to Vollmer peak in his honor. Due to his commitment to eugenics and role in shaping the Berkeley Police Department, which does not serve all members of our community, it is advisable to rename the peak. Vollmer peak is a popular hiking and cycling destination; upholding this name is a covert signal that not all are welcome to enjoy the East Bay Regional Parks.

In a preliminary survey of East Bay Regional Park stakeholders, 88% of respondents supported renaming Vollmer Peak. When presented with a choice between renaming the peak and keeping the name and educating the public about Vollmer, 87% of respondents said that we should rename the peak. Of the 125 survey respondents, 73 were from Berkeley, 20 from Oakland, and the majority of the others from surrounding areas.

In the wake of George Floyd's murder, the East Bay Regional Park District released a statement committing to "being part of the necessary change to realize a just society" and welcoming ideas to realize their goal of making their parks accessible, safe, and welcoming for all.⁵ Pursuant to this commitment, we ask the East Bay Regional Park District to rename Vollmer Peak and engage the community through a formal survey to determine whether there are other landmarks that should be renamed and to gather suggestions for how they can make the parks more inclusive for all residents of the East Bay.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

Protecting our communities during this climate and health crisis is an act of environmental sustainability.

CONTACT PERSONS

Cheryl Davila
Councilmember District 2
510.981.7120
cdavila@cityofberkeley.info

ATTACHMENTS:

1. Letter to East Bay Regional Park Board of Directors supporting the renaming of Vollmer Peak and initiation of a process to community engagement to make the parks more inclusive

REFERENCES:

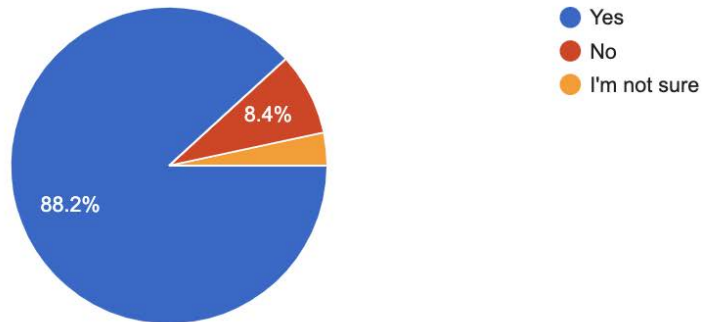
1. Survey Results:

⁴ <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1505&context=jclc>

⁵ <https://www.ebparks.org/civica/press/display.asp?layout=11&Entry=581>

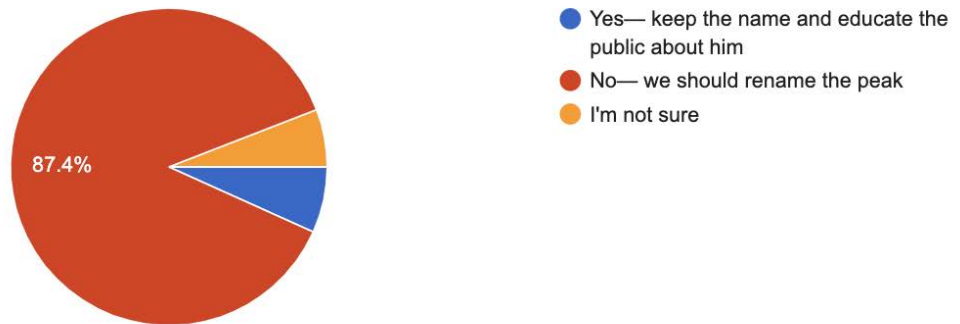
I think Vollmer Peak should be renamed

119 responses



I think we should keep Vollmer's name and educate the public about him

119 responses



Dear East Bay Regional Park Board of Directors,

Thank you for your leadership in keeping the parks open during the COVID-19 pandemic so that our community can safely enjoy the outdoors.

With regard to our community's safety, we commend your June 16th [Resolution](#) Denouncing Racism and Standing in Solidarity with Black Americans. In keeping with your stated *commitment to learning and changing to ensure our parks and trails are safe and welcoming to East Bay communities and all who choose to visit*, we recommend that you take action to rename landmarks whose namesakes have racist connotations or are named after individuals who perpetuated racism in their lifetime. Although historic persons may have been chosen as namesakes for our parks' landmarks due to their popularity and service to the community, keeping their names attached to our landmarks signals to our Black, indigenous, and community members of color that they are not welcome.

It has come to our attention that August Vollmer, who was Berkeley's widely celebrated first police chief, perpetuated racism through his participation in eugenics societies and the inclusion of eugenics and other racist philosophies in his criminology school's curriculum. A preliminary survey of members of our community suggested that a large percentage of stakeholders surveyed support renaming Vollmer Peak. In addition, most respondents felt that it was important to rename the peak, rather than simply educate the community about Vollmer.

The Berkeley City Council urges you to take the following actions in order to follow through with your commitment to making the parks more inclusive:

- 1) Rename Vollmer Peak.
- 2) Initiate a formalized process of community engagement that prioritizes the historically excluded voices Black, indigenous, and community members of color to determine what other landmarks should be renamed and what other actions beyond renaming landmarks would make the parks more welcoming for all community members.

Sincerely,

Berkeley City Council



Councilmember Kate Harrison
District 4

CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council

**From: Councilmember Kate Harrison, District 4
Councilmember Susan Wengraf, District 6
Councilmember Sophie Hahn, District 5**

Subject: Centennial Proclamation Honoring the Passage of the United States 19th Amendment and the National Women's Suffrage Movement

RECOMMENDATION

Adopt a resolution honoring 2020 as the centennial of the winning of women's suffrage at the federal level in the United States.

SUMMARY

August 26th, 2020 was "Women's Equality Day", the 100th anniversary of the declaration that the 19th Amendment was in effect nationwide and the 100th Anniversary of newly franchised American Women Voters in Their First Presidential Election.. This resolution recognizes the centennial and the many people that have worked to ensure that women have access to the ballot.

FISCAL IMPACTS OF RECOMMENDATION

None.

BACKGROUND

August 26th was "Women's Equality Day", honoring the 100th anniversary of the declaration that the 19th Amendment was in effect nationwide--women had finally won the right to vote throughout the country. Tennessee was the 36th state to ratify the amendment, on August 18, but it needed to be officially certified by Federal officials; that took place on August 26, 1920, putting the amendment into full effect. The Amendment stated, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

The struggle for the enfranchisement of women begins both long before this and in places far from the nation's capital. The 1848 Seneca Falls Convention was the first major gathering for the US women's suffrage movement, called by Quaker women active in the abolitionist movement along with Elizabeth Cady Stanton. Stanton moved to add a resolution on women's right to vote, which shocked many other attendees,

before eventually being included. It was the impassioned support from Fredrick Douglass that swayed many attendees. He said "In this denial of the right to participate in government, not merely the degradation of woman and the perpetuation of a great injustice happens, but the maiming and repudiation of one-half of the moral and intellectual power of the government of the world." ¹

Later, here in Berkeley, women were prominent leaders in the sustained efforts to win women's suffrage in California. In 1909, Elinor Carlisle was elected to Berkeley's School Board even before women had won the right to vote. Among others, Berkeley's Mary McHenry Keith—the first woman to earn a law degree in California—was a central figure in the California suffrage movement which culminated in the passage in 1911 of women's voting rights in California. Berkeley's male voters had supported women's voting rights in California in a suffrage campaign that failed in 1896, and Berkeley was the only large city in California to vote in favor of statewide suffrage in 1911.

Soon, women from Berkeley ran for local and State offices culminating with Anna Saylor becoming one of the first four women elected to state office in California in 1918. She represented Berkeley in the California State Assembly, was an advocate for child welfare and criminal justice reform, and later became the first woman appointed to the Governor's Council—essentially the State cabinet—in California. Saylor was the joint nominee of the Republican, Democratic, and Progressive parties when she first won office, and was re-elected four times. Two other women elected to the Assembly from other parts of California at the same time as Saylor were UC Berkeley alumnae – Grace Dorris and Esto Bates Broughton. Later, in 1947, Carrie L. Hoyt was the first woman to serve as Berkeley's Mayor.

The 19th amendment that went into effect in 1920 was the culmination of a nationwide movement for women's rights but it was also the beginning of many more struggles. Berkeley women participated in the national movement including traveling to Washington, D.C. Carrie H. Gibbs traveled at the age of 44 to witness the first Washington DC parade in 1913. Gibbs was the President of the Berkeley Federation Mothers' Club – now the PTAs (1912-1913) and began her work as a member of the School Board for three terms starting in 1915.

There were still many women who could not vote easily or even at all following the passage of the 19th amendment. Poll taxes, so called "literacy" tests, and other unjust laws prevented many women of color from becoming citizens or exercising the right granted to them by the 19th Amendment. It was not until later, after legislation including the 1924 Indian Citizenship Act, the 1965 Voting Rights act, or the 1965 Immigration and Nationality act, that many indigenous, Asian American, Filipino, Latino, and African American women were unequivocally allowed to vote.

¹ Seneca Falls and the Origins of the Women's Rights Movement. Sally McMillen. Oxford University Press, Sep 8, 2009. Pp 93-94.

Even today, voter suppression is still a great concern. Many states continue to uphold voter ID laws that have been used to disenfranchise many communities of color as well as transgender and nonbinary Americans that are often unable to apply for an ID that reaffirms their gender identity.² Additionally, the lack of comprehensive federal immigration reform keeps the process to become a citizen arduous and complicated. The modern barriers to voting that many women still face are a great threat to a democracy, particularly in this election season.

In 2020, the 100th anniversary of the 19th Amendment, we must remember and honor the people of many backgrounds that have organized their communities and fought for the right for women to have a say in their own government, from the Seneca Falls convention and before, through Berkeley's activism on voting rights more than a century ago, to the present day.

ENVIRONMENTAL SUSTAINABILITY

No impacts to environmental sustainability

RATIONALE FOR RECOMMENDATION

To honor the many people that have worked to ensure voting rights for women and access to voting in the history of our country, state, and city.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT

Councilmember Kate Harrison: (510) 981-7140

ATTACHMENTS

1. Resolution

² The Potential Impact of Voter Identification Laws on Transgender Voters in the 2020 General Election. UCLA School of Law Williams Institute. <https://williamsinstitute.law.ucla.edu/publications/trans-voter-id-impact/>

RESOLUTION NO. XXXX-N.S.**RESOLUTION HONORING AS THE CENTENNIAL OF THE PASSAGE OF THE UNITED STATES 19TH AMENDMENT AND ITS ROLE IN ADVANCING THE RIGHTS OF ALL WOMEN**

WHEREAS, On November 1, 1919 the State of California was one of the first states to ratify the 19th Amendment, and, finally on August 18th, 1920, Tennessee became the 36th and final state needed to ratify the 19th Amendment and establish it as the law of the land; and

WHEREAS, On August 26th, 1920, the Federal Government formally acknowledged the successful ratification of the 19th Amendment, placing it with the original Constitution in the State Department vault; and,

WHEREAS, The right to vote is the cornerstone of our democracy and the fundamental right upon which all of our civil liberties rest; and

WHEREAS, The 19th amendment declared that "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex;" and,

WHEREAS, The 19th Amendment came to be law only due to the hard work of many dedicated activists, organizers, and others who risked great personal consequence in their struggle for justice; and,

WHEREAS, The 19th Amendment did not guarantee suffrage for all women, including Native Americans who did not gain the right to vote until 1924, Asian and Pacific Islander Americans who were not permitted to be citizens until 1952 and African-American and Latin Americans who suffered voter suppression until passage of the Voting Rights Act of 1965 and 1975; and

WHEREAS, The fact that today women are active in local, state, and national government and are running for office in unprecedented numbers reminds us that we all follow in the footsteps of these resolute American and Berkeley Suffragists; and

WHEREAS, The 19th Amendment to the United State Constitution has played an important role in the advancing the right of all women

WHEREAS, The struggle to ensure that all eligible woman voters have full access to a ballot is ongoing to this day:

NOW, THEREFORE, BE IT RESOLVED That Berkeley's residents and all citizens Celebrate the 100th anniversary of the 19th Amendment, The City of Berkeley

remembers and honors the people of many backgrounds and eras that have organized their communities and fought for the right of women to have a say in their government, from the Seneca Falls convention and to the present day.

**SOPHIE HAHN**

Berkeley City Council, District 5
 2180 Milvia Street, 5th Floor
 Berkeley, CA 94704
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 shahn@cityofberkeley.info

CONSENT CALENDAR

September 15, 2020

To: Honorable Members of the City Council
From: Vice Mayor Sophie Hahn (Author), Councilmember Cheryl Davila (Co-Sponsor),
 Councilmember Rashi Kesarwani (Co-Sponsor), and Mayor Jesse Arreguin (Co-Sponsor)
Subject: Resolution Congratulating Kamala D. Harris on her
 Nomination for Vice President of the United States

RECOMMENDATION

Adopt a Resolution congratulating Kamala Harris on her nomination for Vice President of the United States.

BACKGROUND

On August 19, 2020, United States Senator Kamala D. Harris of California accepted the nomination for Vice President of the United States. Sen. Harris is the first African American and Indian American woman to be nominated for national office by a major U.S. political party.

Kamala Harris was born in 1964 to two graduate students at the University of California, Berkeley -- a mother from India and a father from Jamaica. As Senator Harris said in the speech accepting her nomination for Vice President, she "got a stroller's-eye view" of the civil rights movement of the 1960s as her parents marched for justice in the streets of Berkeley.

Kamala Harris grew up in West Berkeley and attended Thousand Oaks Elementary School in District 5. She was in the second class to be part of the [Berkeley school integration program](#) -- an innovative two-way busing plan designed to fully integrate Berkeley's public schools. As Sen. Harris wrote in her 2019 memoir *The Truths We Hold*, "I only learned later that we were part of a national experiment in desegregation, with working-class black children from the flatlands being bused in one direction and wealthier white children from the Berkeley hills bused in the other."

In a statement to [Berkeleyside](#), Sen. Harris credited her first grade teacher at Thousand Oaks, Mrs. Frances Wilson, with having a profound effect on her and being deeply committed to the diverse group of students in her class. She has written about her fond childhood memories of visiting the Rainbow Sign in Berkeley, where she met artists and activists, and spending days cleaning test tubes in Berkeley labs.

After moving away from Berkeley at the age of 12, Kamala Harris went on to graduate from Howard University and to earn a law degree from the University of California, Hastings. She has dedicated her career to public service, serving as a prosecutor in Alameda County, as the first African American and Indian American woman to be elected as San Francisco District Attorney, and as the first African American and Indian American woman to be elected California Attorney General.

In 2016, Kamala Harris was the first African American and Indian American woman to be elected to represent California in the U.S. Senate. Since taking office, Sen. Harris has served with distinction and has been a powerful voice for justice and accountability.

This resolution celebrates Kamala D. Harris, an African American and Indian American woman, daughter of immigrants, student of Berkeley Unified School District public schools, and accomplished public servant, and offers congratulations on her nomination for Vice President of the United States.

FINANCIAL IMPLICATIONS

None.

CONTACT INFORMATION

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

ATTACHMENTS

1. Resolution

RESOLUTION NO. ##,###-N.S.
CONGRATULATING KAMALA HARRIS ON HER NOMINATION
FOR VICE PRESIDENT OF THE UNITED STATES

WHEREAS, on August 19, 2020, Kamala Harris of California was nominated for Vice President of the United States;

WHEREAS, Kamala Harris is the first African American and Indian American woman to be nominated for national office by a major political party in the United States, and only the fourth woman to be chosen for a presidential ticket;

WHEREAS, Kamala Harris was born in 1964 to two graduate students at the University of California, Berkeley;

WHEREAS, Kamala Harris is the daughter of immigrants, a mother from India and a father from Jamaica;

WHEREAS, Kamala Harris “got a stroller’s-eye view” of the civil rights movement of the 1960s as her parents marched for justice in the streets of Berkeley;

WHEREAS, Kamala Harris grew up in West Berkeley and attended Thousand Oaks Elementary School in North Berkeley as part of the second class to go K-12 under Berkeley’s voluntary integration program in Berkeley public schools;

WHEREAS, Kamala Harris credits her first grade teacher, Mrs. Frances Wilson at Thousand Oaks Elementary School, with having a profound effect on her and being deeply committed to her diverse group of students;

WHEREAS, Kamala Harris lived in Berkeley until age 12, spending her childhood learning about activism, and spending time at The Rainbow Sign, a Black cultural center that served as a bridge across all borders—ethnic, national and political, on what is now Martin Luther King Jr Way;

WHEREAS, since graduating from law school, Kamala Harris has devoted her career to public service, as a prosecutor in the Alameda County District Attorney’s Office, as the first African American and Indian American woman to be elected as San Francisco District Attorney, and as the first African American and Indian American woman to be elected California Attorney General;

WHEREAS, in 2016, Kamala Harris was elected to serve as Senator from California, winning 64% of the vote, and becoming the second African American woman and first Indian American woman to be elected to serve in the United States Senate;

WHEREAS, since 2017, Kamala Harris has represented California with distinction in the United States Senate, introducing or cosponsoring legislation to defend the legal rights of refugees and immigrants, reform cash bail, and make lynching a federal crime;

WHEREAS, Kamala Harris serves on the Senate Select Committee on Intelligence, the Senate Homeland Security and Governmental Affairs Committee, and the Senate Judiciary Committee, where she has been a powerful voice for justice and accountability;

WHEREAS, Thousand Oaks Elementary School has honored Kamala Harris by including her in a mural among other extraordinary women Ruth Asawa, Dolores Huerta, Malala Yousafzai, Serena Williams, and Anne Frank; and

WHEREAS, Kamala Harris is an example to many, including in particular those who identify as women and girls and for those who are Black, Indigenous, and People of Color in Berkeley and throughout the United States and the world who are inspired by her example of dignified and powerful leadership;

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council congratulates, celebrates and expresses deep gratitude to Kamala Harris on the occasion of her nomination for the office of Vice President of the United States.

**SOPHIE HAHN**

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

CONSENT CALENDAR
 September 15, 2020

To: Honorable Members of the City Council
 From: Vice Mayor Sophie Hahn (Author)
 Subject: Outreach and Technical Assistance for Berkeley Small Businesses
 Eligible to Participate in the California Rebuilding Fund

RECOMMENDATION

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

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

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

SUMMARY

On April 14, in response to the economic disaster facing Berkeley's small business community, the Berkeley City Council approved the creation of the Save Our Small (SOS) Business Loan Fund, based on an innovative proposal by faculty and students at the Haas School of Business at UC Berkeley to create a public-private partnership that could provide a supplemental source of capital for small businesses impacted by the COVID-19 emergency.

On June 30, the Council then sent a letter to the California Infrastructure and Economic Development Bank (IBank), requesting support for the SOS Business Loan Fund concept, including by creating a new loan vehicle for small business loans that would combine private and public funds that could be organized through the IBank

Thanks to the City of Berkeley's leadership in this regard, and with the expert guidance and advocacy of Haas School faculty, including Professors Adair Morse and Laura D. Tyson, the SOS Business Loan Fund has been transformed to a statewide initiative announced as the California Rebuilding Fund, a new public-private partnership that will leverage government backed capital to support small businesses in California.

In order for Berkeley's small businesses, nonprofits, and other eligible enterprises to take advantage of this opportunity, this item refers to the City Manager to immediately engage in a robust outreach effort throughout Berkeley, focusing in particular on underserved small businesses and nonprofits, entrepreneurs in historically disenfranchised communities, and enterprises serving children, and to provide technical assistance to such enterprises so they are able to successfully apply for support immediately when the California Rebuilding Fund portal opens.

Now that the California Rebuilding Fund has been established, the City of Berkeley should be able to move forward with confidence to establish a local SOS Business Loan Fund to complement the state's effort.

BACKGROUND:

The outbreak of the COVID-19 pandemic, and subsequent orders to stay at home and practice social distancing, have significantly impacted Berkeley small businesses and their workers. Since the outbreak began, many of Berkeley's small businesses have seen a 25-75% drop in revenue. Some small businesses, lacking the financial cushion to absorb such a steep loss of revenue, have closed, reduced services, or laid off workers.

On April 14, the Berkeley City Council approved the creation of a special structured financial recovery loan fund -- the Save Our Small (SOS) Business Loan Fund -- to provide a supplemental source of capital for small businesses impacted by the COVID-19 emergency. Under the SOS Business Loan Fund (which is based on a proposal by faculty and students at the Haas School of Business at UC Berkeley), the City would act as a sponsor of the fund, working with one or more financial institutions to pool capital from private investors and the City of Berkeley to lower the risk of the loans and support low interest rates.

On June 30, the Council sent a letter to Mr. Scott Wu, Executive Director of the California Infrastructure and Economic Development Bank (IBank), requesting support for the Save Our Small (SOS) Business Loan Fund through potential opportunities to leverage State funds in the 2020-21 California Budget with private capital to support small businesses. Specifically, the Council requested that the IBank consider the following avenues to combine the efforts of the IBank with willing local governments to:

- (1) Implement allocation goals for our region within the existing Disaster Guarantee program by supporting Berkeley's Save Our Small (SOS) Business Loan Fund; and/or
- (2) Create a new loan vehicle for small business loans that combines private funds with State and City (or Regional, County, Town) funds that could be organized through the

IBank. A copy of the letter was sent to Chris Dombrowski, Acting Director of the Governor's Office of Business and Economic Development (GO-Biz).

On August 27, Governor Gavin Newsom's Office of Business and Economic Development (GO-Biz) announced the California Rebuilding Fund, a new public-private partnership that will leverage government backed capital to support California's small businesses -- especially the smallest under-served firms and entrepreneurs from communities that have been historically disenfranchised. The California Rebuilding Fund is consistent with the concept conceived by faculty and students at the Haas School of Business at UC Berkeley -- the Save Our Small (SOS) Business Loan Fund -- which the Berkeley City Council passed on April 14.

Prior to the California Rebuilding Fund approval on August 26, the State of California allocated \$25 million and new statutory authority to IBank to enable a collaboration with the state's private sector. This public-private partnership will in turn drive capital to Community Development Financial Institutions (CDFIs) and other mission-based lenders that provide much-needed loans to California's underbanked small businesses. With the support of this new IBank funding, California's CDFIs increase their capacity to help small businesses in California -- including Berkeley's small businesses -- to recover and reposition themselves to survive during the COVID-19 emergency.

FINANCIAL IMPLICATIONS

Staff time to conduct outreach to eligible small businesses, nonprofits, and other enterprises, and to provide technical assistance to support applications to the California Rebuilding Fund.

CONTACT INFORMATION

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

ATTACHMENTS

1. Letter to IBank requesting support for the Save Our Small (SOS) Business Loan Fund
2. Council item Save Our Small (SOS) Business Loan Fund approved April 14, 2020



Unanimously approved by
the Berkeley City Council
on June 30, 2020

June 30, 2020

Mr. Scott Wu
Executive Director
California Infrastructure and Economic Development Bank (IBank)
P.O. Box 2830
Sacramento, CA 95812-2830

Dear Director Wu:

We are writing with regard to the ongoing economic crisis for small businesses caused by the novel coronavirus (COVID-19) shutdown. We are respectfully asking for your assistance.

Since the COVID-19 outbreak began, like most communities across California, many of Berkeley's small businesses have seen a 25-75% drop in revenue. On March 17, the Berkeley City Council acted to create a relief fund, supplemented by philanthropic dollars, to provide vital assistance to hundreds of small businesses. While the fund has provided a lifeline to many caught in the wake of the pandemic, it lacks the resources to support the medium-term recovery of viable small businesses that need working capital funds.

On April 14, the Berkeley City Council then approved the creation of a special structured financial recovery loan fund -- the [Save Our Small \(SOS\) Business Loan Fund](#) -- to provide a supplemental source of capital for small businesses impacted by the COVID-19 emergency. Under the SOS Business Loan Fund (which is based on a proposal by faculty and students at the Haas School of Business at UC Berkeley), the City would act as a sponsor of the fund, working with one or more financial institutions to pool capital from private investors and the City of Berkeley to lower the risk of the loans and support low interest rates.

We believe the California Infrastructure and Economic Development Bank (IBank) could help make the SOS Business Loan Fund vision a reality. We understand there is interest to explore opportunities to leverage State funds in the 2020-21 California Budget with private capital to support small businesses. Such an approach could play an essential role in assuring that private capital is brought forward to support communities, including Berkeley, and that loan terms are not so burdensome that they threaten the long-term viability of local small businesses.

We therefore respectfully request that you consider the following avenues to combine the efforts of the IBank with willing local governments like the City of Berkeley:

1. It might be possible to implement some of the allocation goals the State and IBank have for our region within your existing Disaster Guarantee program by supporting Berkeley's Save Our Small (SOS) Business Loan Fund. As a City, we could combine the IBank funds in this program to provide loss coverage/guarantees with our own limited funds to encourage local philanthropy. In this way, we could then leverage our funds to a greater degree when we seek private capital. We know that the combination of State support and City commitment is an effective combination for fundraising both for philanthropy and for private investment.
2. Alternatively, we would welcome participation in the creation of a new loan vehicle for small business loans that combines private funds with State and City (or Regional, County, Town) funds that could be organized through the IBank. In short, whereas small cities such as our struggle to put the pieces together to generate interest by private investors, having a combined effort with the State (open to our City and other local governments willing to contribute their own scarce funds) could increase the flow of private capital to fund affordable loans to support small businesses.

We are eager to learn about your perspectives regarding these proposals as well as about other State programs available to support small business loans in Berkeley and other cities throughout the State. We have tried to engage with our CDFI connected to the IBank in the existing Disaster Loan Guarantee Program but the CDFI's capital constraints have limited its interest and ability to participate.

Thank you for your prompt consideration during this critical time. As you know, the situation confronting viable small businesses throughout the State is dire, and the City of Berkeley is exploring a variety of ways to provide loans and relief.

We look forward to hearing from you.

Sincerely,

Berkeley City Council

cc: Chris Dombrowski, Acting Director, Governor's Office of Business and Economic Development (GO-Biz)



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EMERGENCY ITEM AGENDA MATERIAL

Meeting Date: April 14, 2020
Item Description: Save Our Small (SOS) Business Loan Fund
Submitted By: Vice Mayor Hahn and Mayor Arreguin (Authors)
Councilmembers Wengraf and Harrison (Co-Sponsors)

This item is submitted as an urgency item pursuant to the Brown Act under **Government Code Section 54954.2(b)(2)**. There is a need to take immediate action and the need for action came to the attention of the City subsequent to the posting of the agenda for today’s meeting.

In order to add this item to the agenda, the council must vote by a 2/3 majority (six yes votes) to add the item to the agenda.

Once the item is added to the agenda (Consent or Action) it must be passed by a simple majority (five yes votes).

The SOS Business Loan Fund is a proposal with the potential to provide access to much needed low- or no- interest loans to local businesses. It is urgent for the Council to consider this measure to expedite development of a potentially important source of capital to help small businesses impacted by the COVID-19 emergency begin to recover as quickly as possible.

Meeting the needs of our small businesses in distress is a matter of great urgency. A delay of several weeks for this item to be considered by the City Council at a future meeting would mean a delay in moving forward, at a time when every day or week of uncertainty and lack of access to capital can mean the end for some of our businesses.

With limited grant funds to deploy at this time and a patchwork of state and federal programs that not all Berkeley businesses will be able to access in a timely manner, it is critical for the City Council to expedite consideration of a program that holds the promise of making low- or no-interest loans available to quickly rebuild our local businesses - and tax base.



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ACTION CALENDAR
April 14, 2020

To: Honorable Members of the City Council
From: Vice Mayor Sophie Hahn (Author) and Mayor Jesse Arreguin (Author);
Councilmembers Susan Wengraf (Co-Sponsor) and Kate Harrison (Co-Sponsor)
Subject: Save Our Small (SOS) Business Loan Fund

RECOMMENDATION

Refer to the City Manager to rapidly explore and, if feasible, pursue the creation of a special structured financial recovery loan fund to provide a supplemental source of capital for Berkeley small businesses impacted by the COVID-19 emergency. Among other considerations, the City Manager is requested to consider whether the City of Berkeley should act as a sponsor of the fund, working with one or more financial institutions to pool capital from private investors and the City of Berkeley to lower the risk of the product and support low interest rates. The City Manager is also recommended to partner with the Haas Business School at UC Berkeley to design terms of the SOS business loan fund and build the viability assessment model on which loan decisions would depend.

SUMMARY

The shutdown of large swaths of Berkeley's economy in response to the COVID-19 pandemic has had severe consequences for small businesses and their workers. Although the City has taken quick and important action to create a relief fund, matched by additional philanthropic dollars, we lack the resources necessary to support the capital needs of Berkeley's small businesses caught in the wake of COVID-19. State and Federal programs to assist small businesses, while helpful, are also likely to be insufficient. Private funding for loans is another important source of capital that the City of Berkeley should help make available to small businesses, on terms that are more accessible than traditional bank loans.

Prompted by a proposal from faculty and students at the Sustainable and Impact Finance Initiative at the Haas School of Business, the City of Berkeley should explore the creation of a public/private loan product to complement local, state and federal grants and loans, expanding options for small businesses to recover from the crisis. Supporting the rebuilding of Berkeley's small business sector will strengthen and rebuild Berkeley's economy over the long run and, by extension, its tax base; Berkeley should pursue all avenues to access and make available the means to rebuild this sector.

BACKGROUND

The outbreak of the COVID-19 pandemic, and subsequent orders to stay at home and practice social distancing, have significantly impacted Berkeley small businesses and their workers. As of March 13, 2020, many Berkeley small businesses had already seen a 25-75% drop in gross receipts since the outbreak began as compared to the previous year. Some small businesses, lacking the financial cushion to absorb such a steep loss of revenue, have closed, reduced services, or laid off workers.

On March 17, the City Council acted quickly to meet the crisis, referring to the City Manager the creation of a tax-exempt special fund of \$3 million dollars to provide gap resources to small businesses, arts organizations, and renters significantly impacted by the COVID-19 emergency. Since the launch of the Berkeley Relief Fund, Berkeley has received more than \$680,000 in grants and philanthropic donations to complement the city's initial \$3 million.

On March 30, the City announced the first phase of the Berkeley Relief Fund program; the Berkeley Business Continuity Grants, an allocation of \$1 million to help mitigate COVID-19 related financial losses suffered by small businesses. Through this program, grants of up to \$10,000 are available to Berkeley-based small businesses and nonprofits to enable continuity through and/or beyond the COVID-19 pandemic.

As of April 7, the Office of Economic Development had received over 1000 applications for relief through the Berkeley Business Continuity Grants program, testimony to the great number of needs in Berkeley. While the Fund continues to raise philanthropic donations and will provide vital assistance to hundreds of small businesses, it is clear that the needs of our local businesses will exceed the City's capacity.

In addition, the State of California and the U.S. Small Business Administration (SBA) are providing financial assistance to small businesses impacted by COVID-19. While these programs should be helpful, they also do not have enough funds to support the medium-term recovery of all small businesses needing help in the State or nation. Nor are the cash funds immediately ready for distribution.

As Berkeley looks to the next phase of relief, it is crucial to put in place all possible measures to help sustain our small businesses as they recover from the COVID-19 shutdown. Private capital, which is more abundant than the amount of public capital that is likely to be made available locally or nationwide, can and should be a resource for viable small businesses. The City of Berkeley can play an essential role in assuring that private capital is brought forward to support our communities and that terms for repayment of debt are not so burdensome that they threaten long term viability of our local small businesses.

A proposal by faculty and students at the Sustainable and Impact Finance Initiative of the Haas School of Business at the UC Berkeley -- the Save Our Small (SOS) Business Loan Fund -- would create a product that the City of Berkeley could offer in tandem with

the Berkeley Business Continuity Grants program, as well as other public grant and loan programs. The initiative is led by a group of experts in the field of small business finance and economics at the Haas School, including Adair Morse, Associate Professor of Finance; Laura D. Tyson, Distinguished Professor of the Graduate School and Faculty Director at the Institute for Business and Social Impact; and Ben Mangan, Executive Director of the Center for Social Sector Leadership.

While many details remain to be explored, the basic elements of the proposed SOS Business Loan Fund are straightforward. Private investors would pool their capital with public dollars in a ratio based on the risk associated with loans to be made. Traditional bank loans to small businesses typically have a failure rate of at least 10%.¹ Assuming a higher failure rate for loans to be made by the SOS fund (e.g., 20%), private investors would contribute approximately 80% of funds and the City of Berkeley would contribute approximately 20%. Loans from the SOS Fund would then be made to viable small Berkeley businesses, based on pre-agreed viability and loan criteria.

Repayment of the loans would go first to private investors, with the City's claim for repayment subordinate. This arrangement would have the effect of providing a deep cushion or "guarantee," allowing the City (or another public agency — possibly the State) to provide a great deal of security to private investors and make possible very low interest rates for borrowers; likely between 0 and 2%.

While the City would take a significant risk with respect to these loans, participation as a quasi-guarantor in the loan pool would also support the availability of significantly more capital than the City could ever deploy on its own. In the above scenario, each Berkeley dollar invested in the fund would be matched 4:1. Should the City, for example, be able to invest \$3 million, private investors would provide an additional \$12 million, creating a fund with a total of \$15 million available to lend to local businesses.

The City's most significant benefit from creation of, and participation in, the loan fund would be the long-term positive impacts on the local economy and, by extension, the City's tax base. The upside for private investors would be capped at one-time repayment of their loaned capital, with interest. By contrast, while the City may be repaid for some (but not likely all) of its own relatively small amount of loaned capital and interest, it will reap 100% of the long term benefits of the full \$15 million in local investments, in perpetuity.

RECOMMENDATIONS FOR IMPLEMENTATION

The City Manager should work with partners at UC Berkeley's Haas School of Business and other experts to evaluate the cost/benefit to local businesses, and to the City of Berkeley, of implementing an SOS Loan Fund based on this proposal, while pursuing a variety of relationships and structures that would support creation of such a Fund. Should the analysis show strong value in establishing the SOS Loan Fund, and viable

¹ <https://fitsmallbusiness.com/sba-statistics-lending/#California>

relationships and structures be developed, the City Manager should move forward to create the SOS Loan Fund as quickly as possible.

FISCAL IMPACTS

This item is a referral to explore creation of a new low-interest loan product to support Berkeley's small businesses as they recover from the economic crisis created by COVID-19. The only costs associated with the item at this time are staff time to rapidly explore and, if feasible, pursue the creation of a special structured financial recovery loan fund.

Should the City Manager determine that creation of the SOS Business Loan Fund is feasible and in the interests of the City, monies may be allocated to the fund through the budget process by the City Council. The amount of funds proposed for allocation to the SOS Business Loan Fund and the risk associated with repayment of loans will be determined and proposed by the City Manager. Should the fund be launched, and significant private capital attracted to leverage the City's investment, the City will benefit from repayment of some of its loaned capital and from the full combined public/private investment in restoration of the City's economic sector, preserving and enhancing the City's tax base and financial viability over the long term.

CONTACT INFORMATION

Vice Mayor Sophie Hahn, Council District 5, 510-981-7150 (ofc); 510-682-5905 (cell)

ATTACHMENTS

1. Save-our Small (SOS) Business Loan Fund - A Proposal from the Sustainable and Impact Finance Initiative, Haas School of Business, University of California, Berkeley Professors Adair Morse, Laura Tyson, and Ben Mangan
2. Letter from the Berkeley Chamber, Downtown Berkeley Association, Telegraph Business Improvement District and Visit Berkeley

March 22, 2020

Save-our Small (SOS) Business Loan Fund - A Proposal

Sustainable and Impact Finance Initiative, Haas School, University of California, Berkeley Professors
 Adair Morse, Laura Tyson, and Ben Mangan

Setting:

The shock of the coronavirus shutdown on local economies everywhere has left small businesses and their workforces in peril.

- **Small Business peril & existing programs**
 - Many municipal programs are already helping small businesses to keep the lights on, but in the medium term, small business survival will require more capital.
 - The Federal programs are helpful, but even the small business loan allocation in the \$2 trillion stimulus bill is not enough funds to support medium-term small business survival.
 - In addition to these (and other) short-term survival programs, the small business sector's needs for a low interest (1-2%) loan product are large. Working capital simply will not exist for *viable* establishments to re-start.
 - Note that it is imperative to support viable looking-forward business, that can in turn support our overall economy through owner successes, employee wages, and return on property.
- **Municipalities quandary:**
 - Municipalities face four major constraints:
 - i. a lack of liquid funds for a far-reaching small business loan program,
 - ii. a future financial constraint on debt
 - iii. a design constraint on their ability to implement such a program with repayment terms that are not so onerous that they do not cause borrowers to become insolvent.
 - iv. (some municipalities) an implementation technology constraint
 - Yet municipalities face an economic (future revenues) and moral necessity to provide liquidity into the small business / workforce. Ex post to this crisis, a government needs to have supported the small business sector that will be viable through this crisis and thus provide an economic base for government revenues and to inhibit spillover decline on the community economic generation and property value.
- **Investors quandary:**
 - We view the SOS Bond as a “*A Liberty Bond*” for COVID-19. It would be marketed as such. Investors would be attracted to the idea.
 - However, for financial investors, a low interest, fixed-income-like product to support recovery would have to be largely de-risked to attract capital that these rates.

Product:

What we are proposing is a product that the municipality could offer in tandem with any current grants or loan programs. The design of the loan product would not be a replacement to any federal or SBA lending, but rather a supplemental source of capital for small business. The municipality (and any State or Federal programs) would need to de-risk the product and enable the raising of capital and greater participation of constrained cities.

The ideal product would be available for shutdown-ending data and contain features (adjustable) that include:

FINANCIAL PACKAGE	QUALIFICATIONS	PRIVATE INVESTORS
Term loan of 5 years @2% interest rate	Employees of 1-50 to qualify	Have seniority in receiving payments up to getting capital invested back
Loan sizes up to a working capital need for 3 months (“summer 2020”)	Viability requirements (underwriting that the business has likelihood of survival 2 years forward)	Granted warrants that convert to a small portion of the equity of the small business
Grace period on payments of 6 months	Employment-retaining requirements	(Warrants may include a buy-back clause)

We further offer the Berkeley-Haas Sustainable Finance ecosystem to help municipalities design the terms of their Save-our-Small Business Loan Funds and to build the viability assessment model on which loan decisions would depend.

Authors and Contributors to the Design:

Ben Mangan
Professional Faculty & Executive Director, Center for Social Sector Leadership, Haas School, UC Berkeley

Adair Morse
Soloman P. Lee Chair in Business Ethics and Associate Professor of Finance, Haas School, UC Berkeley

Scott Pinkus
Advisory Board, Sustainable & Impact Finance, Haas School, UC Berkeley & Retired Partner, Goldman Sachs

Julia Sze
Professional Faculty, Haas School, UC Berkeley & Career Impact Investor Entrepreneur and Asset Manager

Laura Tyson
Distinguished Professor of the Graduate School, Haas School, UC Berkeley & Former US President’s Council of Economic Advisors



VIA EMAIL
March 13, 2020

Mayor Jesse Arreguin and City Council
City of Berkeley
2180 Milvia St.
Berkeley, CA 94704

To the Mayor and Berkeley City Council,

As you know, Berkeley is a city of small businesses; many of whom have already seen a 25-75% drop in gross receipts since the COVID-19 outbreak as compared to this time last year. The situation is quickly going from bad to worse, with many of our arts and entertainment venues having closed or likely needing to close soon. Many small businesses, nonprofits, arts organizations, and other businesses do not have a cushion in their budget to weather this type of pandemic. It is incumbent upon the City of Berkeley to do what is necessary to help these businesses survive the economic impact of this unprecedented crisis. Hence, we request that the City immediately consider taking the following measures, similar to action recently taken in New York City and San Francisco:

1. Defer, discount or waive (or even refund, or do not deposit recent) business taxes and fees (for nonprofits where applicable) including garbage collection, health inspection, and business license fees.
2. Start a fund for small business and nonprofits with grants for up to \$10,000 to provide immediate relief (e.g., with fewer than five employees and up to 40% of payroll costs for two months).
3. Provide interest-free loans up to \$75,000 for businesses and nonprofits with 25% or more drop in gross receipts, if SBA loans prove insufficient in timing, amount or rate.
4. Request that the Governor declare an economic emergency disaster to activate immediate SBA loans and defer payroll and other taxes.
5. Seek unemployment benefits and additional support at the local, state and federal level for employees and contract workers with significant loss of income.
6. Establish a moratorium on new business regulations (e.g., Fair Workweek, Healthy Checkout, etc).

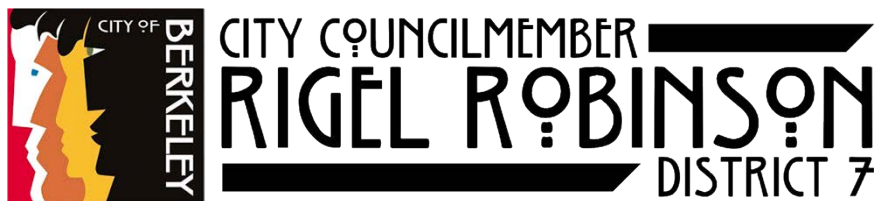
Sincerely,

Kirsten MacDonald, CEO
Berkeley Chamber

John Caner, CEO
Downtown Berkeley
Association

Alex Knox, Executive Director
Telegraph Business
Improvement District

Barbara Hillman, CEO
Visit Berkeley



CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council
From: Councilmembers Rigel Robinson and Ben Bartlett
Subject: Resolution: No Police Revolving Door

RECOMMENDATION

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

POLICY COMMITTEE RECOMMENDATION

This item received a positive recommendation from the Public Safety Committee, with an amendment that addresses concerns from the Police Review Commission by striking “or two unsustained complaints by different complainants” from the BPD Policy 1000 language.

On July 20, 2020, the Public Safety Committee adopted the following action: M/S/C (Robinson/Wengraf) to send the item, amending Section 1000.6.1 by removing two unsustained complaints by different complainants, with a positive recommendation to the City Council. Vote: All Ayes.

BACKGROUND

Senate Bill 1421, which went into effect in 2019, allows the public and the press to access police misconduct records that were previously undisclosed.¹ In the process of reviewing this data, new light has been shed on the “revolving door” of police brutality, in which police officers fired for misconduct are simply re-hired by another jurisdiction.

A San Jose State police officer, fired in 2017 for excessive use of force, was then hired by the Los Gatos-Monte Sereno Police Department. An Alameda County deputy sheriff, fired in 2015 for soliciting prostitution and filing a false police report, was later hired by the Pinole Police Department.² An SFPD officer resigned one day before the Internal Affairs division ruled to discipline him for his fatal shooting of Luis Gongora Pat, a homeless man.³ He was immediately hired by the Antioch Police Department, escaping the 45-day suspension and any consequences for his actions.

¹ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1421

² <https://www.mercurynews.com/2019/07/23/editorial-records-expose-revolving-door-for-bad-california-cops/>

³ <https://www.nbcbayarea.com/investigations/sf-officer-jumps-to-another-department-before-being-disciplined-for-a-shooting/2304029/>

This revolving door phenomenon raises serious concerns about the ability of police departments to maintain accountability, create trust in the community, and eliminate police brutality and misconduct. Given the longstanding history of racial bias in policing and use of force nationwide, public trust is already badly damaged between law enforcement and many communities of color, particularly Black communities.

Furthermore, officers with histories of misconduct often cannot carry out a key part of their job: testifying in court. In *Brady v. Maryland* (1963), the Supreme Court ruled that prosecutorial suppression of evidence that could benefit the defendant violates the Due Process Clause of the Fourteenth Amendment.⁴ Police officers' credibility can be called into question if they have a documented history of misconduct or dishonesty, which can jeopardize their testimonies and entire cases.

San Francisco Supervisor Shamann Walton introduced a resolution on June 2, 2020, attached below, "urging the city's Civil Service Commission to prohibit the Police and Sheriff's Departments from hiring law enforcement personnel with histories of serious misconduct."⁵

The City of Berkeley should follow suit by adopting the attached resolution and amending BPD Policy 1000, "Recruitment and Selection," to prohibit the hiring of any police officer who has a history of serious misconduct or who has previously resigned in the midst of a serious misconduct investigation.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Attachments:

1: Resolution

2: BPD Policy 1000 "Recruitment and Selection"

https://www.cityofberkeley.info/uploadedFiles/Police/Level_3_-_General/1000%20Recruitment_and_Selection.pdf

⁴ <https://www.law.cornell.edu/supremecourt/text/373/83>

⁵ <https://www.sfchronicle.com/bayarea/article/SF-supervisor-wants-a-ban-on-hiring-of-police-15311973.php>

3: Proposed San Francisco Resolution

<https://sfgov.legistar.com/View.ashx?M=F&ID=8582276&GUID=8C81E0F1-7BDA-4F2D-888E-F90F6E1807A5>

4: Berkeley Police Review Commission Referral Response

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

BANNING THE HIRING OF POLICE OFFICERS WITH A HISTORY OF SERIOUS MISCONDUCT

WHEREAS, the Berkeley Police Department (BPD) is entrusted with keeping all community members in the City of Berkeley safe and enforcing laws; and

WHEREAS, all residents of Berkeley equally deserve to feel safe when interacting with police and should be able to trust that the officers tasked with protecting them have no prior history of excessive force, racial bias, or other significant misconduct; and

WHEREAS, there is a national crisis over repeated instances of police brutality and killings of Black people and persons of color; and

WHEREAS, there is a longstanding history of racial bias in policing nationwide, especially towards Black people; and

WHEREAS, George Floyd, a Black man, was killed by a Minneapolis Police Officer who kneeled on his neck for over eight minutes while he struggled to breathe and who had 17 prior complaints against him, had been responsible for multiple officer-involved shootings, but was permitted to remain on the police force; and

WHEREAS, the Council of the City of Berkeley acknowledges that communities of color have borne the burdens of inequitable social, environmental, economic, and criminal justice policies, practices, and investments, and that the legacy of these injustices has caused deep racial disparities throughout the juvenile justice and criminal justice system; and

WHEREAS, members of the public cannot fully trust law enforcement officers or feel safe if they are uncertain whether an officer with whom they interact had a prior history of significant misconduct or abuse; and

WHEREAS, it is difficult, and in some cases prohibited, especially under California law for members of the public to know about prior complaints or findings related to law enforcement officer misconduct; and

WHEREAS, public trust, including in the City of Berkeley, is badly damaged between law enforcement and many of the communities they serve, particularly communities of color; and

WHEREAS, the Council of the City of Berkeley aspires to hold the Berkeley Police Department to the highest standard of professionalism and integrity.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Berkeley Police Department Policy 1000 be amended as follows:

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Berkeley Police Department and that are promulgated and maintained by the Personnel and Training Bureau.

1000.2 POLICY

In accordance with applicable federal, state and local law, the Berkeley Police Department provides equal opportunities for applicants and employees, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Professional Standards Division Captain should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Professional Standards Division Captain shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681et seq.)
- (g) Local, state and federal criminal history record checks
- (h) Computer Voice Stress Analysis (CVSA) exam (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Hiring authority review
- (k) Records of police misconduct

1000.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Berkeley Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 111105).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Professional Standards Division Captain shall not require candidates to provide passwords, account information or access to password-protected social media accounts (Labor Code § 980).

The Professional Standards Division Captain should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Professional Standards Division Captain should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from private social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Berkeley Police Department or is transferred to a different department within the City as provided in 11 CCR 1953(f).

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public

- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.6.1 DISQUALIFICATION FOR PAST MISCONDUCT

Notwithstanding section 1000.6 of this Policy, a candidate shall be immediately disqualified if:

- (1) The applicant has been the subject of a sustained finding against the applicant by any law enforcement agency or oversight agency, following an investigation and opportunity for administrative appeal by the applicant, that the applicant, while employed as a peace officer, engaged in serious misconduct, which includes but is not limited to the following: use of excessive force, racial bias, sexual assault, discrimination against any person or group based on race, gender, religion, nationality, or sexual orientation, or dishonesty directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence; or
- (2) The applicant resigned or retired from their employment as a peace officer in any jurisdiction during the pendency of a disciplinary proceeding related to alleged serious misconduct by the applicant while they were employed as a peace officer, and the proceeding was suspended or terminated as a result of the applicant's resignation or retirement, until such a time that the applicant has been exonerated for the pending allegation.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code §1029; Government Code § 1031; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel and Training Bureau should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship
- (c) At least 21 years of age at time of appointment

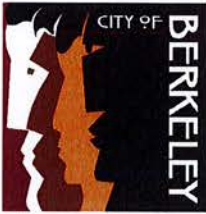
- (d) Fingerprinted for local, state and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR1953)
- (f) High school graduate, passed the GED or other high school equivalency test and completed at least 60 college semester units or 90 college quarter units
- (g) Free from any physical, emotional or mental condition which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Candidates must also satisfy the POST selection requirements, including (11 CCR1950 et seq.):
 - 1. Reading and writing ability assessment (11 CCR 1951)
 - 2. Oral interview to determine suitability for law enforcement service (11 CCR1952)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1000.7.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical and psychological evaluation (11 CCR 1960)



Police Review Commission (PRC)

July 2, 2020

To: Honorable Mayor and Members of the City Council
Through the Public Safety Policy Subcommittee
From: Kitty Calavita, ^{KC/MSD} Chairperson, Police Review Commission
Re: Referral Response: Resolution on No Police Revolving Door

Thank you for seeking the feedback of the Police Review Commission regarding Councilmember Robinson's proposed resolution amending Berkeley Police Department Policy 1000, which would ensure that a candidate's history of serious misconduct and the act of previously resigning in the middle of a serious misconduct investigation will immediately disqualify the candidate from recruitment and selection by the Berkeley Police Department.

The PRC discussed proposed section 1000.6.1, Disqualification for Past Misconduct, at its June 24, 2020 meeting, and voted to support Councilmember Robinson's suggested provision with the caveat that the Police Review Commission has concerns about the language regarding two unsustained complaints. The PRC believes that greater discretion may be necessary in such cases.

The above sentiments passed on the following vote: Moved/Seconded (Mizell/Calavita) – Ayes: Calavita, Chang, Leftwich, Mizell, Perezvelez; Noes: Mikiten, Ramsey; Abstain: None; Absent: Allamby

cc: Dee Williams-Ridley, City Manager
David White, Deputy City Manager
PRC Commissioners



CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council
From: Councilmembers Rigel Robinson and Ben Bartlett
Subject: Resolution: Opposition to Proposition 20

RECOMMENDATION

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

BACKGROUND

In recent years, California voters and state elected officials have repeatedly chosen restorative justice and rehabilitation over “tough on crime” policies. In 2011, Governor Brown signed AB 109, the Public Safety Realignment Act, which shifted responsibility for certain offenders from the state prison system to the county level. This allowed judges to sentence offenders to county jail time, mandatory supervision, community service, substance abuse treatment, and other alternatives instead of prison time.¹

In 2014, California voters approved Proposition 47, which retroactively reduced the charge for nonserious, nonviolent crimes from a felony to a misdemeanor for defendants without a history of certain convictions.² In 2016, voters passed Proposition 57, which created an incentive system for rehabilitation and allowed for early parole consideration of certain nonviolent offenders.³

These criminal justice reforms reduced recidivism rates and shifted hundreds of millions of dollars from failed prisons back to local communities, funding programs for trauma recovery, mental health, substance abuse, and at-risk students.⁴ Proposition 47 also paved the way for California to reduce its prison population and end contracts with private, out-of-state prisons.⁵

¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB109

² <https://aizmanlaw.com/proposition-47/#:~:text=Proposition%2047%20was%20passed%20into,offenses%20or%20certain%20gun%20crimes>

³ <https://www.cdcr.ca.gov/proposition57/>

⁴ https://www.ppic.org/wp-content/uploads/r_0618mbr.pdf

⁵ <https://www.kqed.org/news/11796149/voter-approved-criminal-justice-reform-expected-to-save-state-over-122-million>

Proposition 20 would repeal key aspects of each of these three reforms.⁶

- It would make certain offenders ineligible for early parole, undermining the rehabilitation progress made by Proposition 57 and preventing incarcerated people from adequately preparing for their release back into the community.
- It would recategorize low-level crimes such as petty theft as felonies, reversing Proposition 47. This would result in an explosion in our prison population and a severe loss of funding for public safety community services.
- It would return people to prison for noncriminal violations of parole. The passage of AB 109 led probation and parole departments to utilize graduated sanctions for violations, which allowed for accountability without sending people back to prison. By implementing a tougher penalty system, Proposition 20 would needlessly increase surveillance and imprisonment.
- It would require people who were charged with misdemeanors instead of felonies as a result of Proposition 47 to give their DNA to state and federal databases.

This initiative aims to return California to the era of its “tough on crime” policies, which have no proven effect on crime rates. Proposition 20 would disproportionately incarcerate Black and brown Californians, increase prison spending at the expense of community programs, and increase recidivism by obstructing access to rehabilitation.

FINANCIAL IMPLICATIONS

According to the California Legislative Analyst’s Office and Director of Finance, Proposition 20 would create significant costs at a time when state and local governments face severe budget deficits due to the COVID-19 pandemic and economic recession. The fiscal impact statement reads as follows:

- “Increased state and local correctional costs likely in the tens of millions of dollars annually, primarily related to increases in penalties for certain theft-related crimes and the changes to the nonviolent offender release consideration process.
- Increased state and local court-related costs of around a few million dollars annually related to processing probation revocations and additional felony theft filings.
- Increased state and local law enforcement costs not likely to exceed a couple million dollars annually related to collecting and processing DNA samples from additional offenders.”

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

⁶ <https://www.sos.ca.gov/elections/ballot-measures/qualified-ballot-measures/>

Attachments:
1: Resolution

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

OPPOSITION TO PROPOSITION 20 ON THE NOVEMBER 2020 BALLOT

WHEREAS, Proposition 20 would authorize felony charges for repeat or organized petty theft, require tougher penalties for noncriminal parole violations, expand DNA collection for people convicted of certain nonviolent crimes, and exclude those who have been convicted of domestic violence and certain nonviolent crimes from early parole consideration; and

WHEREAS, this initiative would repeal key aspects of critical criminal justice reforms approved by California voters and the Legislature, namely the Public Safety Realignment Act (2011), Proposition 47 (2014), and Proposition 57 (2016), which have decreased incarceration and recidivism rates, prison spending, and reliance on private prison contracts; and

WHEREAS, this initiative would create costs in the tens of millions of dollars for law enforcement, corrections, and court systems at a time when local and state governments are reckoning with the failure of these systems to protect Black and brown people, in addition to facing severe budget deficits due to the COVID-19 pandemic; and

WHEREAS, “tough on crime” policies have been proven over and over again to be ineffective in reducing crime rates, and focusing on rehabilitation and education while diverting funding from mass incarceration towards mental health, trauma recovery, and addiction services better meets community needs; and

WHEREAS, in California, Black men are incarcerated at ten times the rate of white men and Black women at five times the rate of white women, and any additional investments in mass incarceration and the prison-industrial complex would disproportionately impact Black communities and other communities of color.

THEREFORE BE IT RESOLVED that the Council of the City of Berkeley opposes Proposition 20 on the November 2020 ballot.

BE IT FURTHER RESOLVED that copies of this Resolution shall be sent to Assemblymember Buffy Wicks and State Senator Nancy Skinner.



CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council
From: Councilmember Rigel Robinson
Subject: Chancellor's Community Partnership Fund Grant for Paid Internships

RECOMMENDATION

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

BACKGROUND

In any given year, dozens of students intern with the City of Berkeley. These students are typically not paid, not aligned with a formal school-based public service program, and may not receive adequate support in preparing for their internship. The shortage of paid internships, not just in Berkeley but in the public sector as a whole, dictates which students can and cannot afford to gain valuable public service experience. Low-income, underrepresented students of color are often excluded from career-building opportunities, and public entities are unable to benefit from the expertise and lived experiences they bring to the table.

College students face an average of \$37,172 in student debt,¹ and 69 percent say they cannot afford to take an unpaid internship.² As tuition and housing costs rise and student debt grows, it is becoming less and less feasible for students to partake in unpaid internships in exchange for professional work experience.

In June 2019, the Council adopted a budget that included \$13,500 of annual funding for paid internships in the Mayor and Council offices. Given the success of this effort, our office collaborated with the ASUC, the Public Service Center, and the Institute for Governmental Studies to seek additional funding for an expansion of the Public Service Center's Public Service Internship (PSI) program into the summer.

High school and college students who are accepted into this 10-week program will be paid minimum wage to intern for various City departments and offices. Additional information about the proposed program can be found in the attached grant application.

¹ <https://www.nitrocollege.com/research/average-student-loan-debt>

² <https://thehill.com/opinion/finance/387537-unpaid-internships-unfairly-favor-the-wealthy>

FINANCIAL IMPLICATIONS

This grant provides \$15,000 in funding for paid internships, which will be deposited into the One-Time Grant Fund and appropriated as part of the Annual Appropriations Ordinance (AAO) process.

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Attachments:

- 1: Resolution
- 2: CCPF Grant Award Letter
- 3: CCPF Grant Application

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

ACCEPTING A \$15,000 GRANT FROM THE UC BERKELEY CHANCELLOR'S
COMMUNITY PARTNERSHIP FUND TO FUND PAID CITY INTERNSHIPS FOR HIGH
SCHOOL AND COLLEGE STUDENTS

WHEREAS, the Chancellor's Community Partnership Fund has awarded the City of Berkeley, the ASUC, the Public Service Center, and the Institute for Governmental Studies a grant in the amount of \$15,000 to fund paid City internships; and

WHEREAS, the shortage of paid internships in the public service sector poses a significant barrier to low-income students, many of whom cannot afford to work a full-time, unpaid internship; and

WHEREAS, these students, who are disproportionately underrepresented students of color, are then unable to access valuable experiences that they can use to further their public service careers and secure paid work in the future; and

WHEREAS, in June 2019, the Council adopted a FY 2020 & 2021 budget that included \$13,500 of annual funding for paid internships in the Mayor and Council offices, demonstrating the City's commitment to providing public service opportunities for low-income, underrepresented students; and

WHEREAS, this additional grant funding would create paid internship positions across City departments, agencies, and elected offices, further expanding the range of opportunities offered by the City; and

WHEREAS, this initiative would further the goals of *Berkeley's 2020 Vision: Equity in Education*, which seeks to eliminate racial disparities in academic achievement in Berkeley public schools; and

WHEREAS, as outlined in the grant application, the City of Berkeley as the primary community partner is responsible for implementing the proposed project and fulfilling the terms of the grant, including accepting and dispersing the funds; and

WHEREAS, these funds shall be deposited into the One-Time Grant Fund and appropriated as part of the Annual Appropriations Ordinance (AAO) process.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council accepts the grant from the Chancellor's Community Partnership Fund in the amount of \$15,000.

Dear Councilmember Robinson, Executive Affairs Vice President Imai and staff,

On behalf of Chancellor Carol Christ and the Advisory Board of the UC Berkeley Chancellor's Community Partnership Fund, I am pleased to let you know that your proposal, Cal in Local Government: Summer program has been awarded a grant in the amount of **\$15,000**.

The Fund received many worthy proposals, representing a wide range of community and neighborhood groups partnering with university faculty, staff, and students to address important community needs. This year's applicants were highly competitive and the Advisory Board members had a difficult time deciding on the best mix of grants to receive an award during these unprecedented times. The Advisory Board recommended your proposal to receive an award because we believe it will significantly enhance the quality of life in Berkeley while strengthening partnerships between the university and community during a time when the coronavirus has impacted nearly every part of our community.

CORONAVIRUS-19 ADAPTATIONS

The Advisory Board is also very aware that the coronavirus pandemic and public health restrictions will likely impact your partnership and wants to support your ability to adapt and succeed. **Please include in your confirmation of acceptance any adaptations you intend to make to meet the challenges posed by the coronavirus and to ensure the safety of the Berkeley community.**

You can simply update the adaptations you have already shared with the Board. Once your partnership begins, please keep GCR Associate Director Jen Loy and I apprised of any additional adaptations you might need to make, including the need for an extension of the grant period and reporting deadlines (see attached Terms and Conditions for more information.) Please note, the Advisory Board is prepared to grant extensions during these extraordinary times.

CONFIRMATION OF ACCEPTANCE AND SIGNATURES

In order to confirm your acceptance of a partnership grant you will need **to agree to and sign the Terms and Conditions document** (attached) and provide the required updates and appendixes (including the above mentioned coronavirus adaptations). This document will need to be signed by the primary community and university partners (and fiscal sponsor, and university staff/faculty partner if applicable) and then sent to UC Berkeley via email to calpartnershipfund@berkeley.edu or, if need be, mailed to Government and Community Relations, 2200 Bancroft Avenue, Berkeley, CA 94720-4204. The Terms and Conditions document will then be signed by the Chancellor and an electronic copy of the completed document will be sent to you for your records. Funds cannot be released until we have received this document and required updates and appendixes. *Please note, in the case of this program, we need to discuss to whom we are releasing the funds. Jen will reach out under a different email subject line.*

UPDATED BUDGET WORKSHEET AND NARRATIVE

If you accept the grant award for an amount different from that request in your full application, you will also need to **submit a revised budget worksheet and narrative** detailing how you will use the money. Please also **be sure to comply with any additional requirements or conditions** that are noted above and in the appendices to the Terms and Conditions document.

UC BERKELEY VENDOR STATUS

As well, the community partner or fiscal sponsor must be **an approved UC Berkeley vendor**. If this is not yet the case, download the vendor form, fill it out and email it to thesmith@berkeley.edu and calpartnershipfund@berkeley.edu at your earliest convenience. Please indicate in your subject line this is CCPF Vendor Status email. [UC Berkeley Substitute W-9 and Supplier Information Form](#). (It is also attached). **Please return all Term and Conditions and Budget documents to the calpartnershipfund@berkeley.edu email address by July 31.**

In closing, I am pleased to join the Chancellor and the Advisory Board wishing you success with your project. We hope that the resources will be useful in advancing this important effort. If you have any immediate concerns please contact me directly at rlizardo@berkeley.edu and cc calpartnershipfund@berkeley.edu.

Warm regards,

Rubén Lizardo

Chair, Chancellor's Community Partnership Fund Advisory Board

Director, Local Government and Community Relations

University of California, Berkeley

Chancellor's Community Partnership Fund chancellor.berkeley.edu/gcr/local-community/ccpf



CHANCELLOR'S COMMUNITY PARTNERSHIP FUND
UNIVERSITY OF CALIFORNIA, BERKELEY

2200 Bancroft Avenue, Berkeley, CA 94720-4204
 Tel.: 510/642-7860 E-mail: calpartnershipfund@berkeley.edu

2020-2021 Grant Application Packet

APPLICATION DEADLINE: Monday, March 9, 2020 no later than 5:00pm
Incomplete applications will not be reviewed.

Checklist:

A complete application will consist of the following documents:

- **Grant Application (this document)**
- **2019-2020 Budget Worksheet**
- **Partnership Agreement Letters** from all community and UC partners confirming their participation in the project or program. These letters must include: 1) confirmation that the individual or organization listed has agreed to participate as a project partner; and, 2) a summary of their planned participation and role.
- **Financial Documentation:**
 - a. **Please include the primary community partner's IRS 501(c)(3) designation letter.** If the lead organization is not registered as a non-profit and/or has not attained 501(c)(3) tax-exempt status by the application due date, then a fiscal sponsor must be designated. A letter from the fiscal sponsor confirming their willingness to act as the project's fiscal sponsor must be included in the grant application.
 - b. **Please also include ONE of the following:** the primary community partner's or fiscal sponsor's organizational budget, balance sheet, or Form 990 for the current and past fiscal year (or indicate via check box on page 3 that requested information is available on Guidestar.org).

Optional Materials:

- No more than three, one-page letters of support from community members and/or other stakeholders not listed as partners may be submitted.
- No more than three pages of illustrations, maps, plans, project timelines and/or other relevant materials may also be included in the application packet.

Submission Guidelines

All applications and supporting materials should be submitted electronically (as attachments) and emailed to calpartnershipfund@berkeley.edu. All materials must be **received no later than 5:00pm on Monday, March 9, 2020.**

Naming your application:

Please use the following naming guidelines:

- If sending one PDF containing all documents, it should be named: Projectname_CCPF_FullApp
- If sending individual documents, enumerate them to match the order of the checklist above: ProjectName1_CCPFFullApp; ProjectName2_CCPFBudget; ProjectName3_CCPFLetterOrgName; etc.
- Feel free to abbreviate your unique Partnership Name.

2020-2021 Grant Application Form

Note: Click inside the boxes to input information. They will expand as you type. To use automatic checkboxes, double-click the checkbox and select “checked” in the default value list that will pop-up on your screen and click “OK.”

I. Project Information

Project/Program Title:	Cal in Local Government – Summer Program
Applicant/Primary Community Partner:	City of Berkeley
Primary University Partner:	Office of the External Affairs Vice President Associated Students of the University of California
Total Project/Program Budget:	\$35,000
Amount Requested from Chancellor’s Community Partnership Fund:	\$25,000

Please indicate program or project type (check one):

- Community Service Program
 Neighborhood Improvement Project

Fund Theme applicable to your project (check one):

- Arts and Culture
 Community Safety, Public Health and Wellness
 Economic Development
 Education*
 Environmental Stewardship

**Note: Applicants for education grants must demonstrate how program activities align with and further the 2020 Vision for Berkeley’s Children and Youth.*

Project Summary: Provide a brief description of your project. This information will be used to produce informational materials about the Chancellor’s Community Partnership Fund. Limit summaries to **150 words or less**.

In any given year dozens of students are interning with City of Berkeley agencies and offices. However these students are typically not paid, not aligned with a formal school based public service program, may not receive support in preparing for their internship. This is an equity issue, as it limits which students can and cannot afford to gain valuable public service experience. Low-income, underrepresented students of color are impacted the most negatively.

In partnership with the ASUC, the Institute for Governmental Studies (IGS), the City of Berkeley, and the Public Service Center (PSC), this grant will allow for the expansion of the current PSC public service internship program in Berkeley into the summer and strengthen it through partnerships with the ASUC and IGS. The success of this program would then be used as “proof of concept” to raise funds to establish a permanent summer internship program with the city.

II. Partner Information**Applicant/Primary Community Partner Information**

The **primary Community Partner** will be responsible for implementing the proposed project and fulfilling the terms of the grant.

Name of Community Organization	City of Berkeley
Date Founded	
Tax ID #	
Mailing Address	2180 Milvia Street, 5 th Floor Berkeley, CA 94704
Telephone Number	(510) 981-2489
Website URL	www.cityofberkeley.info
Contact Person's Name and Title	Councilmember Rigel Robinson
Contact Person's E-Mail Address	rrobinson@cityofberkeley.info
Contact Person's Telephone Number	(510) 981-7170

Primary University Partner Information

Please provide the following information for the primary University partner.

Name of Organization, Department, or Staff Unit at UC Berkeley	Office of the External Affairs Vice President Associated Students of the University of California
Mailing Address	2464 Bancroft Way #412D Berkeley, CA 94705
Telephone Number	(510) 642-1431
Fax Number	n/a
Website URL	www.asuc.org
Contact Person's Name and Title	Varsha Sarveshwar, External Affairs Vice President
Contact Person's E-Mail Address	eavp@asuc.org
Contact Person's Telephone Number	(818) 584-4678

If the **primary University Partner** is a student or student group, please include the name and contact information for the **Faculty/Staff Advisor** below.

Faculty/Staff Advisor	Sandra Bass
Title, Department/Unit	Associate Dean, Director Public Service Center
E-Mail Address	sandrab@berkeley.edu
Telephone Number	(510) 643-0326

Additional Partner Information

Please provide the following information for all active community and university partners. You may copy and paste additional tables if necessary. Student and student group partners should also provide contact information for their respective faculty and/or staff advisors.

Identification and collaboration with potential partners should take place early in the application process. UC Berkeley's Office of Local Government and Community Relations can provide assistance connecting interested applicants with potential partners. Strong, meaningful partnerships are a key element of funded projects.

Name of Organization, Department, or Staff Unit	Institute for Governmental Studies
Mailing Address	109 Moses Hall University of California Berkeley, CA 94720
Telephone Number	(510) 642-1474
Fax Number	(510) 642-3020
Website URL	www.igs.berkeley.edu
Contact Person's Name and Title	Dr. Christine Trost, Executive Director
Contact Person's E-Mail Address	ctrost@berkeley.edu
Contact Person's Telephone Number	(510) 642-4465

III. Project Description

Each applicant is required to submit a project description that includes the following three components: A) an issue statement; B) a project implementation plan, and C) a partnership summary. Project descriptions that fail to include all three components will not be considered for funding.

The total word count for the three-part Project Description should not exceed 1500 words. Below each text box we have provided an area for you to keep track of your word count. Please combine sections A+B+C and provide a total word count at the end of the Project Description section.

A. The Issue Statement and Berkeley Beneficiaries*

- Briefly explain the significant problem or need that your project or program addresses and describe how your project will benefit your target population in Berkeley.
- Based on your issue/need statement, describe your target population and the geographic area that your project will serve, including the names of neighborhoods, street boundaries, and ideally city council district. Specify the demographics of this community, including race/ethnicity, age and socio-economic status. Include how many Berkeley residents you plan to serve.

*Please note: If your program also serves non-Berkeley residents, you must clarify how Partnership Fund support will be solely dedicated to *Berkeley residents*.

Students who aspire to become public servants face significant barriers in accessing internship opportunities. Most significantly, public service internships — such as internships in local government — are usually unpaid. This limits the kinds of students who can gain from these experiences. Well-off students can often afford to work a full-time, unpaid summer internship, leaving them with valuable experience that they can use to secure paid work. Lower-income students — who, disproportionately, are underrepresented students of color — are often excluded from unpaid summer internships as they must use their time to work for pay. Though the City of Berkeley allocated \$10,000 in its latest budget to support paid interns, that alone is not enough to fund the dozens of interns that support our local government on a daily basis.

Our project will fund paid summer internships for 10 students attending Berkeley high schools (rising juniors and seniors only), Berkeley Community College, and the University of California, Berkeley. We will give priority to students who are traditionally underrepresented in public service: low-income students and students from underrepresented communities of color. Exposing a diverse class of interns to the policy process early in life is crucial to promoting diversity in our future leaders. Thus, this project acknowledges and furthers the Berkeley 2020 vision: Equity in Education.

Issue Statement word count: 211

B. The Project Implementation Plan

The Fund strongly encourages well-organized, results-oriented projects and programs. Please explain the following:

- How you plan to implement your project and describe the outcomes you expect to accomplish.
- How you deliver the desired community outcomes.
- The program strategies you will employ and why.
- If your project or program partners with UC students, please describe intended learning outcomes they will achieve through their participation.
- Include a timeline and key milestones as appropriate.
- When possible, include the measurements you will use to evaluate whether the project or program has been successful in achieving its objective(s).

This project would launch in summer 2020 or summer 2021, depending on what is most feasible.

The Internship Program Structure

- 10 week program (approx. June 1 - Aug 7)
- 6 hours per day at a city site,
- 1 brown bag "learning session" each week with a city leader
- Interns will be paid minimum wage (\$15.59) for 30 hours per week. ASUC/PSC would utilize CCPF grant funds to pay half (\$7.85); City of Berkeley agencies and offices would pay the other half.
- Cost per intern would be approximately \$2,353 for the city agency

Working together, the City, the ASUC, the PSC, and IGS, we would publish and disseminate an application by early May. This application would require a student's transcript, two references, and two personal statements (one on the student's interest in public service, and one on how the student has persevered through adversities in their life). After the deadline, the stakeholders will form a selection committee, select and interview finalists, and then extend offers to at least 7 students to participate in the summer program. (For the UC Berkeley students from the ASUC, we are hopeful that participating in the selection process is a meaningful professional development and public service experience).

Then, we will work with the students and the City to match them with placements. These placements would include the offices of elected city officials as well as city departments and agencies. Placements would be determined by a combination of the city's needs and the students' interests. Every week, students will participate in a "brown bag lunch" with a city civil servant or elected official to learn more about their careers in public service. Students should take away from the internship both hard skills (writing, quantitative analysis, etc.) and soft skills (group work, facilitation, etc.), as well as a better understanding of how they might go about a career in public service. Students will also begin developing their professional network through their placements and brown bag lunches.

The summer internship would last for 10 weeks. At the end, students will be engaged in a facilitated reflection process and the selection committee will conduct interviews with fellows and to hear how the program was received. Placement supervisors will be send a survey form, and students will also be expected to submit a short report. This information will be used to finetune the program in future years.

The hope is that this pilot will attract ongoing dollars from donors to the university to sustain and expand this internship for the summer as well as during the school year.

Project Implementation plan word count: 338

C. The Partnership Summary

One of the main goals of the Fund is to establish and strengthen collaborative partnerships between the university and community. Use the following prompts to answer the question: What is each partner's role?

- Identify your project or program's partners and describe the extent of coordination and collaboration amongst the partners.
- What is the capacity of each partner to successfully implement this plan? You can list the partners responsible for implementing the plan and describe the experience.
- If your project or program partners with Berkeley students or UC Berkeley students, please describe intended learning outcomes they will achieve through their participation.
- How will this partnership between the Community Partner(s) and the University Partner(s) be sustained after the year-long grant? And what other benefits can be derived from the partnership?

The program has four partners: the City of Berkeley, the Associated Students of the University of California, the Public Service Center, and the Institute for Governmental Studies.

City of Berkeley agencies would provide appropriate supervision and partial financial support for interns. The ASUC, the PSC, and IGS will work together to recruit and select students, prepare students for their internships and support them throughout. All three of these stakeholders have extensive experience with running scholarships, grants, internships, and other opportunities, and disseminating them through channels that reach as many students as possible.

The students who are involved in the application process will gain important professional development and public service experience, while the students who are selected as fellows will benefit from a robust public service program that prepares them for the next steps in their careers while supporting vital city services.

Partnership summary word count: 190

Total Word Count for Project Description (sections A, B and C above). This is not to exceed 1500 words in total length. Longer submissions will not be read in full by the Board:

Total Project Description (A,B,C) word count: 720

IV. Budget Narrative

Please expand on the budget line items from the 2019-2020 Budget Worksheet. Remember that the person(s) reviewing your budget may not be familiar with your project or program. Use this narrative as an opportunity to justify and explain the costs outlined in your budget worksheet. Expenses might include as personnel, supplies and materials, fiscal sponsorship fee if applicable, etc.

Please limit your budget narrative to 500 words.

CCPF partnership funds would be used to pay approximately half of internship wages. Participating city agencies would pay the other half.

Currently, the City has allocated \$10,000 in its latest budget to pay for interns. However, as city agencies would only pay approximately \$2353 dollars for an intern for the summer, our hope is that additional city support would be forthcoming and thus more internships would be available.

Our hope is that this program will be used as a “proof of concept” to raise permanent funds through our stakeholders to establish a permanent summer internship program with the city.

Total narrative budget word count (limit to 500 words): _____

Tax Exempt Status of the Primary Community Partner (or Applicant)

Funds will be distributed **only** to tax exempt organizations qualifying under Internal Revenue Code section 501(c)(3). An applicant that is not a 501(c)(3) organization must designate one to serve as fiscal sponsor. The IRS determination letter issued to the applicant or fiscal sponsor **and** a letter from the fiscal sponsor confirming its willingness to serve in that role (as appropriate) must be attached to the application. Please indicate whether:

- The primary community partner/applicant is a 501(c)(3) organization.
- The primary community partner/applicant is not a 501(c)(3) organization and will provide fiscal sponsor information.

Fiscal Sponsor Information (if applicable)

Name of Fiscal Sponsor	Associated Students of the University of California
Tax ID #	94-0294680

Mailing Address	2465 Bancroft Way, Berkeley, CA 94720
Telephone Number	(510) 642-1431
Fax Number	n/a
Website URL	www.asuc.org
Contact Person's Name and Title	Varsha Sarveshwar, External Affairs Vice President
Contact Person's E-Mail Address	eavp@asuc.org
Contact Person's Telephone Number	(818) 584-4678

Financial Documentation

Please indicate which *ONE* of the following forms you are submitting for the current and past fiscal year for the applicant or fiscal agent.

Submitting for:

Applicant/Primary Community Partner Fiscal Sponsor

Select one of the following:

Organizational budget Balance Sheet
 Form 990 Information available at Guidestar.org

Signature

Please input your name, title and date in the following section.

By submitting this application and the supporting application materials, you are agreeing that: you are an authorized representative of the organization(s) identified on the Grant Application Form and that the information you have included in this document and other supporting application materials is to the best of your knowledge true and accurate.

Name: Varsha Sarveshwar

Title: External Affairs Vice President

Organization: Associated Students of the University of California

Date: March 9, 2020

Last Revised 1/30/2020



CHANCELLOR'S COMMUNITY PARTNERSHIP FUND

UNIVERSITY OF CALIFORNIA, BERKELEY

2200 Bancroft Avenue, Berkeley, CA 94720-4204

Tel: 510-642-7860 E-mail: calpartnershipfund@berkeley.edu

2020-2021 Budget Worksheet

Please itemize your project costs. Insert additional rows, as necessary. Itemize staff salaries, stipends paid to UC or community partners, consultants, and contract services under Personnel.

Applicant/Primary Community Partner:

Project/Program Name:

Category	Expense Type/Description	Total Project Budget	Total Requested from the Partnership Fund		
1. Supplies and Materials					
	Orientation meals	\$ 250.00			
	Other office supplies	\$ 150.00			
2. Personnel					
Berkeley Student Interns	\$15.59/hr 30 hours per week, 7 interns	\$ 35,025.00	\$ 25,000.00		
3. Travel Expenses					
4. Other Expenses (itemize)					
	<i>e.g. fiscal sponsor fee if applicable</i>				
Totals		\$ 35,425.00	\$ 25,000.00		
Other Sources of Support for the Project: please indicate whether additional sources of support are requested, received, committed, or in-kind (see example).			Amount Requested, Received or Committed		
<i>Example: Berkeley Community Development Fund (requested)</i>			\$		
City of Berkeley				\$10,000	
			\$		
			\$		
Total			\$	10,000.00	
Combined Total (Partnership Fund Plus Other Sources of Support)			\$	35,000.00	



March 9, 2020

Office of the Chancellor - University of California, Berkeley
200 California Hall # 1500
Berkeley, CA 94720

To whom it may concern,

I am writing to express my enthusiasm for the Cal in Local Government - Summer Program application up for consideration for the Chancellor's Community Partnership Fund. Student interns serve a valuable role in city hall, doing policy research and drafting legislation for consideration by the city council. Interns have a long and storied history here, with many having gone on to serve their communities in exciting ways. However, they have seldom been financially compensated for their work in the building.

Legislative internships in city hall have traditionally been unpaid. Despite the very real impacts and outcomes from students' work for the city, their labor has been taken for granted. This serves as a barrier for low-income students, who may benefit the most from meaningful work experience in local government, but cannot afford to put hours into a job that does not help them pay the bills.

Recently, this has started to change. The city council recently approved a budget item to fund one paid intern in each office. This application in partnership with the ASUC and the Public Service Center would take that work several steps further, and allocate the resources necessary to financially support interns in city hall and make the opportunity to intern more realistic for our most marginalized students.


I urge you to approve this proposal. Thank you for your consideration!

Sincerely,

A handwritten signature in black ink, appearing to read "Rigel Robinson", written over a white background.

RIGEL ROBINSON, Berkeley City Councilmember

2180 Milvia Street, 5th Floor • Berkeley, CA 94704
(510) 981-7170 • RRobinson@cityofberkeley.info

 ASUC ASUC Fiscal Year 2019-2020 Budget and Sponsorship (ABSA) ASUC Chief Financial Officer: Lucy Liu Chief Financial Officer				
ASUC Chartered Programs and Commissions				
Organization	Sponsorship Category	Years of Sponsorship	Allocation	
ASUC Mental Health Commission	GOVT		\$3,000	
ASUC Publications and Media Board	GOVT		\$10,000	
ASUC Financial Wellness Commission	GOVT		\$3,000	
ASUC Housing Commission	GOVT		\$3,000	
ASUC Sexual Violence Commission	GOVT		\$3,000	
ASUC Healthcare Justice Commission	GOVT		\$3,000	
ASUC Intercare Partner Violence Commission	GOVT		\$3,000	
ASUC Public Oversight Commission	GOVT		\$3,000	
ASUC Diversity Affairs Commission	GOVT		\$3,000	
ASUC Post-Traditional Student Commission	GOVT		\$3,000	
ASUC Sustainability Team	GOVT		\$3,000	
ASUC Student Union Programming, Entertainment, and Recreation Board	GOVT		\$0	
CarTV	GOVT		\$1,000	
Innovative Design	GOVT		\$7,200	
Halper Solar Program	GOVT		\$3,500	
Open Consulting Policy	GOVT		\$50,000	
De'ed Board	GOVT		\$5,000	
GOVT SUBTOTAL			\$94,700	
ASUC Registered Student Organizations				
Organization	Sponsorship Category	Years of Sponsorship	Allocation	
Publications (PUB) Registered Student Organizations				
B-Side, The	PUB	7	\$200	
BAFE Magazine	PUB	12	\$4,077	
Berkeley Economic Review	PUB	2	\$700	
Berkeley Politics Review	PUB	30	\$2,000	
Berkeley Poetry Review	PUB	20	\$1,520	
Berkeley Politics Review, The	PUB	16	\$8,128	
Berkeley Science Review	PUB	19	\$1,200	
Berkeley Scientific Journal	PUB	1	\$900	
Berkshon Buzz	PUB	1	\$700	
Blue & Gold Yearbook	PUB	5	\$700	
Cal Literature and Arts Magazine	PUB	20	\$2,000	
Callow Magazine	PUB	10	\$9,200	
Chin Touch	PUB	20	\$1,500	
Crab	PUB	3	\$900	
in Color Film and Visual Arts Collective	PUB	1	\$400	
Interdisciplinary Finance Journal at UC Berkeley	PUB	1	\$700	
Latino	PUB	1	\$000	
Maganda Magazine	PUB	20	\$10	
Morning Slip Out	PUB	1	\$300	
Parasitology Magazine	PUB	22	Sponsorship Only	
Policy Review at Berkeley	PUB	1	\$700	
Public Health Advocate	PUB	15	\$1,200	
Review of International Conflict and Security	PUB	1	\$700	
Small Area, The	PUB	18	\$3,000	
Spice University at Berkeley	PUB	6	\$1,200	
Synapse	PUB	3	\$400	
The Healthie Squash	PUB	20	\$7,900	
Insights (Formerly known as All-Bayern)	PUB	20	\$11,000	
Tu An Unleash Goal	PUB	11	\$2,000	
Undergraduate Journal of Classics at Berkeley	PUB	5	\$1,600	
PUB SUBTOTAL			\$68,934	
Student Activity Groups (SAG)				
Organization	Sponsorship Category	Years of Sponsorship	Allocation	
Yeshiva Jewish Fellowship	SAG	3	\$000	
180 Degree Consulting at Berkeley	SAG	4	\$000	
SD Housing and Admission at Berkeley	SAG	1	\$900	
A.S.T.C. - Astronomer's Society for Teaching Recreation and Outreach	SAG	3	Sponsorship Only	
ABA	SAG	3	\$000	
Abba Modern	SAG	3	\$000	
Abolishslavery	SAG	18	\$4,500	
Alghan Student Association	SAG	12	\$3,000	
AFPA Direct	SAG	7	Sponsorship Only	
Alpha Eta Phi Fraternity, Inc.	SAG	14	\$2,800	
Alpha Kappa Psi	SAG	9	\$1,000	
Alpha Phi Omega	SAG	24	\$4,000	
Alpha Rho Chi	SAG	1	\$400	
American Advertising Federation	SAG	4	\$400	
American Chemical Society at Berkeley Student Chapter	SAG	4	\$000	
American Institute of Architecture Students - UC Berkeley Chapter	SAG	9	\$000	
American Medical Student Association - Berkeley Pre-medical Chapter	SAG	21	\$1,000	
American Medical Women's Association at Berkeley	SAG	4	\$000	
American Physician Scientists Association at UC Berkeley	SAG	1	\$400	
Anthropology Undergraduate Association	SAG	1	Sponsorship Only	
Anti Slavery Union	SAG	8	\$1,200	
APC Respiratory Therapy	SAG	1	\$700	
American Student Association	SAG	37	\$2,400	
Arroyo ROTC Cadet Club	SAG	1	\$400	
Armed Air Society	SAG	2	\$400	
Art and Mind	SAG	2	\$400	
Arts in Residence A Cappella	SAG	5	\$700	
Asend	SAG	11	\$000	
Asian for Education, Berkeley	SAG	15	\$1,400	
Asian American Association	SAG	22	\$4,400	
Asian American Law Journal Undergraduate Fellows	SAG	1	\$400	
Assistants, Therapists, and Practitioners at Berkeley	SAG	1	\$400	
Association for Health Professional Development	SAG	10	\$1,672	
Association for Socially Responsible Business	SAG	2	\$128	
Association of Chinese Entrepreneurs at Berkeley	SAG	1	\$400	
Association of Korean Artists	SAG	1	\$400	
Austin Cosmetics (Formerly known as Kissa Cosmetics Team)	SAG	1	\$775	
Autonomous Underwater Vehicle Team at Berkeley	SAG	3	Sponsorship Only	
Awail	SAG	7	Sponsorship Only	
Babel Company at Berkeley	SAG	8	\$700	
Babel Politécnico (Babelpa de Mexico)	SAG	7	\$800	
Bangor Student Association at Berkeley	SAG	3	\$000	
Bay Area Values Research Day	SAG	1	Sponsorship Only	
BerkWal	SAG	4	\$000	
Berkeley Behr Club	SAG	24	\$700	
Berkeley Ballroom Dancers	SAG	5	\$000	
Berkeley Business Club	SAG	3	\$000	
Berkeley Certified Guide	SAG	16	\$800	
Berkeley Chinese Students and Scholars Association	SAG	13	\$2,200	
Berkeley College Republicans	SAG	24	\$1,000	
Berkeley Consulting	SAG	2	Sponsorship only	
Berkeley Energy and Resources Collaborative Undergraduate	SAG	1	\$000	
Berkeley Indonesian Student Association	SAG	5	Sponsorship Only	
Berkeley Invention	SAG	3	Sponsorship Only	
Berkeley Investment Group	SAG	1	Sponsorship Only	
Berkeley Legal Studies Organization	SAG	3	\$000	
Berkeley Model United Nations Conference	SAG	1	Sponsorship Only	
Berkeley Olympian	SAG	6	\$1,200	
Berkeley Organization for Animal Advocacy	SAG	1	Sponsorship Only	
Berkeley Tennis Association	SAG	3	\$400	
Berkeley Women in Business	SAG	16	\$800	
Black Led Team Sports	SAG	3	\$400	
Reynold Academics	SAG	3	\$300	
Big Data at Berkeley	SAG	1	\$200	
Biotech Technology Club	SAG	1	Sponsorship Only	
Engineering at Berkeley	SAG	2	Sponsorship Only	
Black Engineering and Science Student Association	SAG	5	Sponsorship Only	
Black Graduate Student Association	SAG	1	\$400	
Black Ph.D. Student Association at Berkeley	SAG	3	\$200	
Black Recruitment and Retention Center	SAG	37	Sponsorship Only	
Board Games at Berkeley	SAG	3	\$000	
Bold Ventures Partners	SAG	1	\$400	
Brilliant Student Association at Berkeley	SAG	1	\$400	
Bridge Multicultural Resource Center	SAG	23	Sponsorship Only	
BridgeUSA at Berkeley	SAG	3	\$000	
BUOP	SAG	1	\$400	
Burma Association at Berkeley	SAG	1	\$395	

Organization	Sponsorship Category	Years of Sponsorship	Allocation
Women in Computer Science and Electrical Engineering	SAG	1	Sponsorship Only
Women in Mathematics at Berkeley	SAG	6	\$500
Women in Politics at Berkeley	SAG	2	\$400
Young Americans for Liberty	SAG	1	\$400
Young Democratic Socialists of America at Berkeley	SAG	2	\$400
Zabotnik	SAG	3	\$500
SAG SUBTOTAL			\$174,472
Student-Initiated Service Group (SSG)			
100 STRONG	SSG	6	\$1,000
7 Cups at Berkeley	SSG	1	\$500
Academic Culture Environment Coaches	SSG	4	\$500
Adviser for Adviser's at Berkeley	SSG	1	\$500
Alpha Kappa Alpha Sorority Inc. Phi Chapter	SSG	3	\$500
Alpha Phi Alpha Fraternity, Inc.	SSG	17	\$1,420
Alternative Breaks	SSG	17	\$3,350
American Red Cross at Cal	SSG	19	\$6,500
American Society for Biochemistry and Molecular Biology at Berkeley	SSG	1	\$500
Alms	SSG	3	Sponsorship Only
Anti-Trafficking Coalition at Berkeley	SSG	11	\$2,000
Asian American and Pacific Islander Health Research Group	SSG	1	\$500
ASUC Student Legal Clinic	SSG	26	\$1,400
Bay Area Environmentally Aware Consulting Network	SSG	11	\$400
Be The Match On Campus at Berkeley	SSG	3	\$500
Beats for Beats	SSG	7	\$400
Beats for Palestine	SSG	5	\$2,350
Beats Without Borders	SSG	1	\$500
Berkeley Caribbean Students Association	SSG	5	\$500
Berkeley Classics Team	SSG	4	\$1,000
Berkeley Medical Reserve Corps	SSG	6	\$1,500
Best Brides at Berkeley	SSG	13	\$500
Bhagat Poon Singh Health Initiative @ Berkeley	SSG	5	\$1,200
Blue Batters	SSG	1	Sponsorship Only
Bo-Business Initiative	SSG	1	\$500
Broad Pressure Project	SSG	6	\$500
Brasport Technology for nonprofits	SSG	7	\$2,000
Burns Health Initiative	SSG	4	\$600
Breads at Berkeley	SSG	2	\$500
BRIDGE Leadership Program	SSG	1	\$500
Cal Berkeley Habitat for Humanity	SSG	20	\$2,500
Cal Community Music	SSG	34	\$420
Cal Retreat	SSG	16	\$2,000
Cal Veterans Group	SSG	11	\$3,000
California Health Professional Student Alliance	SSG	3	\$500
Camp Keweenaw Berkeley	SSG	11	\$1,000
Chemical and Life Sciences Health Education	SSG	29	\$3,500
College Against Cancer	SSG	16	\$1,500
Computer Science Mentors	SSG	4	Sponsorship Only
Creative Residences for Emerging Artists Teaching Employment	SSG	7	\$1,000
Dance Marathon	SSG	14	\$13,800
Dance the Bay	SSG	6	\$600
Delta Sigma Theta Sorority Incorporated-Kappa Chapter	SSG	18	\$1,300
Delaney With Design	SSG	1	\$400
Doctors Without Borders at Berkeley	SSG	1	Sponsorship Only
Down Syndrome Community Outreach	SSG	1	\$200
Engineers and Mentors of Berkeley	SSG	8	\$1,500
Engineers Without Borders at Berkeley	SSG	6	Sponsorship Only
ETHICAL Avenue	SSG	10	Sponsorship Only
Expanding Your Horizons at Berkeley	SSG	7	\$1,000
Financial Literacy and Economic Justice Conference	SSG	2	Sponsorship Only
GIANT Ferventale	SSG	11	\$1,800
Girl of Life at Berkeley	SSG	1	\$500
GirlUp at UC Berkeley	SSG	1	\$500
Global Medical Reserve Alliance at Berkeley	SSG	3	\$500
Goldfish at Berkeley	SSG	3	\$400
Grant A Walk at Berkeley	SSG	7	\$1,000
Growing the Grasses	SSG	7	\$300
Hands and Feet	SSG	5	Sponsorship Only
Health and Medical Apprenticeship Program	SSG	26	\$10,700
Health Leads at Berkeley	SSG	1	\$500
Helm@Berkeley	SSG	1	\$500
Hemlock Unidos	SSG	2	\$500
Hikes and Road Initiatives	SSG	1	Sponsorship Only
History Student Association at Berkeley	SSG	12	\$3,000
Indigenous and Native Coalition Recruitment and Retention Center	SSG	26	Sponsorship Only
Inventions at Berkeley	SSG	8	\$1,000
Inside the Living Room	SSG	1	\$170
Ivies Berkeley	SSG	1	\$500
Jamaa Memorial Club at Berkeley	SSG	3	\$600
Jena's Clinic	SSG	2	\$500
Katayama at Berkeley	SSG	1	\$500
Kidney Disease Screening and Awareness Program	SSG	3	\$600
Kuwait Consulate Berkeley	SSG	1	\$500
Laker Coach Program	SSG	9	\$1,000
Lakes for Change	SSG	3	\$500
Laudian Theta Alpha Lahn Sorority, Incorporated	SSG	11	\$1,500
Laudian Theta Nu Sorority, Inc.	SSG	9	\$1,200
Laudian Theta Phi Lahn Fraternity, Inc.	SSG	13	\$2,700
Laudian American Student Representatives	SSG	21	\$3,700
Laura Casaca at the University of California-Berkeley	SSG	8	\$1,500
Latin Rep. Area Mentoring Program	SSG	14	\$1,200
Lobby Day Coalition at Berkeley	SSG	3	\$500
Medical Publication Initiative	SSG	1	\$500
MEOLIFE	SSG	9	\$750
Midwest Eastern North African Recruitment Retention Center	SSG	6	Sponsorship Only
Migrant Advocacy Project	SSG	2	\$500
MOUSE: An Community Organizing Fellowship	SSG	3	\$500
Multi-Cultural Greek Council	SSG	4	Sponsorship Only
National Council of Negro Women	SSG	13	\$2,250
Oakland Area Student Educational Services	SSG	17	\$3,000
Orange Phi Beta Sorority, Incorporated	SSG	7	\$1,000
Parent Advocacy Student Group	SSG	8	\$2,000
People's Tent Preparation Service	SSG	23	\$8,250
Pi Sigma Academic Student Services	SSG	30	Sponsorship Only
Project Visions	SSG	12	\$600
Project WISE: The Berkeley Chapter	SSG	12	\$1,100
Project WISE: The Berkeley Chapter	SSG	3	\$500
Project Spreading Multiculturalism and Inspiring Leadership through Education	SSG	11	\$4,000
Public Service Internship	SSG	1	\$500
Queer Alliance & Resource Center	SSG	41	\$40,000
Race Recruitment and Retention Center	SSG	62	Sponsorship Only
REACH: Asian Pacific American Recruitment and Retention Center	SSG	23	Sponsorship Only
Reentry Legal Assistance	SSG	37	\$500
Resist Immigrant Scrutiny through Education	SSG	11	\$3,000
Sigma Phi Alpha Sorority, Inc.	SSG	10	\$1,000
Southeast Asian Mentors	SSG	11	\$1,200
Southeast Asian Prison Outreach Project	SSG	9	\$600
Southeast Asian Student Coalition	SSG	13	\$10,000
Speakers Bureau at Cal	SSG	9	\$600
Student Parent Association for Recruitment and Retention	SSG	1	Sponsorship Only
Student Parent Food Distribution Program	SSG	2	Sponsorship Only
Student to Student Peer Counseling	SSG	27	\$500
Substance Clinic	SSG	21	\$12,000
Support, Challenge and Develop for Children of Berkeley	SSG	3	\$500
T-Cat	SSG	1	\$116
Teach in Prison	SSG	10	\$1,440
Team IRVY	SSG	13	\$600
The Berkeley Group	SSG	17	\$3,000
The Berkeley Project	SSG	13	\$1,200
The Coalition for the Institutionalization of Free Menstrual Products	SSG	1	Sponsorship Only
The Music Connection	SSG	3	\$500
The PERIOD Project at Berkeley	SSG	1	\$500
The Sage Mentoring Project	SSG	7	\$600
Thawer for Charity	SSG	16	\$1,800
Three Angels Land (Berkeley Income as Trust Artist Leanne)	SSG	3	\$400
Together Educating All Children in Hospitals	SSG	1	\$500
TRINADA	SSG	8	\$2,500
UNICAF at Berkeley	SSG	17	\$500
V-City at Cal	SSG	4	\$500
VGH Medical Volunteering at Berkeley	SSG	3	\$500
Vietnamese Student Association	SSG	28	\$8,000
Volunteer Health Innovators Organization	SSG	14	\$4,000
Volunteer Income Tax Association Program	SSG	7	\$600
Volunteers Around the World at Berkeley	SSG	6	\$500

Volunteers for Medical Outreach	SSSG		5	\$2,200
Workshops	SSSG		9	Somewhat Only
You Mean More	SSSG		8	\$1,500
Youth Empowerment Program	SSSG		6	\$1,800
Youth Support Program	SSSG		24	\$60
SSSG Total				\$5,100
STUDENT ORGANIZATION CONTINGENCY FUND	FUND			\$51,542
ASUC TOTAL W/O ASUC INTERNAL BUDGET				\$1,081,304
ASUC Internal Budget				
Scholarships, Grants, and Funds		Sponsorship Category		Allocation
Academic Opportunity Fund	GRNT			\$50,000
Ada and Creativity Grant	GRNT			\$3,000
Grant Opportunity Fund	GRNT			\$2,000
Intellectual Community Grant	GRNT			\$2,000
Multiethnic Grant	GRNT			\$4,000
Outstanding Student Recognition Scholarship	SCLR			\$1,000
Public Service Grant	GRNT			\$3,000
RISE Scholarship	SCLR			\$7,500
Student Connector Grant	GRNT			\$1,400
Student Organization Travel Grant	GRNT			\$2,000
Techbook Scholarship	SCLR			\$5,000
Unreserved and Uncommitted Fall Program for Freshmen (FPF) Scholarship	SCLR			\$4,000
Unreserved Student Equity Grant	GRNT			\$1,000
SUBTOTAL				\$87,500
Office of the President		Sponsorship Category		Allocation
Chief of Staff Stipend	CP			\$2,000
President Discretionary Fund	CP			\$5,000
President Stipend	CP			\$4,000
SUBTOTAL				\$11,000
Office of the Executive Vice President		Sponsorship Category		Allocation
Chief of Staff Stipend	EVP			\$2,000
EVP Discretionary Fund	EVP			\$3,000
EVP Special Director Stipend	EVP			\$2,000
EVP Stipend	EVP			\$4,000
SUBTOTAL				\$11,000
Office of External Affairs Vice President		Sponsorship Category		Allocation
Campus Organizing Director Stipend	EAVP			\$1,000
Chief of Staff Stipend	EAVP			\$2,000
EAVP Discretionary Fund	EAVP			\$13,000
EAVP Stipend	EAVP			\$4,000
Legislative Affairs Director Stipend	EAVP			\$1,000
Legislative Conference	EAVP			\$12,000
Lobby Costs	EAVP			\$20,000
UC Student Association Dues	EAVP			\$5,142
SUBTOTAL				\$104,422
Office of the Academic Affairs Vice President		Sponsorship Category		Allocation
AAVP Discretionary Fund	AAVP			\$1,500
AAVP Stipend	AAVP			\$4,000
Chief of Staff Stipend	AAVP			\$2,000
SUBTOTAL				\$7,500
Office of the Student Advocate		Sponsorship Category		Allocation
Chief of Staff Stipend	SAO			\$3,000
SAO Discretionary Fund	SAO			\$2,300
SAO Stipend	SAO			\$4,000
SUBTOTAL				\$9,300
Seniors		Sponsorship Category		Allocation
ASUC Bookcamp	SEN			\$500
ASUC Conference	SEN			\$3,000
Seniors Leadership Institute / Seniors Meetings	SEN			\$5,000
Seniors' Discretionary Funds (\$200.00 each)	SEN			\$10,000
Seniors' Stipend (\$200.00 each)	SEN			\$10,000
SUBTOTAL				\$23,500
Appointed Officials		Sponsorship Category		Allocation
2 Student Union Board of Directors Stipend (\$100 each)	ACFR			\$200
Chief Appointed Official Support Staff Stipend	ACFR			\$2,000
Chief Communication Officer Stipend	ACFR			\$2,000
Chief Financial Officer Stipend	ACFR			\$2,000
Chief Legal Officer Stipend	ACFR			\$2,000
Chief Personnel Officer Stipend	ACFR			\$2,000
Chief Technology Officer Stipend	ACFR			\$2,000
Judicial Council Office	ACFR			\$200
Livelihoods Coordinator Stipend	ACFR			\$500
Marketing and Communications Office (Discretionary)	ACFR			\$5,500
Public Defender Stipend	ACFR			\$100
2 Undergraduate Representative - Student Union Board of Directors Stipend	ACFR			\$400
SUBTOTAL				\$18,700
Operations		Sponsorship Category		Allocation
Address	OPRS			\$0
ASUC Administrative Office	OPRS			\$67,000
ASUC End of Year Banquet	OPRS			\$3,000
Audit	OPRS			\$20,000
Bank Fee	OPRS			\$1,000
Big Ideas	OPRS			\$13,000
Capital Improvement Fund Allocation	OPRS			\$4,655
Emergency Legal Defense Fund	OPRS			\$10,000
Legal Fee	OPRS			\$32,000
Long Term Investment	OPRS			\$184
SUBTOTAL				\$119,639
Electors		Sponsorship Category		Allocation
Electors Council - 1 Tech Coordinator Stipend	ELECT			\$20
Electors Council - 2 Auditor Stipend (\$100.00 each)	ELECT			\$200
Electors Council - Assistant Chair Stipend	ELECT			\$300
Electors Council - Chair Stipend	ELECT			\$1,000
Electors Council - Chief Auditor Stipend	ELECT			\$200
Electors Council - Prosecutor Stipend	ELECT			\$300
Electors Operations	ELECT			\$5,200
SUBTOTAL				\$8,720
External Expenditures		Sponsorship Category		Allocation
DMO Insurance	GEN			\$4,000
GL Insurance	GEN			\$24,000
SUBTOTAL				\$28,000
ASUC Total Without Internal Budget				\$1,081,304
ASUC Internal Budget				\$599,685
2019-2020 General Total Allocation				\$1,680,989



Lori Droste
Councilmember District 8

Consent Calendar
September 15, 2020

To: Honorable Mayor and Members of the City Council
From: Councilmember Lori Droste and Mayor Arreguin
Subject: Preserving Our Children's Recreation Areas

Recommendation

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

1. Increase nighttime enforcement and enable the police to enforce park rules and ordinances.
2. Consider the presence of needles and feces a Public Health threat and enable the Public Health Department to cordon off areas of encampment for the purpose of clearing the areas of contamination and ensuring the areas are safe for public use.
3. Determine where additional signage is needed to clarify rules regarding camping and park hours, as well as compliance with public health orders regarding COVID, included but not limited to facial coverings.

Background

Unsanitary Conditions at Willard Park

The City of Berkeley strives to be compassionate with all residents, including those in our unhoused community. The City is also committed to ensuring all residents can safely utilize our open spaces and recreation areas. Unfortunately, over the past weeks Willard Park has experienced an increase in problematic and sometimes dangerous behavior and an increase in unsanitary conditions that endanger the health of all those utilizing the park.

Willard Park has a growing community of campers that have taken over several areas of the park that have traditionally been shared spaces for visitors and, in particular, children's recreation and outdoor activities. With the increasing unsafe conditions, numerous parents have expressed deep concern for their children's health and wellbeing, or have stopped using the park altogether. Porta potties are currently located in the park, for example, yet campers continue to relieve themselves in public areas. Last week a resident was assaulted. There have also been complaints of open fires/barbeques at the park. Neighbors to the park have reported increasing rat populations that are drawn to the area because of the ongoing trash accumulation at the park.

The City needs increased patrols in the park and to enforce the existing park rules.

Financial Implications

Staff time

Contact Information

Councilmember Lori Droste, District 8, ldroste@cityofberkeley.info



Office of the City Manager

PUBLIC HEARING
September 15, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

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

RECOMMENDATION

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

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

SUMMARY

This report outlines the proposed substantial amendment to the City of Berkeley's 2020-2025 Consolidated Plan, PY20 Annual Action Plan, and Citizen Participation Plan based

on the CARES Act (Public Law No.116-136) for Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and various waivers provided by the U.S. Department of Housing and Urban Development (HUD) in response to the COVID-19 pandemic. When possible, and in the context of our COVID-19 response, the recommendations that follow are informed by the City of Berkeley's 1,000 Person Plan and the EveryOne Home Plan to End Homelessness. The major changes to the Plans include:

- Updated Available Resources –To account for CDBG-CV and ESG-CV funds;
- Updated goals, projects and activities to direct CDBG and ESG funds in accordance with HUD guidelines for COVID-19 Response and Recovery;
- Amended Citizen Participation Plan to include an allowable 5 day comment period and virtual meetings¹; and
- Updated allocations applying waivers provided by HUD including:
 - Temporary lift of the CDBG 15% Public Service Cap for CDBG PY19 and 20 and CDBG-CV funds; and
 - Temporary, PY19 and 20, HOME funds increase for CHDO operating (up to 10%) and administration (up to 25%).

FISCAL IMPACTS OF RECOMMENDATION

The U.S. Department of Housing and Urban Development (HUD) awarded the City of Berkeley CARES Act funding in the amounts of \$1,610,805 in Community Development Block Grant (CDBG-CV) and \$808,117 in Emergency Solutions Grant (ESG-CV) round 1 and \$5,840,486 in ESG-CV round 2 for a total of \$6,648,603 in ESG-CV. These allocations are available through September 30, 2022 and are intended to directly support the City of Berkeley's work in preventing, preparing for, and responding to COVID-19. Should City Council approve the recommendations in this report, and should HUD approve the plan for the use of these CARES Act and other funds for COVID-19 response, expenditures incurred beginning July 1, 2020 will be allocated to these CARES Act funds. These funds are in addition to annual ESG and CDBG funds received by the City and will be appropriated in the First Amendment to the FY 2021 Annual Appropriations Ordinance. It is important to note that these funds, like our annual allocations, have strict reporting and documentation requirements, and are subject to annual audit.

CURRENT SITUATION AND ITS EFFECTS

The March 27, 2020 passage of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, provides \$5 billion in Community Development Block Grant-CV funds and \$4 billion in Emergency Solutions Grant-CV to be used to prevent, prepare for, and respond to the Coronavirus (COVID-19).

¹ Berkeley's current Citizen Participation Plan can be found at <https://www.cityofberkeley.info/ContentDisplay.aspx?id=12160>

HUD allocated CARES Act funds in the amounts of \$1,610,805 in CDBG-CV and \$6,648,603 in ESG-CV to the City of Berkeley to help prevent, prepare for, and respond to the impacts of the coronavirus pandemic. In order to receive the allocation of CARES Act funding, the City of Berkeley’s 2020-2025 Consolidated Plan (Plan), including the PY20 (FY21) Annual Action Plan (AAP), needs to be substantially amended to include the coronavirus response in the strategic plan goals and priorities, as well as projected outcomes and funding.²

The City is publically amending the Plan to include both CDBG-CV and ESG-CV funds. Should the City need to reallocate ESG-CV funds within eligible ESG activities, future changes to these allocations will be noticed on the City of Berkeley website. Under current ESG CARES Act flexibilities ESG funds are not subject to the consultation and citizen participation requirements that otherwise apply to the ESG funds, however, the City of Berkeley is required to publish (at minimum on the City’s website) how its allocation has and will be used.

The City reserves flexibility in how the CDBG-CV award is allocated with the primary use being for public services and the remainder to be used for housing activities.

Proposed Uses of CARES Act Funds

The Plan has been updated to include emergency response to COVID-19 as a priority goal, and the proposed funding distribution and performance measures for associated activities. The City proposes to allocate CARES Act funds as follows:

1. Berkeley Respite Program – ESG-CV, \$2.1 million

The Berkeley Respite Program is safe housing available for homeless individuals who are over the age of 65, or medically fragile and high-risk with a variety of health conditions. People eligible for the Berkeley Respite Program are identified by outreach teams in Berkeley and are placed in one of three locations: 701 Harrison Street, which houses 10 recreational vehicles (RVs), 1281 University Avenue, which houses 8 RVs, and 1654 5th Street; a four-bedroom house owned by the City of Berkeley. The City of Berkeley contracts with Berkeley Food and Housing Project to provide supportive services to the residents at these sites.

The total program cost for 18 months is shown below:

BFHP Services Contract	\$	1,142,684
Nursing Services	\$	30,000
Ongoing Costs (security, facility, etc.)	\$	953,481
Total Cost	\$	2,126,164

² The City of Berkeley 2020-2025 Consolidated Plan, including the PY20 (FY21) Annual Action Plan can be found at <https://www.cityofberkeley.info/ContentDisplay.aspx?id=12160>

Experience gained so far with the residents placed at the Respite sites indicates that a higher level of mental health supports is needed to ensure that these sites will meet the needs of the clients referred by homeless outreach teams. For this reason, the budget above includes funding for mental health services delivered by BFHP staff. The mental health services as well as health assessments will also be provided to residents living at the County Safer Ground hotels, described below. Alameda County has contracted with BFHP to provide services at the Operation Safer Ground hotels in Berkeley, which Alameda County leases. Since Berkeley is responsible for mental health services for those living within its borders, Berkeley will provide funding to BFHP to deliver these services, while providing close linkages with the City's Mental Health Division for those clients with higher care mental health needs.

2. Rental Subsidies – ESG-CV, \$2.6 million

Alameda County, through State support, has initiated Project Roomkey, opening Operation Comfort, isolation housing for symptomatic or COVID-19 infected people experiencing homelessness, as well as Operation Safer Ground, safe housing for high-risk people experiencing homelessness. Alameda County has added 69 hotel rooms at two different hotels in Berkeley to the Safer Ground hotel portfolio. Services are provided by Berkeley Food and Housing Project and referrals come from outreach teams in Berkeley via the Alameda County Safer Ground entry system. As mentioned above, the City of Berkeley will augment the services at both the Berkeley Respite sites and the Safer Ground Hotels by using ESG-CV funding to pay for mental health services provided by BFHP staff at these sites.

Berkeley staff have been meeting with other stakeholders across Alameda County to discuss how to transition the vulnerable unhoused residents who are currently living in Project Roomkey hotels once these hotels are decommissioned. The goal of this initiative, called the 100 Day Challenge, is to house 400 clients across the county with either Rapid Re-housing funds or shallow rent subsidies. Alameda County has requested that the City of Berkeley allocate \$2,112,000 in ESG-CV funding to rapidly re-house 44 Berkeley clients for 24 months residing in the North County Safer Ground Hotels who were referred from Berkeley shelters or encampments. Alameda County will enter into a contract with Abode Services to house Operation Comfort and Safer Ground participants. It is estimated that it costs \$24,000 per unit per year to provide this assistance; which includes rental assistance and housing navigation services. The City of Berkeley will pass these ESG-CV funds through the County to Abode Services for this purpose.

Staff also expect that there will be up to 15 households in the Berkeley Respite Program that will need to be rehoused at the end of the shelter in place order. HHCS staff recommend setting aside \$491,095 in ESG-CV funds to house 10

people for 24 months. The remaining 5 will be housed with Permanent Local Housing Allocation Funds, authorized for this purpose in July 2020.

3. Increased Shelter Costs Due to COVID-19 – ESG-CV, \$897,360

Due to the Shelter in Place Order, all existing homeless shelters in Berkeley are now open 24 hours per day, incurring additional staffing and meals expenses for these increased hours of service. They are also performing additional cleaning and purchasing Personal Protective Equipment. Our current estimate of funding needed to cover costs of increased daytime staffing, food, PPE and janitorial supplies for all shelters is \$897,360. These costs can be covered by ESG-CV funds.

4. Convert STAIR Center to Non-Congregate Shelter – ESG-CV, \$412,640

On June 26, 2018, the City of Berkeley opened the STAIR navigation center. STAIR offers a 45-bed (pre-COVID census), 24/7, service-rich shelter housed in a series of leased modular trailer buildings on 2nd Street between Cedar and Virginia Streets in West Berkeley. Following national best practices for low-barrier shelters, the STAIR Center provides accommodations for pets, partners, and possessions. On-site housing navigators maintain a client ratio of 20:1. Two full-time outreach workers on the STAIR staff maintain a regular presence in Berkeley's encampments and can offer one-time, light-touch flexible funds to help individuals overcome challenges and get housed directly from the streets. When vacancies occur at the shelter, outreach is the sole source for filling that vacancy. ESG-CV funds are proposed to be used to modify the STAIR navigation center physical layout to eliminate congregate sleeping dorms and replace them with up to 30 pallet shelters. Funds will be used to purchase upgraded community room and office trailers, to replace currently rented units, to enable improvements that will mitigate the risk of the spread of the COVID-19 virus and better accommodate individuals with mobility impairments.

5. Focused Equity Testing Strategy – CDBG-CV, \$1.25 million

Up to \$1.25 million shall be allocated to this program to amplify, and standardize our mobile testing program for people in Berkeley less likely to get tested through existing systems not focused on equity. This includes seniors, unhoused people, non-English speaking people, and shelter workers. This will result in a more equitable and supportive provision of over 12,000 tests with up to 10,000 individuals at highest risk of severe complications from COVID-19 infection being tested and supported through our public health system.

6. Hotel Purchase/Rehab – CDBG-CV and CDBG, \$574,642

The City of Berkeley plans to partner with Alameda County to purchase and renovate a hotel for use as future permanent supportive housing for unhoused people. Alameda County has applied to the State of California for funding under Project HomeKey, an allocation of federal CARES Act funding that must be spent

by December 31, 2020. The State expects that approximately \$100 million in funding will be available for Bay Area jurisdictions to use to acquire hotels. This effort builds on Project RoomKey. CDBG-CV and/or CDBG FY21 funds would be used for acquisition and/or rehabilitation of the hotel. While the actual amount of money need for this effort has yet to be determined, we have reserved a total of \$574,642 for this effort.

7. Administrative Funds – ESG-CV and CDBG-CV, \$1 million

ESG-CV and CDBG-CV funds come with a significant administrative burden and new programs will be created which will require additional staffing to develop, monitor, and report out. HHCS will use the administrative CV funds for the following positions:

Total Funds for Administration	\$ 1,096,472
Senior Management Analyst (2 years) <i>new</i>	\$ 384,948
Community Services Specialist III (0.9 FTE, 2 years) <i>existing</i>	\$ 359,480
Community Services Specialist II (2 years) <i>new</i>	\$ 352,044
TOTAL	\$ 1,096,472

The Senior Management Analyst will be responsible for all fiscal tracking and reporting for CARES Act funds. This position was previously approved with funding through Measure P and Measure U1 funds. We are instead funding this position for 2 years using the federal COVID Administration dollars to address the tremendous financial and administrative requirements for this funding. The CSSIII position is an existing position currently funded through the Shelter Plus Care program. The duties of this position have changed and it is now almost exclusively dedicated to the COVID-19 response and is no longer eligible to be funded through S+C funds. Savings from the Shelter Plus Care budget from this shift will be used for housing subsidies. The Community Services Specialist II will work with community partners in our COVID response and support the Admin and Fiscal requirements of this funding.

A summary of all proposed uses of revenues and expenditures is shown below:

REVENUES	ESG-CV	CDBG-CV	CDBG FY21
Allocated for Program	\$ 5,983,743	\$ 1,288,644	\$ 535,998
Allocated to Administration	\$ 664,860	\$ 322,161	\$ -
Total Revenues	\$ 6,648,603	\$ 1,610,805	\$ 535,998

PROPOSED EXPENDITURES	ESG-CV	CDBG-CV	CDBG FY21
Berkeley Respite Program	\$ 2,076,164		
Increased Shelter Costs Due to COVID	\$ 897,360	\$ -	\$ -
STAIR Conversion to Non-Congregate	\$ 412,641	\$ -	\$ -
Targeted Equity Testing Strategy	\$ -	\$ 1,288,644	
Hotel Purchase			\$ 535,998
Rental Subsidies-Safer Ground/Respite	\$ 2,597,578	\$ -	\$ -
Administration	\$ 664,860	\$ 322,161	\$ -
Total Expenditures	\$ 6,648,603	\$ 1,610,805	\$ 535,998

CARES Act Waivers

The CARES Act also authorized the HUD Secretary to grant several waivers and alternative requirements related to the use of CDBG-CV, ESG-CV, and HOME funds. These include, but are not limited to, the suspension of the CDBG 15% cap on funding for public services as found in 24 CFR 570.201(e)(1); amending the citizen participation plan to allow for a five day comment period for the Plan and AAP amendments; and allowing the option of virtual hearings requirements as in 24 CFR 91.105(a)(2) and (k) and 24 CFR 91.40I. The Amendment to the City's Citizen Participation Plan will expedite the City's current and future disbursement of funds and accelerate the City's COVID-19 recovery efforts for its residents and non-profit organizations.

In addition, HUD granted waivers for the HOME program related to 24 CFR 92.208, 24 CFR 92.300(e) and (f), and 24 CFR 92.207 to allow for increased CHDO operations of up to 10% of allocation (proposed increase from \$28,115 to \$70,000) and increased administration and planning of up to 25% of allocation (no proposed increase at this time) plus program income.

The original FY2020-2025 Consolidated Plan was passed by Council on April 28, 2020 after a public hearing and can be found here: <https://www.cityofberkeley.info/ContentDisplay.aspx?id=12160>. For the full detail to the 2020-2025 Consolidated Plan amendment, including the PY20 (FY21) AAP see Attachment #2.

BACKGROUND

The City of Berkeley is an entitlement jurisdiction which receives HUD funds according to a formula. CDBG is a long standing federal program supporting community development for low-income persons. The ESG program focuses on addressing the needs of unhoused persons. The HOME program allows for a variety of housing

activities, according to local housing needs. The CARES Act included funding for both CDBG and ESG which are identified as CDBG-CV and ESG-CV respectively.

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 plan require the submission of a “Substantial Amendment” to the Annual Action Plan. These changes must be accompanied by a public hearing.

ENVIRONMENTAL SUSTAINABILITY

Projects funded with CDBG and ESG are required to follow state and local regulations, including those related to green building and energy.

RATIONALE FOR RECOMMENDATION

On April 27, 2020, a FY21 budget update report was presented to the City of Berkeley’s Budget and Finance Policy Committee from the City Manager. In this report, it stated that the City has and will continue to incur substantial costs and loss of revenue due to COVID-19. Additionally, the federal government recognizes that local governments are in need of economic relief and have, therefore, enacted the CARES Act to support much needed relief efforts. Staff recommends that Council approve the CARES Act HUD allocations for CDBG-CV and ESG-CV, to amend the 2020-2025 Consolidated Plan, including the PY20 (FY21) Annual Action Plan, and to allow the City to enter into contract with HUD.

Approving this recommendation would better support unhoused and low income people in Berkeley through the COVID-19 pandemic. The programs are designed to prevent, prepare for, and respond to the coronavirus through CDBG-CV and ESG-CV funding.

ALTERNATIVE ACTIONS CONSIDERED

Failure to authorize receipt of these funds would result in loss of potential funds for the City in response to the COVID-19 pandemic.

CONTACT PERSON

Rhianna Babka, Community Service Specialist III, HHCS, (510) 981-5410.

Attachments:

- 1: Resolution
Exhibit A: Revised HUD Allocations to include CARES Act funds
- 2: 2020-2025 Consolidated Plan Substantial Amendment including the PY20 (FY21) Annual Action Plan
- 3: Revised City of Berkeley Citizen Participation Plan
- 4: Public Hearing Notice

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

SUBSTANTIAL AMENDMENT TO THE 2020-2025 CONSOLIDATED PLAN
INCLUDING THE PY20 ANNUAL ACTION PLAN IN RESPONSE TO THE
CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT FUNDING

WHEREAS, on March 27, 2020 the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), became Public Law 116-136, and it provides \$5 billion in Community Development Block Grant (CDBG)-CV funds and \$4 billion in Emergency Solutions Grant (ESG)-CV to be used to prevent, prepare for and respond to the Coronavirus (COVID-19); and

WHEREAS, the City of Berkeley is an entitlement jurisdiction which receives CDBG, ESG and HOME Investment Partnership Program (HOME) funds from the US Department of Housing and Urban Development (HUD); and

WHEREAS, the City of Berkeley has an existing 2020-2025 Consolidated Plan, including the Program Year 20 (FY21) Annual Action Plan, that articulates how the City plans to spend HUD CDBG, ESG and HOME allocations; and

WHEREAS, the City of Berkeley was awarded \$1,610,805 in CDBG-CV and \$6,648,603 in ESG-CV funds from HUD that requires a Substantial Amendment to the existing Consolidated and Annual Action Plans; and

WHEREAS, HUD has issued waivers to 1) lift the public services cap for PY20 CDBG and CDBG-CV funds, 2) raise the CHDO Operating cap up to 10% for HOME, 3) raise the HOME Planning and Administration cap to 25%, and 4) allow for revisions to the Citizen Participation Plan that include a shorter public comment period and for virtual public hearings; and

WHEREAS, under the CARES Act, HUD has issued flexibilities for ESG funds stating that they are not subject to the consultation and citizen participation requirements that otherwise apply to the ESG funds, however, at minimum, grantees are required to publish how they will use ESG-CV funds on the grantees website; 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

WHEREAS, the City has and will continue to incur substantial costs and loss of revenue due to COVID-19; and

WHEREAS, the City has established the following ERMA budget codes CDBG: 128 - various, ESG: 311 – various, and HOME: 310 - various; and

September 15, 2020

WHEREAS, failure to authorize receipt of these funds would result in loss of potential funds for the City in response to the COVID-19 pandemic; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or her designee, is authorized to:

1. Accept the CARES Act funding totaling the amount of \$8,259,408 (\$1,610,805 in CDBG-CV and \$6,648,603 in ESG-CV) and reallocate \$535,998 of PY20 CDBG funds to provide support for the City of Berkeley's response to COVID-19; and
2. Allocate the allowable, under the HUD waiver, \$535,998 of the PY20 CDBG and CDBG-CV funds to public services, and 20% to Planning and Administration; and
3. Allocate the allowable PY20 HOME funds (up to) 10% (not to exceed \$77,838) for Community Housing Development Organization (CHDO) operating funds, and (up to) 25% for program administration under the HUD waiver, with the remaining being allocated to the City's Housing Trust Fund; and
4. Execute resultant agreements and amendments with community agencies for the above-mentioned funds, including:
 - a. Berkeley Food and Housing Project for the Berkeley Respite Program;
 - b. Building Opportunities for Self-Sufficiency, Dorothy Day House, BFHP and Covenant House for increased shelter costs; and
5. Amend and submit the Substantial Amendment to the 2020-2025 Consolidated Plan and PY20 Annual Action Plan, to the U.S. Department of Housing and Urban Development (HUD) including public comments, and accept any resulting agreements with HUD; and
6. Adopt the revised Berkeley Citizen Participation Plan.

BE IT FURTHER RESOLVED, that the City Manager has the authority to reallocate ESG-CV funds within eligible ESG activities to prevent, prepare for and respond to the coronavirus, and that future changes to these allocations will be noticed on the City of Berkeley website, and CDBG-CV funds shall be first allocated to public services with the remaining allocation going to eligible housing services as described in Exhibit A.

A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

Exhibit:

A: Revised PY20 (FY21) HUD Allocations to include CARES Act funds

PY20 (FY21) CDBG, HOME, ESG Allocations - AMENDMENT #1

Community Development Block Grant (CDBG) Allocations

REVENUES	Awarded FY20	Awarded FY21	Awarded FY21	CARES Act: CDBG-CV
CDBG Award	\$ 2,667,120	\$ 2,738,258	2,738,258	\$ 1,610,805
Program Income	\$ 250,531	\$ 255,925	255,925	\$ -
Earlier Unused Funds	\$ 788,029	\$ 222,352	222,352	\$ -
SUBTOTAL CDBG	\$ 3,705,680	\$ 3,216,536	3,216,536	\$ 1,610,805
GF Funding Available	\$ 232,229	\$ 232,229	232,229	\$ -

EXPENDITURES - By Category	Allocated FY20	Allocated FY21	Amended Allocation FY21	CARES Act: CDBG-CV
I. Housing Services	\$ 1,476,057	\$ 1,476,057	\$ 2,012,055	\$ 38,644
II. Public Services (17.83%)	\$ 453,921	\$ 453,921	\$ 453,921	\$ 1,250,000
III. Public Facility Improvements	\$ 1,202,278	\$ 688,906	\$ 152,908	\$ -
IV. Planning & Administration (20%)	\$ 573,424	\$ 597,652	\$ 597,652	\$ 322,161
Total CDBG Funds Allocated/Requested	\$ 3,705,680	\$ 3,216,536	\$ 3,216,536	\$ 1,610,805

CDBG Project Details

I. CDBG - HOUSING SERVICES PROJECTS	Allocated FY20	Allocated FY21	Amended Allocation FY21	CARES Act: CDBG-CV
CDBG				
1 Center for Independent Living: Residential Access Project for Disabled	\$ 159,660	\$ 159,660	\$ 159,660	
2 Habitat for Humanity East Bay - Housing Rehabilitation Grant Program	\$ 250,000	\$ 250,000	\$ 250,000	
3 COB HHCSD: Loan Services	\$ 70,008	\$ 70,008	\$ 70,008	
4 COB HHCSD: Senior and Disabled Rehab Program	\$ 358,048	\$ 358,048	\$ 358,048	
Rehab Loans	\$ 150,000	\$ 150,000	\$ 150,000	
5 COB HHCSD: Affordable Housing Development and Rehab	\$ 488,341	\$ 488,341	\$ 488,341	
CV - Housing Acquisition/Rehab	N/A	N/A	\$ 535,998	\$ 38,644
SUBTOTAL Housing Projects -- CDBG	\$ 1,476,057	\$ 1,476,057	\$ 2,012,055	\$ 38,644

General Fund

6 Bay Area Community Land Trust (GF)	\$ 5,200	\$ 5,200		
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II. PUBLIC SERVICES PROJECTS	Allocated FY20	Allocated FY21	Amended Allocation FY21	CARES Act: CDBG-CV
CDBG				
7 Homeless Services (Berkeley Food & Housing Project)*	\$ 170,502	\$ 170,502	\$ 170,502	
8 Homeless Services (Bay Area Community Services)*	\$ 248,419	\$ 248,419	\$ 248,419	
9 EDEN Housing: Fair Housing Services	\$ 35,000	\$ 35,000	\$ 35,000	
CV - Targeted Equity Testing Strategy	N/A		\$ -	\$ 1,250,000
Total CDBG Public Services	\$ 453,921	\$ 453,921	\$ 453,921	\$ 1,250,000
CDBG Public Services Cap	\$ 520,217	N/A	N/A	N/A

* These projects are for CDBG budgeting, but are reviewed by other Commissions whose funding recommendation is reflected here.

General Fund

10 The Bread Project: Culinary Job Readiness Training	\$ 57,850	\$ 57,850		
11 Inter-City Services: Employment, Education and Training	\$ 101,351	\$ 101,351		
12 Rising Sun Energy Center: Green Energy Training Services	\$ 67,828	\$ 67,828		
Subtotal GF Public Services:	\$ 227,029	\$ 227,029		

III. CDBG - PUBLIC/COMMUNITY FACILITIES IMPROVEMENTS: Allocations or recommended funding is one-time only.

	Allocated FY20	Allocated FY21	Amended Allocation FY21	CARES Act: CDBG-CV
13 Public Facilities FY2020	\$ 1,049,370	\$ 535,998	\$ -	\$ -
14 COB HHCSD: Public Facilities Improvements	\$ 152,908	\$ 152,908	\$ 152,908	\$ -
Subtotal Public Facilities Improvements:	\$ 1,202,278	\$ 688,906	\$ 152,908	\$ -

IV. CDBG - PLANNING AND ADMINISTRATION**	Allocated FY20	Allocated FY21	Amended Allocation FY21	CARES Act: CDBG-CV
15 COB HHCSO: CDBG Planning & Administration	\$ 573,424	\$ 597,652	\$ 597,652	\$ 322,161
CDBG Planning & Administration TOTAL	\$ 573,424	\$ 597,652	\$ 597,652	\$ 322,161

***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.*

HOME Investment Partnership Program (HOME) Allocations

REVENUES	Awarded FY20	Awarded FY21
HOME Award	\$ 737,273	\$ 778,383
Program Income (projected)	\$ 20,000	\$ 20,000
SUBTOTAL HOME Funds Available	\$ 757,273	\$ 798,383

EXPENDITURES	Allocated FY20	Allocated FY21	Amended AllocationFY21
Administration (10%)	\$ 75,727	\$ 79,838	\$ 79,838
CHDO Operating Funds (5%)	\$ 28,115	\$ 28,115	\$ 70,000
Available for HTF Projects	\$ 653,431	\$ 690,430	\$ 648,545
Total	\$ 757,273	\$ 798,383	\$ 798,383

Emergency Solutions Grant (ESG) Allocations

REVENUES	Awarded FY20	Awarded FY21	CARES Act: ESG-CV
ESG Award	\$ 227,398	\$ 234,354	\$ 6,648,603

EXPENDITURES	Amended Allocation FY20	Allocated FY21	CARES Act: ESG-CV
Rapid Rehousing*	\$ 67,228	\$ 69,489	\$ 2,597,578
Emergency Shelter and Street Outreach*	\$ 136,439	\$ 140,612	\$ 3,386,165
Homeless Management Information System	\$ 6,676	\$ 6,676	
Administration (7.5%)	\$ 17,055	\$ 17,577	\$ 664,860
Total	\$ 227,398	\$ 234,354	\$ 6,648,603

* Funding will be allocated to the Coordinated Entry System to carry out the program.

CITY OF BERKELEY

**CONSOLIDATED PLAN
FOR HOUSING
AND COMMUNITY DEVELOPMENT
2020-2025**

and Annual Action Plan for Program Year 2020

AMENDMENT #1

**for the U.S. Department of
Housing and Urban Development
San Francisco Field Office of
Community Planning and Development**

SEPTEMBER 2020

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DRAFT

Executive Summary

ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

Eligible state and local governments receive annual block grants for community development and affordable housing from the U.S. Department of Housing and Urban Development (HUD). These grants include the Community Development Block Grant (CDBG), the HOME Investment Partnerships Program (HOME), and the Emergency Solutions Grant (ESG). For each program, HUD regulations allow for a broad range of eligible activities. The state or local governments determine which of the eligible activities will best serve the needs of their community. In order to determine the most pressing needs and develop effective, place-based market-driven strategies to meet those needs, HUD requires grantees to develop a Consolidated Plan (Plan).

This Plan by the City of Berkeley lays out the City's overall investment strategies for the City's use of federal entitlement grant funds for affordable housing, homelessness, addressing poverty, and community development from July 1, 2020, through June 30, 2025. For each year of the Consolidated Plan, the City must also produce an Annual Action Plan. The First-Year Annual Action Plan for the period July 1, 2020 through June 30, 2021 is attached to this Consolidated Plan. Please note that throughout the Consolidated Plan and Annual Action Plan, the terms "fiscal year" and "program year" are both used. The period from July 1, 2020 through June 30, 2021 is the City's fiscal year (FY) 2021 and HUD's program year (PY) 2020.

[This Plan has been amended to include CARES Act funds. The City of Berkeley has received a CARES Act allocation from HUD in the amounts of \\$1,610,805 in CDBG-CV and \\$6,648,603 in ESG-CV to help prevent, prepare for, and respond to the impacts of the coronavirus.](#)

The Plan was prepared in accordance with HUD's Office of Community and Planning Development (CPD) eCon Planning Suite which was introduced in 2012. Since that time, HUD requires grantees submit their Consolidated Plan and First-Year Annual Action Plan using the Consolidated Plan template through the Integrated Disbursement and Information System (IDIS), their nationwide database. Most of the data tables in the Plan are populated with default data from the U.S. Census Bureau, specifically 2011-2015 American Community Survey (ACS) and Comprehensive Housing Affordability Strategy (CHAS) data. Other sources of data are noted throughout the Plan.

The Plan is divided into six sections:

- Executive Summary
- The Process
- Needs Assessment
- Market Analysis

- Strategic Plan
- First-Year Action Plan

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

The City of Berkeley has set an ambitious array of goals for the use of its federal entitlement grant resources. The priority needs of the City are affordable housing, non-housing community development, and homelessness. The City has three goals to address those priority needs:

- Increase affordable housing supply and quality;
- Improve public facilities and public services; and
- Provide homeless services including prevention, emergency shelter, outreach and rapid re-housing.

The City of Berkeley has long placed a high priority on affordable housing and community services because they reflect important community values. The City is committed to maintaining high-quality programs for those in need but faces challenges due to insufficient resources to meet those needs. The City of Berkeley has been able to backfill some of the ongoing reductions in federal funding for affordable housing and critical community services. Local investments, however, do not begin to meet the dire need for more affordable housing and a more robust social safety net to prevent and end homelessness. At the same time, the ESG, HOME, and CDBG programs come with considerable administrative requirements, all of which impact the City's ability to address all the many needs identified.

[In response to COVID-19 and CARES Act funding, the City has added a fourth goal:](#)

- [Prevent, prepare for, and respond to COVID-19](#)

3. Evaluation of past performance

The City tracks single family and multi-family housing rehabilitation and development efforts. Outcomes for all federally funded community agency programs are also 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 in front of the Housing Advisory Commission was held on November 7, 2019 on the Draft *Regional Analysis of Impediments*. This public hearing was noticed in the *Berkeley Voice* on October 25, 2019.

Specific outreach regarding the Draft *Regional Analysis of Impediments* public hearing was accomplished via mailings to interested parties, which include individuals, the Alameda County Homeless Continuum of Care, community agencies serving low income people, and postings at public buildings such as recreation centers, senior centers, libraries and other government buildings. The draft report was also posted on the City's website and made available at the Department office and the Main Library.

An additional public hearing on community needs was held on November 7, 2019 in front of the Housing Advisory Commission specifically to inform the Consolidated Plan. The November 7, 2019 public hearing on community needs was noticed in the *Berkeley Voice* on November 1, 2019.

Draft copies of the Plan were presented to the Housing Advisory Commission on January 9, and February 6, 2020. A public comment period was opened on March 27, 2020 and concluded on May 1st, 2020 after the public hearing. A public hearing on the Plan was held on April 28, 2020 before the Berkeley City Council. An announcement regarding the public hearing and public comment period were published in the *Berkeley Voice* on March 27, 2020. The announcement stated where to locate the publically available Plan, the dates of the public comment period, and a summary of key elements of the Plan. The announcement also included information in Spanish and Chinese languages regarding how to obtain information about the Plan. The announcement was republished on April 24, 2020 to notify the public how to participate virtually in the public hearing during the COVID-19 Shelter in Place order and also included all the above mentioned information.

Additional outreach was accomplished via mailings to interested parties, which include individuals, the Alameda County Homeless Continuum of Care, community agencies serving low income people. Due to the COVID-19 Shelter in Place order many of the usual public buildings where the public hearing notice is posted were closed. Those included recreation centers, senior centers, libraries and other government buildings. The draft Plan was also posted on the City's website.

[Amendment #1 Public Participation processes for the COVID-19 response were as follows:](#)

- [A draft of the Substantial Amendment was made available on the City's webpage; and](#)
- [Outreach and noticing to interested parties was conducted in accordance with the City's Citizen Participation Plan; and](#)
- [A public hearing on the Substantial Amendment was held in front of Berkeley City Council on September 15, 2020. This public hearing was noticed in the *Berkeley Voice* on August 28, 2020.](#)

5. Summary of public comments

Two public hearings were held on November 7, 2019 before the Housing Advisory Commission. One to review the Draft *Regional Analysis of Impediments*, and the second on the PY18 CAPER and hear from the community on community needs. An additional public hearing on the Plan was held on April 28,

2020 before the Berkeley City Council. Additional outreach for the three public hearings was sent via the distribution lists and noticing methods mentioned above.

Three members of the public were present, and one spoke, at the November 7, 2019 public hearing on the Draft Analysis of Impediments. Comments from the public and commissioners included dedicating additional City staff resources to monitor and enforce Berkeley's ordinance regarding source of income discrimination and to administer the City's fair housing efforts, consider supporting countywide or state efforts to develop and implement just cause eviction regulations, vacancy rates for new housing developments, and community input on development plans in Berkeley's R/ECAPs. During the Draft *Regional Analysis of Impediments* public comment period of October 28, 2019 through December 12, 2019 no written comments were received by the City of Berkeley.

Four members of the public were present, and none spoke, at the November 7, 2019 public hearing on community needs. Comments from the commissioners included dedicating additional City staff resources to monitor and enforce Berkeley's ordinance regarding source of income discrimination and to administer the City's fair housing efforts.

During the Housing Advisory Commission meetings on January 9, and February 6, 2020 no members of the public commented on the Plan. Comments from commissioners during these two meetings included the chosen paper of publication for the public hearings, possible Council considerations for ordinances that may impact affordable housing units, protections should be put into place, homeless being expensive and additional non-HUD funded strategies may have more success locally, current affordable housing fees and requirements do not support the demand for affordable housing, ensure outreach to the South West Berkeley community.

No members of the public spoke at the April 28, 2020 public hearing. This hearing was held virtually due to COVID-19. During the Plan's public comment period of March 27, 2020 through May 1, 2020, no written comments were received.

[Public comments from Amendment #1 for the COVID-19 response included: TBD](#)

6. Summary of comments or views not accepted and the reasons for not accepting them

All comments were accepted. Additional resources could enhance City-administered programs as noted in the summary of public comments above. It would take additional federal or location funding, however, which are currently not available.

7. Summary

N/A.

The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities 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 and Community Services Department
HOME Administrator	BERKELEY	Health, Housing and Community Services Department
ESG Administrator	BERKELEY	Health, Housing and Community Services Department

Table 1 – Responsible Agencies

Narrative

The Health, Housing and Community Services (HHCS) Department is the lead agency for overseeing the development of the plan. The Housing and Community Services Division coordinates the City's funding allocation process 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 Environmental Health, Mental Health, Public Health, and Aging Services divisions, all of which provide direct services to the community.

Consolidated Plan Public Contact Information

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PR-10 Consultation - 91.100, 91.200(b), 91.215(I)

1. Introduction

The consolidated planning process requires jurisdictions to reach out to and consult with other public and private agencies when developing the plan. The Plan includes a summary of the consultation process and information on agencies that participated in the process.

[COVID-19 specific consultation included consultation with surrounding jurisdictions, County-wide coordination, and local needs based on on-going stakeholder input during the City's budgeting and COVID response period.](#)

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)).

The City of Berkeley coordinates housing and community services activities provided by the HHCS department through regular senior staff meetings and other specific coordination meetings. City staff also participates in the implementation of EveryOne Home, the countywide plan to end homelessness. EveryOne Home, which is also the name of the agency – a private non-profit entity, coordinates Alameda County's Continuum of Care. City of Berkeley staff will continue to participate in the EveryOne Home'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 to coordinate 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 implementation of Alameda County's Coordinated Entry System and Whole Person Care Project, the adoption of countywide homeless program outcomes that align with HUD's System Performance Measures, the 2019 homeless survey and count, and the ongoing implementation of Home Stretch, the centralized process that matches prioritized chronically homeless individuals to permanent supportive housing opportunities.

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

The City of Berkeley, in coordination with the City of Oakland, Alameda County Housing and Community Services Department, and EveryOne Home, participates in Alameda Countywide Continuum of Care OC efforts. City of Berkeley staff participate in many COC subcommittees, including the Continuum of Care Committee and Systems Coordination Committee. These Committees meet monthly and are responsible for the ongoing design and implementation of Alameda County's Coordinated Entry System,

including the establishment of regional Housing Resource Centers (HRCs), a standardized assessment tool, the Alameda County Housing Crisis Response System Manual, and the permanent supportive housing (PSH) matching process called HomeStretch. The HRCs utilize the standardized assessment tool to determine which resources to offer unhoused residents including housing navigation services, rapid rehousing financial assistance, shelter and transitional housing, and, for the chronically homeless, permanent supportive housing.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS

City staff will continue to participate in the implementation of EveryOne Home, the countywide plan to end homelessness. EveryOne Home, the agency, 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 coordinate efforts across the county. Specific activities will include:

- Membership in the Leadership Board, which guides the organization's activities;
- Continued participation in reviewing county-wide outcomes; and
- Involvement in the committee charged with oversight of research, evaluation, and compliance with HUD requirements for the Continuum of Care.

City of Berkeley staff also participate in the HMIS Oversight and Result Based Accounting Committees. These committees established new system performance measures (SPM) based on HUD priorities. These SPMs have been incorporated in City of Berkeley contracts that govern Berkeley funding homeless services.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities

1	Agency/Group/Organization	City of Berkeley Housing Advisory Commission
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs Market Analysis Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Draft copies of the plan were presented to the Housing Advisory Commission (HAC) at their January and February 2020 meetings for comments.
3	Agency/Group/Organization	Homeless Commission
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Homeless Commission provides their expertise and recommendations for funding for community agencies including the portion of CDBG public services funding that supports the homeless population.

Table 2 – Agencies, groups, organizations who participated

Identify any Agency Types not consulted and provide rationale for not consulting

No Agency Types were knowingly excluded.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
EveryOne Home Plan	EveryOne Home (Alameda County's Continuum of Care)	The EveryOne Home Strategic Update Report , the countywide plan to end homelessness, was adopted by the City in 2019. Berkeley's activities to end homelessness, including those supported by federal monies as articulated in this plan, align with the EveryOne Home Plan.
Housing Element 2015-2023	City of Berkeley	The Housing Element addresses housing production and preservation in the City of Berkeley and includes issues related to affordable housing that overlap with this report's goal to increase affordable housing supply and quality.
Health Status Report of 2018	Health, Housing, and Community Services; Public Health Division	The goal of the Health Status Report is to provide a picture of the health status of people living in Berkeley. The report helps define goals and objectives for improving Berkeley's healthy by reducing and eliminating health inequities in Berkeley, which includes assessing and addressing the social determinants of health. The Health Status Report highlights overlapping health and housing needs for low-income individuals that are addressed in the Consolidated Plan.
2020 Vision	Collaboration between various local agencies	Berkeley's 2020 Vision : Equity in Education is a collective impact initiative that strives to eliminate racial disparities in academic achievement in Berkeley's public schools. This citywide partnerships seeks to close Berkeley's educational "opportunity gap" through a shared community commitment to this goal: that <u>all</u> young people in Berkeley grow up with equitable opportunities to achieve high outcomes and realize their full potential. Four core institutional partners oversee Berkeley's 2020 Vision: the City of Berkeley , BUSD , Berkeley City College (BCC) , and the University of California at Berkeley (UC Berkeley) . Public agency, education, nonprofit, and other partners lend content expertise, shape the direction of this initiative, and represent the students and families they serve. This is consistent with goals of reducing inequities and increasing economic opportunities for Berkeley residents. The Consolidated Plan works toward these shared goals by supporting housing and public services for low-income residents.

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Age-Friendly Berkeley Action Plan	Health, Housing, and Community Services; Aging Division	This report focuses on the aging population in Berkeley and the fact that the vast majority of older adults want to age in their homes and local Berkeley community. The Age-Friendly Berkeley initiative helps prepare Berkeley for its rapidly aging population by gathering input from the community and pulling together public and private leaders, resources, ideas, and strategies to address the issues raised. Age-Friendly Berkeley is a collective effort whose goal is to ensure that all Berkeley residents are connected, healthy, and engaged in their environments. The Consolidated Plan speaks directly to affordable housing goals that support low-income persons, specifically including seniors and persons with disabilities.

Table 3 – Other local / regional / federal planning efforts

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(I))

EveryOne Home, described above under the Continuum of Care question, is an important venue for coordination with other units of local government in Alameda County on the issue of homelessness. Most affordable housing developments in Berkeley receive other public funding, most typically Low Income Housing Tax Credits, but also other County and State programs, such as No Place Like Home funding for affordable housing for mentally disabled residents. The Housing & Community Services Division works with both the City’s Mental Health Division and the Alameda County Health Care Services Agency to take advantage of No Place Like Home funding to support the creation of additional permanently affordable units for unhoused residents on the Home Stretch list.

Narrative (optional):

N/A.

PR-15 Citizen Participation

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

This plan was developed with citizen participation consistent with the City's adopted [Citizen Participation Plan](https://www.cityofberkeley.info/uploadedFiles/Housing/Level_3_-_General/CitizenParticipationPlan_5_12_2012_FINAL.pdf) (available at: [https://www.cityofberkeley.info/uploadedFiles/Housing/Level_3 - General/CitizenParticipationPlan_5_12_2012_FINAL.pdf](https://www.cityofberkeley.info/uploadedFiles/Housing/Level_3_-_General/CitizenParticipationPlan_5_12_2012_FINAL.pdf)).

Two public hearings were held on November 7, 2019 before the Housing Advisory Commission to receive input from Berkeley residents on 1) the Draft *Regional Analysis of Impediments* to Fair Housing Choice, and 2) Berkeley's housing and community development needs.

The public hearing on the *Regional Analysis of Impediments* to Fair Housing Choice began with a presentation summarizing the draft report. Three members of the public were present, and one spoke, at the November 7, 2019 public hearing on the Draft Analysis of Impediments. Comments from the public and commissioners included dedicating additional City staff resources to monitor and enforce Berkeley's ordinance regarding source of income discrimination and to administer the City's fair housing efforts, consider supporting countywide or state efforts to develop and implement just cause eviction regulations, vacancy rates for new housing developments, and community input on development plans in Berkeley's R/ECAPs. During the Draft *Regional Analysis of Impediments* public comment period of October 28, 2019 through December 12, 2019 no written comments were received by the City of Berkeley.

The community needs hearing began with a presentation summarizing the use of federal funds in PY18. Four members of the public were present, and none spoke, at the November 7, 2019 public hearing on community needs. There were no comments from the public but a commission comment addressed additional in-house City-supported enforcement of both Fair Housing and source of income discrimination.

The draft Consolidated Plan was shared with the Housing Advisory Commission on January 9, and February 6, 2020. Comments during these two meetings included the chosen paper of publication for the public hearings, possible Council considerations for ordinances that may impact affordable housing units, protections should be put into place, homeless being expensive and additional non-HUD funded strategies may have more success locally, current affordable housing fees and requirements do not support the demand for affordable housing, ensure outreach to the South West Berkeley community.

A public comment period was opened on March 27, 2020 and concluded on May 1st, 2020 after the public hearing at the April 28, 2020 Berkeley City Council meeting. An announcement regarding the public hearing and public comment period were published in the Berkeley Voice on March

27, 2020. The announcement stated where to locate the publically available Plan, the dates of the public comment period, and a summary of key elements of the Plan. The announcement also included information in Spanish and Chinese languages regarding how to obtain information about the Plan. The announcement was republished on April 24, 2020 to notify the public how to participate virtually in the public hearing during the COVID-19 Shelter in Place order and also included all the above mentioned information.

Additional outreach for the draft Plan comment period and public hearing was accomplished via mailings to interested parties on the Health, Housing and Community Services Department outreach lists, which include interested individuals, a mailing to Berkeley Housing Authority consumers, community agencies serving low-income people. Due to the COVID-19 Shelter in Place order many of the usual public buildings where the public hearing notice is posted were closed. Those included recreation centers, senior centers, libraries and other government buildings. The draft Plan was also posted on the City's website. The final plan, once adopted and accepted by HUD, will be posted on the City's website.

No members of the public spoke at the April 28, 2020 public hearing. This hearing was held virtually due to COVID-19. During the Plan's public comment period of March 27, 2020 through May 1, 2020, no written comments were received.

Amendment #1 Public Participation processes for the COVID-19 response were as follows:

- A draft of the Substantial Amendment was made available on the City's webpage; and
- Outreach and noticing to interested parties was conducted in accordance with the City's Citizen Participation Plan; and
- A public hearing on the Substantial Amendment was held in front of Berkeley City Council on September 15, 2020. This public hearing was noticed in the *Berkeley Voice* on August 28, 2020.
- TBD members of the public spoke at the September 15, 2020 public hearing. This hearing was held virtually due to COVID-19. During the Plan's public comment period of August 28, 2020 through September 16, 2020 (time period in accordance with the updated Citizen Participation Plan), TBD written comments were received.

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	Non-targeted/broad community	One member of the public spoke at the November 7, 2019 public hearing on community needs in front of the Housing Advisory Commission.	City-supported enforcement of source of income is needed.	All comments were accepted. Additional resources could enhance City-administered programs as noted in the summary of public comments above. It would take additional federal or location funding, however, which are currently not available.	https://www.cityofberkeley.info/Housing_Advisory_Commission/

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 Hearing	Non-targeted/broad community	No members of the public spoke at the November 7, 2019 public hearing on the Draft Regional Analysis of Impediments in front of the Housing Advisory Commission.	Comments and discussion from the commissioners focused on additional enforcement needs for Fair Housing and source of income discrimination, concerns about vacancy rate of new developments in Berkeley, and alignment with development plans and community input within the R/ECAP areas.	All comments were accepted. Additional resources could enhance City-administered programs as noted in the summary of public comments above. It would take additional federal or location funding, however, which are currently not available.	https://www.cityofberkeley.info/Housing_Advisory_Commission/

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)
3	Public Meeting	Non-targeted/broad community	No members of the public spoke on the paper of publication. Consolidated Plan at the January 9, 2020 in front of the Housing Advisory Commission.	One question was raised regarding the paper of publication.	Berkeley Voice, the paper of publication for notices is the newspaper of general circulation for the jurisdiction.	https://www.cityofberkeley.info/Housing_Advisory_Commission/

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 Meeting	Non-targeted/broad community	No members of the public spoke on the Consolidated Plan at the February 6, 2020 in front of the Housing Advisory Commission.	Discussion from the commissioners included possible Council considerations for ordinances that may impact affordable housing units, protections should be put into place, homeless is expensive and other non-HUD funded strategies may have more success locally, current affordable housing fees and requirements do not support the demand for affordable housing, ensure outreach to the South West Berkeley community.	All comments were accepted.	https://www.cityofberkeley.info/Housing_Advisory_Commission/

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 Hearing (Virtual)	Non-targeted/broad community	No members of the public spoke at the April 28, 2020 virtual public hearing in front of the Berkeley City Council.	No comments on the content were received from the public or Council.	N/A	https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx
<u>6</u>	<u>Public Hearing</u> <u>(Virtual)</u>	<u>Non-targeted/broad community</u>	<u>The September 15, 2020 virtual public hearing heard TBD members of the public in front of Berkeley City Council.</u>	TBD	TBD	https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx

Table 4 – Citizen Participation Outreach

Needs Assessment

NA-05 Overview

Needs Assessment Overview

The Needs Assessment of the Consolidated Plan, in conjunction with information gathered through consultations and the citizen participation process, provides a clear picture of the jurisdiction's needs related to affordable housing, special needs housing, community development, and homelessness. The Needs Assessment includes the following sections:

- Housing Needs Assessment
- Disproportionately Greater Need
- Public Housing
- Homeless Needs Assessment
- Non-Homeless Special Needs Assessment
- Non-Housing Community Development Needs

The Needs Assessment identifies those needs with the highest priorities which form the basis for the Strategic Plan section and the programs and projects to be administered throughout the Plan period. Most of the data tables in this section are populated with default data from the Comprehensive Housing Affordability Strategy (CHAS) developed by the Census Bureau for HUD based on 2011-2015 American Community Survey (ACS) Census. Other sources are noted throughout the Plan.

[The City of Berkeley has and will continue to incur substantial costs and loss of revenue due to COVID-19. Additionally, the federal government recognizes that local governments are in need of economic relief and have, therefore, enacted the CARES Act to support much needed relief efforts. The City of Berkeley has received a CARES Act allocation from HUD in the amounts of \\$1,610,805 in CDBG-CV and \\$6,648,603 in ESG-CV to help prevent, prepare for, and respond to the impacts of the coronavirus.](#)

NA-10 Housing Needs Assessment - 24 CFR 91.205 (a,b,c)

Summary of Housing Needs

As defined by HUD, housing problems include:

- Units lacking a complete kitchen or plumbing facilities;
- Housing cost burden of more than 30 percent of the household income (for renters, housing costs include rent paid by the tenant plus utilities and for owners, housing costs include mortgage payments, taxes, insurance, and utilities);
- Severe housing cost burden of more than 50 percent of gross income; and
- Overcrowding which is defined as more than one person per room, not including bathrooms, porches, foyers, halls, or half-rooms.

The following income categories are used throughout the Plan:

- Extremely low: households with income less than 30 percent of area median income (AMI)
- Very low: households with income between 30 and 50 percent of AMI
- Low: households with income between 51 and 80 percent of AMI
- Moderate: households with income between 81 and 120 percent of AMI
- Above moderate: households with income above 120 percent of AMI

Based on the data presented in tables below from CHAS, there are 117,385 people residing in the City of Berkeley comprising 45,915 households. Of these households, 20,175 households (or 43.9 percent) are considered “low income” per HUD definitions (under 80 percent of Area Median Income). According to the 2013-2017 American Community Survey (ACS) 5-year Estimates, which counts 45,515 households and a population of 120,179, 42.9 percent of occupied housing units are owner-occupied and 57.1 percent are renter-occupied. The CHAS data below shows that approximately 13,984 renter-households and 3,520 owner-households have some type of housing problem. That is equivalent to 38.1 percent of the households in the City of Berkeley. The vast majority of households in Berkeley with a housing problem have a housing affordability problem. According to the ACS, of the occupied units paying rent, 56.1 percent are paying 30 percent or more of their income in gross rent. Overcrowding and substandard units are far less common, according to Census data.

Demographics	Base Year: 2009	Most Recent Year: 2015	% Change
Population	112,580	117,385	4%
Households	40,079	45,915	15%
Median Income	\$59,097.00	\$66,237.00	12%

Table 5 - Housing Needs Assessment Demographics

Data Source: 2005-2009 ACS (Base Year), 2011-2015 ACS (Most Recent Year)

Number of Households Table – HUD Area Median Family Income (HAMFI)

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households	10,865	4,575	4,735	4,015	21,730
Small Family Households*	1,490	980	1,165	980	9,500
Large Family Households**	95	140	65	145	720
Household contains at least one person 62-74 years of age	1,790	905	785	550	5,605
Household contains at least one person age 75 or older	1,134	565	520	400	2,025
Households with one or more children 6 years old or younger	430	205	184	329	2,440

Table 6 - Total Households Table

Data Source: 2011-2015 CHAS
 *4 persons or less
 **5 persons or more
 Source: "Chas Table Summary" Page 2
<https://www.huduser.gov/portal/datasets/cp/CHAS/2007Data/CHAS%20table%20summary.doc>

Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	185	75	75	15	350	20	0	0	0	20
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	245	55	45	35	380	0	0	10	0	10
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	275	120	55	10	460	0	10	15	20	45
Housing cost burden greater than 50% of income (and none of the above problems)	5,785	1,320	480	60	7,645	860	615	455	340	2,270

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Housing cost burden greater than 30% of income (and none of the above problems)	865	1,135	1,400	680	4,080	175	210	325	350	1,060
Zero/negative Income (and none of the above problems)	1,050	0	0	0	1,050	115	0	0	0	115

Table 7 – Housing Problems Table

Data Source: 2011-2015 CHAS

2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	6,485	1,570	655	120	8,830	875	625	475	360	2,335
Having none of four housing problems	2,045	1,830	2,535	2,435	8,845	290	545	1,070	1,100	3,005
Household has negative income, but none of the other housing problems	1,050	0	0	0	1,050	115	0	0	0	115

Table 8 – Housing Problems 2

Data Source: 2011-2015 CHAS

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	1,040	630	365	2,035	190	195	300	685
Large Related	75	105	10	190	0	10	15	25
Elderly	1,375	269	165	1,809	610	485	350	1,445
Other	4,705	1,625	1,435	7,765	235	130	120	485
Total need by income	7,195	2,629	1,975	11,799	1,035	820	785	2,640

Table 9 – Cost Burden > 30%

Data Source: 2011-2015 CHAS

4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	860	300	60	1,220	180	165	190	535
Large Related	50	30	10	90	0	10	0	10
Elderly	950	95	45	1,090	465	320	190	975
Other	4,350	950	375	5,675	215	120	75	410
Total need by income	6,210	1,375	490	8,075	860	615	455	1,930

Table 10 – Cost Burden > 50%

Data Source: 2011-2015 CHAS

5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	175	125	60	45	405	0	10	20	20	50
Multiple, unrelated family households	0	0	0	0	0	0	0	4	0	4

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Other, non-family households	380	50	50	0	480	0	0	0	0	0
Total need by income	555	175	110	45	885	0	10	24	20	54

Table 11 – Crowding Information – 1/2

Data Source: 2011-2015 CHAS

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Households with Children Present	Not Available	Not Available	Not Available	Not Available	Not Available	Not Available	Not Available	Not Available

Table 12 – Crowding Information – 2/2

Data Source Comments: No data available.

Describe the number and type of single person households in need of housing assistance.

The 2013-2017 ACS showed that of 45,515 households, 34.2 percent (or 15,571 households) are single-person households. Among all households over 65 years old, 45.6 percent are living alone. Among all renters, householders living alone make up 41.7 percent, with single householders 65 years and older making up nearly nine percent (8.8%) of renters. Within owner occupied housing units, 24.2 percent are single person households with single householders 65 years and older making up 13.5 percent of owner occupied housing units.

Compared to the average household (in Berkeley it is 2.5 people), a single-person household will likely pay a larger portion of their income on housing. This is not surprising given the high cost of housing in Berkeley and in the Bay Area generally. According to the January 2019 *Homeless Count and Survey* conducted by Applied Survey Research on behalf of the City, as a part of Alameda County's EveryOne Home effort (http://everyonehome.org/wp-content/uploads/2019/09/2019HIRDRReport_Berkeley_2019-Final.pdf), there were 1,057 individuals who were single households and experiencing homelessness out of the total count of 1,108 individuals.

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

The Berkeley Housing Authority (BHA) currently has 1,495 Housing Choice Vouchers with a HAP contract and according to the BHA, 60 percent of the vouchers are utilized by families with disabilities (see NA-35

below). When the waiting list for the Housing Choice Voucher program was opened in 2010, approximately 37,000 people applied. Twenty percent of applicants, or 7,400 people, indicated on their application that they had a disability. The percentage of current voucher holders with disabilities and the number of applicants with disabilities underscore the large demand of affordable housing for families with disabilities. Annually, approximately 2-4 victims of domestic violence, dating violence, sexual assault or stalking victims are assisted by BHA staff, by implementation of the VAWA Plan.

According to the previously referenced Berkeley *Homeless Count and Survey*, a history of domestic violence and partner abuse can be the primary cause of homelessness. Victims of domestic violence have a great risk of becoming homeless and experiencing poverty. According to the Family and Youth Services Bureau (<https://www.acf.hhs.gov/fysb/resource/dv-homelessness-stats-2016>), this is likely tied to a high need for services, including housing and financial support, and the lack of commensurate housing and financial resources available. The lack of affordable housing in the City likely makes it difficult for victims of domestic violence to leave their violent homes, so it is plausible that they are more likely to move to an overcrowded unit or into a homeless shelter than those not experiencing domestic violence. Five percent of the 2019 *Homeless Count and Survey* respondents in Berkeley reported currently experiencing domestic violence or abuse, compared to six percent of respondents in Alameda County. Twenty-five percent of the 2019 *Homeless Count and Survey* respondents in Berkeley reported a history of experiencing physical, emotional or sexual abuse by a relative or by a person with whom they have lived. The City has seen an increase in domestic violence-related calls for assistance to the Berkeley Police Department. From 2009-2016, there was an average of 169 domestic violence-related calls per year while the most recent data (2017-2018) shows an average of 224 domestic violence-related calls per year (State of California Department of Justice, <http://oag.ca.gov/crime/cjsc/stats/domestic-violence>). The recent increase likely means more families will require housing assistance in order to safely relocate.

What are the most common housing problems?

The most common housing problems are cost burdens for both renters and homeowners. According to the data above, a housing cost burden of greater than 50 percent of income affects 5,785 of renter households in the lowest income range (0-30 percent AMI). In total, housing cost burden greater than 50 percent of income affects 10,005 households (8,075 rental and 1,930 homeowner).

Are any populations/household types more affected than others by these problems?

Renters, in most income categories, are more affected by housing cost burdens than homeowners and thus, have the greatest needs. The 2013-2017 ACS data shows that 56.8 percent of renters are paying 30 percent or more of household income on housing compared to 35.1 percent of homeowners. The largest renter group experiencing housing cost burdens are unrelated and non-elderly households while the owner group most burdened by housing costs are elderly households.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

According to the CHAS data, there are 430 households with one or more children 6 years or younger in the extremely low income category, 205 households in the very low income category, and 184 households in the low income category. These numbers represent declines in those populations from the last Consolidated Plan, with 83 fewer in the extremely low income category, 119 fewer in the very low income category, and 196 fewer in the low income category. These households, while in decline, are at higher risks of homelessness, especially the extremely low income group, due to their limited income and the City's high housing cost burden. Low income families with children need affordable homes that are large enough to accommodate them. The City funds a variety of social services for low income families, such as health care, child care, and programs serving children and youth. In addition, in 2014, the City adopted its own Minimum Wage Ordinance. Starting in July of 2019 the Berkeley minimum wage was raised to \$15.59 and will continue to increase annually with the Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose metropolitan statistical area. Raising the minimum wage helps low income individuals and families. The National Low Income Housing Coalition publishes an annual report, called *Out of Reach* (<https://reports.nlihc.org/oor/zip?code=94704&=Go>), to show how much a household must earn to afford a decent rental home at HUD-estimated Fair Market Rent (FMR) while spending no more than 30 percent of their income on housing costs. Unfortunately, according to the 2019 *Out of Reach* report and available data, a person would need to make over \$30.00 per hour even to be able to afford a one bedroom unit anywhere in Berkeley.

The City of Berkeley targets City homeless financial resources to households who will be most successful with the intervention offered, whether it be one-time flex funds or longer term rapid rehousing. The City provides rapid rehousing financial assistance to households that are literally homeless who can sustain their rent overtime, and who are expected to "graduate" from the rental assistance within the 24 month period ESG requirement.

Between PY14 – PY18 (July 1, 2015 through June 30, 2019), the City of Berkeley's Priority Home Partnership (PHP) Rapid Re-Housing Program served 106 people in 80 households. Fifteen percent of the rapid re-housing households were families with varying forms of employment or other incomes. Fifty-five percent of the people housed through PHP were chronically homeless individuals or families who eventually received a permanent supportive housing or Section 8 voucher to remain housed. Twenty-six percent of the people maintained their housing by assuming the full rent. The remaining households left the program to temporary destinations.

To help alleviate the lack of permanent housing subsidy, Berkeley has experimented with prioritizing rapid rehousing for its highest-needs individuals as determined through the City's Coordinated Entry System. However, the City has found that rapid rehousing can be used as a bridge to permanent housing

subsidies, but, used alone, cannot prevent some of the highest needs people from returning to homelessness. Overreliance on rapid rehousing with high needs individuals in a tight housing market is a strategy that is tenuous in the long-run.

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

N/A

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

In the City of Berkeley, the high cost burden is a housing characteristic strongly linked with instability and an increased risk of homelessness. According to the 2019 *Out of Reach* report, the hourly wage needed to afford a two-bedroom at FMR (\$2,790) in downtown Berkeley is \$53.65. According to the report, the same downtown zip code (94704) also has a poverty rate of 51.4 percent with a median household income of \$26,758 and an unemployment rate of just over nine percent (9.1%). The urbanized downtown area of Berkeley sits in stark contrast with the more suburban neighboring zip code (94705), which has an unemployment rate of just over five percent (5.3%), a 10.1 percent poverty rate, an \$116,250 median household income and where the hourly wage needed to afford a two-bedroom at FMR (\$2,370) is \$45.58. Proximity to social services and regional job centers via public transit makes Berkeley's urban downtown appealing, but its higher housing prices make it difficult for low income, transit dependent residents (without cars) to retain housing.

While the lower income households within the downtown core of Berkeley is of particular note, the numbers also reflect the impact of the University of California at Berkeley's (UC Berkeley) student population many of whom have little or no income. Students compete with nonstudent residents for housing, creating elevated pricing conditions for existing low income households, especially in those geographic areas surrounding the UC Berkeley campus.

Discussion

Housing affordability persists as a critical housing issue in Berkeley as well as the whole San Francisco Bay Area. Low-income renters and homeless persons are exceptionally impacted by limited affordable housing in Berkeley. The City continues to fund a variety of programs to support homeless persons and low income renters and homeowners with federal and local funds. The housing shortage and rapid rent increases in Berkeley are exacerbated by the growing student population associated with the University of California's Berkeley campus. As reported by the news publication, [Berkeleyside](https://www.berkeleyside.com/2019/06/17/city-sues-uc-berkeley-for-not-studying-impacts-of-34-student-enrollment-increase) on June 17, 2019 (<https://www.berkeleyside.com/2019/06/17/city-sues-uc-berkeley-for-not-studying-impacts-of-34-student-enrollment-increase>), the City filed a lawsuit against UC Berkeley on June 14, 2019, contending that the university did not analyze the impacts of a more than 30 percent enrollment increase on City

services. The City contends that UC Berkeley should complete an environmental review of their projected student increase (from 33,450 to 44,735 students by 2022-2023). At the time of this document's drafting, supplemental funds had not been allocated to directly address the impact on the city of the estimated 11,000 student increase. Low income students experiencing homelessness remain a concern.

DRAFT

NA-15 Disproportionately Greater Need: Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

A disproportionately greater need exists when the members of racial or ethnic group at a given income level experience housing problems at a greater rate (10 percentage points or more) than the income level of the jurisdiction as a whole. The four housing problems are: 1) the lack of complete kitchen facilities, 2) the lack of complete plumbing facilities, 3) more than one person per room, and 4) a cost burden greater than 30 percent.

0%-30% of Area Median Income

Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	8,400	1,295	1,165
White	3,945	600	345
Black / African American	1,325	370	85
Asian	1,855	245	574
American Indian, Alaska Native	95	0	0
Pacific Islander	55	0	0
Hispanic	750	40	100

Table 13 - Disproportionally Greater Need 0 - 30% AMI

Data Source:

2011-2015 CHAS

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost burden greater than 30 percent

30%-50% of Area Median Income

Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	3,540	1,035	0
White	2,015	525	0
Black / African American	390	235	0
Asian	585	170	0
American Indian, Alaska Native	15	0	0
Pacific Islander	0	0	0
Hispanic	430	64	0

Table 14 - Disproportionally Greater Need 30 - 50% AMI

Data Source: 2011-2015 CHAS

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost burden greater than 30 percent

50%-80% of Area Median Income

Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	2,855	1,880	0
White	1,695	1,140	0
Black / African American	275	175	0
Asian	425	245	0
American Indian, Alaska Native	20	4	0
Pacific Islander	40	10	0
Hispanic	260	195	0

Table 15 - Disproportionally Greater Need 50 - 80% AMI

Data Source: 2011-2015 CHAS

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost burden greater than 30 percent

80%-100% of Area Median Income

Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,510	2,505	0
White	890	1,310	0
Black / African American	100	305	0
Asian	300	490	0
American Indian, Alaska Native	4	0	0
Pacific Islander	0	0	0
Hispanic	180	250	0

Table 16 - Disproportionally Greater Need 80 - 100% AMI**Data Source:**

2011-2015 CHAS

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost burden greater than 30 percent

Discussion

Generally speaking, those in lower income categories in Berkeley have higher rates of housing problems. For example, 77.3 percent of people in the 0-30 percent of Area Median Income have one of the four housing problems, as do to 77.3 percent of the 30-50 percent of Area Median Income category, while 60.2 percent of the 50-80 percent of Area Median Income category, and 37.6 percent of the 80-100 percent of Area Median Income category have one of the four housing problems (in the 0-30 percent, there are an additional 1,165 households which have no or negative income as their sole housing problem). As income drops, chances of having housing problems increase.

The following groups have disproportionately greater needs (10 percent higher than the percentage experiencing one of four housing problems of the jurisdiction's income level as a whole), as demonstrated by the modified tables below (originally tables 13-16, now labeled as "Edited" and located in this discussion section) that include expanded data to reflect the percent experiencing one of four housing problems:

- American Indians/Alaska Natives in the 0-30 percent of Area Median Income category are at 100 percent of 95 households experiencing one or more of four housing problems. In the 30-50 percent of Area Median Income category, 100 percent of the 15 households have one or more of four housing problems. In the 50-80 percent of Area Median Income category, 83.3 percent of the 24 households have one or more of four housing problems. In the 80-100 percent of Area Median Income category, 100 percent of the 4 households have one or more of four housing problems.

- Pacific Islanders in the 0-30 percent of Area Median Income category, have 100 percent of 55 households with one or more of four housing problems. In the 50-80 percent of Area Median Income category, 80 percent of the 50 households have one or more of four housing problems.
- Hispanics in the 30-50 percent of Area Median Income category experience one or more of four housing problems, at 87 percent.

According to the 2020 Alameda County *Regional Analysis of Impediments to Fair Housing Choice* (<https://www.cityofberkeley.info/ContentDisplay.aspx?id=36278>), across the county, minority households, especially black and Hispanic households, have the highest rate of disproportionate housing needs.

0%-30% of Area Median Income (Edited - including percent with one or more of four housing problems)

Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	TOTAL	Percent with one or more of four housing problems
Jurisdiction as a whole	8,400	1,295	1,165	10,860	77.3
White	3,945	600	345	4,890	80.6
Black / African American	1,325	370	85	1,780	74.4
Asian	1,855	245	574	2,674	69.3
American Indian, Alaska Native	95	0	0	95	100
Pacific Islander	55	0	0	55	100
Hispanic	750	40	100	890	84.2

Edited Table 17 - Disproportionally Greater Need 0 - 30% AMI

Data Source: 2011-2015 CHAS

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost burden greater than 30 percent

30%-50% of Area Median Income (Edited - including percent with one or more of four housing problems)

Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	TOTAL	Percent with one or more of four housing problems
Jurisdiction as a whole	3,540	1,035	0	4,575	77.3
White	2,015	525	0	2,540	79.3
Black / African American	390	235	0	625	62.4
Asian	585	170	0	755	77.4
American Indian, Alaska Native	15	0	0	15	100
Pacific Islander	0	0	0	0	0
Hispanic	430	64	0	494	87

Edited Table 18 - Disproportionally Greater Need 30 - 50% AMI

Data Source: 2011-2015 CHAS

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost burden greater than 30 percent

50%-80% of Area Median Income (Edited - including percent with one or more of four housing problems)

Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	TOTAL	Percent with one or more of four housing problems
Jurisdiction as a whole	2,855	1,880	0	4,735	60.2
White	1,695	1,140	0	2,835	59.7
Black / African American	275	175	0	450	61.1
Asian	425	245	0	670	63.4
American Indian, Alaska Native	20	4	0	24	83.3
Pacific Islander	40	10	0	50	80
Hispanic	260	195	0	455	57.1

Edited Table 19 - Disproportionally Greater Need 50 - 80% AMI

Data Source: 2011-2015 CHAS

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost burden greater than 30 percent

80%-100% of Area Median Income (Edited - including percent with one or more of four housing problems)

Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	TOTAL	Percent with one or more of four housing problems
Jurisdiction as a whole	1,510	2,505	0	4,015	37.6
White	890	1,310	0	2,200	40.4
Black / African American	100	305	0	405	24.6
Asian	300	490	0	790	37.9
American Indian, Alaska Native	4	0	0	4	100
Pacific Islander	0	0	0	0	0
Hispanic	180	250	0	430	41.8

(Edited) Table 20 - Disproportionally Greater Need 80 - 100% AMI

Data Source:

2011-2015 CHAS

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost burden greater than 30 percent

NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

The four severe housing problems are: 1) the lack of complete kitchen facilities, 2) the lack of complete plumbing facilities, 3) more than 1.5 persons per room, and 4) a cost burden greater than 50 percent.

0%-30% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	7,360	2,335	1,165
White	3,585	960	345
Black / African American	1,025	670	85
Asian	1,740	355	574
American Indian, Alaska Native	60	35	0
Pacific Islander	55	0	0
Hispanic	575	215	100

Table 21 – Severe Housing Problems 0 - 30% AMI

Data Source: 2011-2015 CHAS

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost burden over 50 percent

30%-50% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	2,195	2,375	0
White	1,225	1,315	0
Black / African American	225	410	0
Asian	340	415	0
American Indian, Alaska Native	15	0	0
Pacific Islander	0	0	0
Hispanic	310	190	0

Table 22 – Severe Housing Problems 30 - 50% AMI

Data Source: 2011-2015 CHAS

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost burden over 50 percent

50%-80% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,130	3,605	0
White	775	2,060	0
Black / African American	120	330	0
Asian	190	475	0
American Indian, Alaska Native	4	15	0
Pacific Islander	0	50	0
Hispanic	24	425	0

Table 23 – Severe Housing Problems 50 - 80% AMI

Data Source: 2011-2015 CHAS

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost burden over 50 percent

80%-100% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	480	3,535	0
White	295	1,905	0
Black / African American	60	350	0
Asian	40	750	0
American Indian, Alaska Native	0	4	0
Pacific Islander	0	0	0
Hispanic	85	340	0

Table 24 – Severe Housing Problems 80 - 100% AMI

Data Source: 2011-2015 CHAS

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost burden over 50 percent

Discussion

There are two problems that distinguish “severe housing problems” from “housing problems”:

- Overcrowded households with more than 1.5 persons per room instead of 1 person per room, not including bathrooms, porches foyers, halls, or half-rooms.
- Households with cost burdens of more than 50 percent of income instead of 30 percent.

The following groups have disproportionately greater needs (10 percent higher than the percentage experiencing one of four severe housing problems of the jurisdiction’s income level as a whole), as demonstrated by the modified tables below (originally tables 17-20, marked “Edited”), which include the percent experiencing one of four severe housing problems:

- In the 0-30 percent of Area Median Income category 67.7 percent overall have one or more severe housing problem. Pacific Islanders had disproportionately greater need in comparison to the needs of that category of need as a whole, with 100 percent of 55 households experiencing have one or more of four severe housing problems.
- In the 30-50 percent of Area Median Income category 48 percent overall have one or more of four severe housing problems. American Indian, Alaska Natives had disproportionately greater need in comparison to the needs of that category of need as a whole, with 100 percent of 15 households experiencing one or more of four severe housing problems.

When applicable to fair housing law, Berkeley is working to address disproportionately severe housing problems when they can be addressed by landlords through continuing to fund fair housing outreach, education, investigation, and enforcement. Alameda County’s Draft 2020 *Regional Analysis of Impediments* catalogues Berkeley’s efforts with limited resources. In FY17, a city funded community agency provided fair housing services and a majority of tenants served had housing-related issues related to their disabled status; however, gender, family status, national origin, race, and age discrimination were also reported.

0%-30% of Area Median Income (Edited - including percent with one or more of four housing problems)

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	TOTAL	Percent with one or more of four housing problems
Jurisdiction as a whole	7,360	2,335	1,165	10,860	67.7
White	3,585	960	345	4,890	73.3
Black / African American	1,025	670	85	1,780	57.5
Asian	1,740	355	574	2,669	65.1
American Indian, Alaska Native	60	35	0	95	63.1
Pacific Islander	55	0	0	55	100
Hispanic	575	215	100	890	64.6

Edited Table 25 – Severe Housing Problems 0 - 30% AMI

Data Source: 2011-2015 CHAS

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost burden over 50 percent

30%-50% of Area Median Income (Edited - including percent with one or more of four housing problems)

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	TOTAL	Percent with one or more of four housing problems
Jurisdiction as a whole	2,195	2,375	0	4,570	48
White	1,225	1,315	0	2,540	48.2
Black / African American	225	410	0	635	35.4
Asian	340	415	0	755	45
American Indian, Alaska Native	15	0	0	15	100
Pacific Islander	0	0	0	0	0
Hispanic	310	190	0	500	62

Edited Table 26 – Severe Housing Problems 30 - 50% AMI

Data Source: 2011-2015 CHAS

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost burden over 50 percent

50%-80% of Area Median Income (Edited - including percent with one or more of four housing problems)

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	TOTAL	Percent with one or more of four housing problems
Jurisdiction as a whole	1,130	3,605	0	4,735	23.8
White	775	2,060	0	2,835	2
Black / African American	120	330	0	450	26.6
Asian	190	475	0	665	28.5
American Indian, Alaska Native	4	15	0	19	21
Pacific Islander	0	50	0	50	0
Hispanic	24	425	0	449	5

Edited Table 27 – Severe Housing Problems 50 - 80% AMI

Data Source: 2011-2015 CHAS

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost burden over 50 percent

80%-100% of Area Median Income (Edited - including percent with one or more of four housing problems)

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	TOTAL	Percent with one or more of four housing problems
Jurisdiction as a whole	480	3,535	0	4,015	11.9
White	295	1,905	0	2,200	13.4
Black / African American	60	350	0	410	14.6
Asian	40	750	0	790	5
American Indian, Alaska Native	0	4	0	4	0
Pacific Islander	0	0	0	0	0
Hispanic	85	340	0	425	20

Edited Table 28 – Severe Housing Problems 80 - 100% AMI

Data Source: 2011-2015 CHAS

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost burden over 50 percent

NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction:

The following table displays cost burden information for the jurisdiction and each racial and ethnic group, including no cost burden (less than or equal to 30 percent), cost burden (greater than 30 to 50 percent), severe cost burden (more than 50 percent), and no/negative income.

Housing Cost Burden

Housing Cost Burden	<=30%	>30-50%	>50%	No / negative income (not computed)
Jurisdiction as a whole	25,875	8,065	10,705	1,265
White	18,100	4,750	5,890	360
Black / African American	1,825	775	1,340	85
Asian	3,415	1,180	2,140	644
American Indian, Alaska Native	35	55	70	4
Pacific Islander	10	40	55	0
Hispanic	1,650	935	840	105

Table 29 – Greater Need: Housing Cost Burdens AMI

Data Source: 2011-2015 CHAS

Discussion:

When individuals of all incomes are combined by race or ethnicity, based on a housing cost burden of 30-50 percent or >50 percent of Area Median Income, the disproportionately greater needs compared to the needs of the jurisdiction as a whole are evident and described below (as demonstrated in the table below based on Table 21):

- For Black/African Americans: A cost burden of 50 percent or more of their income impacts 33.5 percent of Black / African Americans, compared to 23.3 percent of the City as a whole.
- For American Indian, Alaska Native: A cost burden of 30 percent up to 50 percent impacts 33.5 percent of American Indian, Alaska Native, compared to 17.5 percent of the City as a whole. A cost burden of 50 percent or more of their income impacts 42.6 percent of American Indian, Alaska Native, compared to 23.3 percent of the City as a whole.
- For Pacific Islanders: A cost burden of 30-50 percent impacts 38 percent Pacific Islanders, compared to 17.5 percent of the City as a whole. A cost burden of 50 percent or more of their

income impacts 52.3 percent of Pacific Islanders, compared to 23.3 percent of the City as a whole.

Housing Cost Burden (Edited- including percent of total group within each burden category)

Housing Cost Burden	<=30%	Percent of total with <=30%	30-50%	Percent of total with 30-50%	>50%	Percent of total with >50%	No / negative income (not computed)	TOTAL
Jurisdiction as a whole	25,875	56.3	8,065	17.5	10,705	23.3	1,265	45,910
White	18,100	62.1	4,750	16.3	5,890	20.2	360	29,100
Black / African American	1,825	45.3	775	19.2	1,340	33.2	85	4,025
Asian	3,415	46.2	1,180	15.9	2,140	29	644	7,379
American Indian, Alaska Native	35	21.3	55	33.5	70	42.6	4	164
Pacific Islander	10	9	40	38	55	52.3	0	105
Hispanic	1,650	46.7	935	26.4	840	23.7	105	3,530

Edited Table 30 – Greater Need: Housing Cost Burdens AMI

Data Source: 2011-2015 CHAS

As previously mentioned in NA-20, Berkeley, in partnership with a community based agency, works to address fair housing with a partner community based agency. Efforts include housing and income discrimination through housing outreach, education, investigation, and enforcement. Alameda County's 2020 *Regional Analysis of Impediments* catalogues Berkeley's efforts with limited resources.

NA-30 Disproportionately Greater Need: Discussion – 91.205(b)(2)

Are there any income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

At the 0-30 percent of Area Median Income category, among those with one or more of four severe housing problems, Pacific Islanders have a disproportionately greater need than the needs of the income category as a whole. At the 0-30 percent of Area Median Income category, among those with one or more of four housing problems, American Indian, Alaska Natives and Pacific Islanders have disproportionately greater needs than the needs of the income category as a whole.

In the 30-50 percent of Area Median Income range, among those with one or more of four severe housing problems, American Indian, Alaska Natives and Hispanics are experiencing a disproportionate need. At the 30-50 percent of Area Median Income category, among those with one or more of four housing problems, American Indian, Alaska Natives and Hispanics also face a disproportionate need.

At the 50-80 percent of Area Median Income category, among those with one or more of four severe housing problems, no one group has a significant need above the percent impacted within the jurisdiction as a whole. At the 50-80 percent of Area Median Income category, among those with one or more of four housing problems, American Indian, Alaska Natives and Pacific Islanders have disproportionately greater needs than the needs of the income category as a whole.

At the 80-100 percent of Area Median Income category, among those with one or more of four severe housing problems, no one group has a significant need above the percent impacted within the jurisdiction as a whole. At the 80-100 percent of Area Median Income category, among those with one or more of four housing problems, only American Indian, Alaska Natives had a significant need at 100 percent, however that was with only four households as a total in that category.

Across all income categories, among those with one or more of four housing problems, American Indian, Alaska Natives consistently have disproportionately greater needs than their income categories as a whole.

If they have needs not identified above, what are those needs?

No additional needs have been identified.

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

The 2010 Census data shows that most of the Hispanic populations are located in the census tracts in the central, southern and western parts of the City along with the area around the University. The strongest concentration occurred in the western quadrant of the City. The American Indian and Alaskan

Native populations are scattered throughout the City, but the number of American Indian and Alaskan Native households are too small to determine whether they're concentrated in a specific area.

According to Alameda County's 2020 *Regional Analysis of Impediments*, segregation between white and non-white residents has increased for every jurisdiction since 1990 except for Oakland, Berkeley, and Union City. Segregation between black and white residents has increased for every jurisdiction except for Alameda and Oakland. Segregation between white and Hispanic residents has increased for every jurisdiction. Segregation for white and Asian or Pacific Islander residents has increased for every jurisdiction except Fremont and Union City. In general, participating jurisdictions, except for the County, Berkeley, and Oakland, have low levels of segregation.

A Racially or Ethnically Concentrated Area of Poverty (R/ECAP) is a neighborhood (census tract) with a poverty rate of 40 percent or more and a racial or ethnic concentration (50 percent or more of the tract is minority). The *Regional Analysis of Impediments* identifies the Berkeley's R/ECAPs. In Berkeley, 40 percent of R/ECAP residents are white, 39 percent are Asian, and 11 percent are Hispanic. By comparison, in Oakland, 37 percent of R/ECAP residents are Hispanic, 37 percent are black, and 15 percent are Asian or Pacific Islander.

NA-35 Public Housing – 91.205(b)

Introduction

The Berkeley Housing Authority (BHA) no longer owns public housing units, as they were transitioned to Project-based Section 8 via a disposition process in 2014. The BHA Board is appointed by the Mayor of the City of Berkeley and confirmed by the City Council. BHA updated the following data for inclusion in this Plan from PIC (PIH Information Center) since the populated data from HUD was outdated.

Totals in Use

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project - based	Tenant - based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers in use	0	93	0	1,495	300	1,195	20	0	20

Table 31 - Public Housing by Program Type

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Data Source: PIC (PIH Information Center)

Note: There is no Consolidated Plan generated Table 23 for Berkeley.

Characteristics of Residents

	Program Type							
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher	
				Total	Project-based	Tenant-based	Veterans Affairs Supportive Housing	Family Unification Program
Average Annual Income	0	\$8,843	0	\$16,981	\$17,991	\$15,971	\$20,943	N/A
Average length of stay	0	11	0	7.5	7	8	7	N/A
Average Household size	0	1	0	1.5	1.5	1.5	1.5	N/A
# Homeless at admission	0	All	0	33	6	27	20	N/A
# of Elderly Program Participants (>62)	0	45	0	691	138	553	0	N/A
# of Disabled Families	0	98	0	900	180	720	20	N/A
# of Families requesting accessibility features	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
# of HIV/AIDS program participants	0	0	0	15	15	0	0	0
# of DV victims	0	0	0	3	1	2	0	0

Table 32 – Characteristics of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Race of Residents

Race	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project -based	Tenant -based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
White	0	26	0	404	81	323	8	0	14
Black/African American	0	64	0	978	196	781	8	0	10
Asian	0	4	0	76	15	60	0	0	0
American Indian/Alaska Native	0	1	0	16	3	12	1	0	1
Pacific Islander	0	1	0	21	4	16	0	0	2
Other	0	0	0	0	0	0	0	0	0

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Table 33 – Race of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Ethnicity of Residents

Ethnicity	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project -based	Tenant -based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	0	19	0	136	58	78	2	0	4
Not Hispanic	0	79	0	1,359	242	1,118	15	0	23

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Table 34 – Ethnicity of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:

Berkeley Housing Authority (BHA) disposed of its 61 units of low income public housing and is now a voucher-only Housing Authority. Related California acquired all of the public housing units and now operates them as affordable housing. Most of these units currently receive Project-based vouchers. In the Section 8 Program, the waitlist last opened in 2010, with over 37,000 applicants (1,500 were selected randomly for the Tenant-based waitlist; 1,500 were selected randomly for the Project-based waitlist). Twenty percent of applicants indicated on their application that they were disabled. There is a lack of affordable fully accessible units, specifically with roll in showers for wheelchair-reliant individuals and others with significant mobility impairments. The Center for Independent Living, located in Berkeley and funded by the City of Berkeley, has limited funds to offer minor remodeling of current homes including rentals (ramps, grab bars, hearing and visual impaired door bells and alarms), but the demand outweighs the supply.

Most immediate needs of residents of Public Housing and Housing Choice voucher holders

The most immediate need of voucher holders is an adequate supply of affordable rental housing units for the demand of low income households that wish to participate in the Housing Choice Voucher Program in Berkeley. Even with a Payment Standard at the maximum allowable of 110 percent of the Fair Market Rent (FMR), there are still challenges with attracting landlords willing to rent to extremely low income households. For tenants needing accessible units, it is even more difficult. Finding those accessible units in the limited pool of affordable units limits options even further. BHA would like to implement a landlord retention program to attract new landlords and encourage currently participating landlords to work with BHA again. One option is piloting a damage claim program to provide funding to landlords to make repairs upon a vacancy. This would necessitate obtaining funding from outside sources, such as the City of Berkeley.

How do these needs compare to the housing needs of the population at large

There is a significant shortage of accessible housing units for households of all income ranges. Professionals earning high salaries are better able to pay higher market rents, and this drives the rental market higher in Berkeley. Data from Zumper.com shows San Francisco has the most expensive rents in the country, averaging \$4,670 for a 2-bedroom unit (<https://www.zumper.com/>). BHA's Payment Standard for a 2-bedroom unit is \$2,336 (the 4-bedroom Payment Standard is \$3,945).

Discussion

The extremely high cost rental market in Berkeley and the rest of the Bay Area poses challenges for all but the highest income households. Unfortunately, even having a Housing Choice Voucher no longer guarantees finding housing in Berkeley will be possible.

NA-40 Homeless Needs Assessment – 91.205(c)

Introduction:

The City of Berkeley adopted the EveryOne Home *Plan to End Homelessness: 2018 Strategic Update* (<http://everyonehome.org/about/the-plan/>) in 2019 with a goal of broadening the City's approach to services and housing to allow for better outcomes among people with long-term homeless histories and severe disabling conditions. As required by HUD, Alameda County conducts a countywide homeless count every other year but a city-level count occurs when resources permit. The most recent comprehensive data available on Berkeley's homeless population comes from the 2019 homeless count.

In 2019 the survey found that Berkeley has 1,108 literally homeless people on any given night. HUD defines literally homeless people as those who are residing on the streets, in places not meant for human habitation, in shelters or in transitional housing programs.

The data show:

- Berkeley's total homeless population in 2019 represents 14 percent of the County's homeless population, while Berkeley has seven percent of the County's overall population (2018).
- Berkeley's homeless are mostly adults in households with no children (95 percent), while adults with no children make up 93 percent of the homeless population countywide.
- 35 percent (387 people) of homeless people in Berkeley met HUD's definition of chronically homeless—a single adult with a disability, homeless for one year consecutively or 4 or more times in 3 years. In Berkeley chronically homeless adults make up a greater portion of the homeless population (35%) than chronically homeless adults do in Alameda County as a whole (28%).
- 42percent of Berkeley's homeless have a have psychiatric/emotional conditions, compared to 39 percent countywide.
- 32 percent of Berkeley's homeless have reported alcohol and drug use compared to 30 percent of Alameda County's homeless population.
- Seven percent of Berkeley's homeless population are veterans, compared to eight percent countywide.

Homeless Needs Assessment

Population	Estimate the # of persons experiencing homelessness on a given night		Estimate the # experiencing homelessness each year	Estimate the # becoming homeless each year	Estimate the # exiting homelessness each year	Estimate the # of days persons experience homelessness
	Sheltered	Unsheltered				
Persons in Households with Adult(s) and Child(ren)	51		104	47	20	Not Available
Persons in Households with Only Children	1		20	1	10	Not Available
Persons in Households with Only Adults	243	813	2,154	896	376	Not Available
Chronically Homeless Individuals	159	228	750	313	131	Not Available
Chronically Homeless Families	0	0	0	0	0	Not Available
Veterans	21	60	165	66	28	Not Available
Unaccompanied Child	0	0	0	0	0	Not Available
Persons with HIV	49	17	136	57	24	Not Available

Table 35 - Homeless Needs Assessment

Data Source Comments: Alameda County 2019 Homeless Count and Survey and [City of Berkeley 1,000 Person Plan](#).

Indicate if the homeless population is rural:

Not Applicable. Jurisdiction has no rural homeless

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

Berkeley's total homeless population represents 14 percent of the County's homeless population, while Berkeley has seven percent of the County's overall population (2018). Berkeley has a greater share of chronically homeless adults (35 percent). Berkeley's homeless are mostly adults in households with no children (95 percent), while adults with no children make up only 93 percent of the homeless population countywide. Thirty-five percent (387 people) of homeless people in Berkeley met HUD's definition of chronically homeless—a single adult with a disability, homeless for one year consecutively or 4 or more times in 3 years. Forty-two percent of Berkeley's homeless have a psychiatric/emotional conditions, compared to 39 percent countywide. Thirty-two percent of Berkeley's homeless report alcohol and drug use, compared to 30 percent of Alameda County's homeless population. Seven percent of Berkeley's homeless population are veterans, compared to nine percent countywide.

Nature and Extent of Homelessness: (Optional)

Race:	Sheltered:	Unsheltered (optional)
White	104	Not Available
Black or African American	269	Not Available
Asian	9	Not Available
American Indian or Alaska Native	5	Not Available
Pacific Islander	5	Not Available
Ethnicity:	Sheltered:	Unsheltered (optional)
Hispanic	63	Not Available
Not Hispanic	372	Not Available

Figure 1 – Nature and Extent of Homelessness

Data Source Comments: Homeless Management Information System (HMIS) Shelter and Emergency Shelter Demographic Report for PY 2018

Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

According to the 2019 count, there were 51 people in 19 households. Two-thirds of the families reported living with a health condition.

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.

Fifty-seven percent of the homeless service users during the 2019 *Homeless Count and Survey* were African-American even though they only make up nine percent of Berkeley’s general population. Twenty-nine percent were white, even though they made up 60 percent of the population

Berkeley had a much smaller percentage of Hispanic/Latino service users (12 percent) than the county as a whole (17 percent).

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.

The 2019 count found a total of 1,108 people homeless in Berkeley. This includes 813 people who were living on the streets, in abandoned buildings, storage structures, vehicles, encampments, or any other place unfit for human habitation and 295 who were living in a shelter or transitional housing.

Of the 1,108 literally homeless people, 813 or 73 percent, were living in unsheltered situations. The vast majority of unsheltered homeless are men. Seventy-three percent of the homeless population is between the ages of 25-59. Forty-nine percent of the unsheltered population had been homeless for more than a year. For more information see https://everyonehome.org/wp-content/uploads/2019/09/2019HIRDReport_Berkeley_2019-Final.pdf.

Discussion:

N/A

NA-45 Non-Homeless Special Needs Assessment - 91.205 (b,d)

Introduction:

The special needs population consists of persons who are not homeless but requires supportive housing and services for various reasons. This population includes (but is not limited to) persons with mental, physical, and/or developmental disabilities; the elderly and frail elderly; persons with alcohol or other drug addiction; persons with HIV/AIDS and their families; victims of domestic violence, dating violence, sexual assault, and stalking; and transitional age youth.

Describe the characteristics of special needs populations in your community:

Persons with Mental, Physical, and/or Development Disabilities

People with disabilities often have special housing requirements due to the need for accessibility, frequently fixed low incomes, and higher health care costs associated with a disability. According to the 2018 ACS population estimate, just over nine percent (9.1%) of the total Berkeley population had one or more disabilities, compared to just less than nine percent (8.6%) in Alameda County. The ACS identifies disability as having difficulty with one or more of four basic areas of functioning—hearing, vision, cognition, and ambulation—and/or difficulty performing everyday tasks such as, bathing, dressing and/or running errands.

Elderly and Frail Elderly

The 2013-17 ACS data reports that 13.5 percent of Berkeley's population is over 65, and that 23.7 percent of all Berkeley households are led by a senior householder. This is equivalent to 10,782 senior-headed households, 73.5 percent of which are owners 45.6 percent of seniors live alone and 22.2 percent of Berkeley households have one or more people over the age of 65 living in the home.

One of the main housing issues facing seniors is housing cost. From 2013-2017, more than 19 percent of senior-headed households had income levels below the federal poverty guidelines. Seniors often have fixed incomes so they have difficulty with increased rental and utility costs or housing maintenance costs. 27.4 percent of seniors in Berkeley received supplemental security income (SSI) and/or cash public assistance. According to the *Age-Friendly Berkeley* report and plan estimates from 2014 indicate that 23 percent of Berkeley residents 60 years of age and older were living under 200 percent of the federal poverty level (<https://www.agefriendlyberkeley.org/>).

According to the 2013-2017 ACS estimate, 73.5 percent of senior households owned homes, and 26.5 percent were renters. In terms of housing cost burden, 27.7 percent of senior homeowner households and 55.6 percent of senior renter households were overpaying for housing, which is defined as paying more than 30 percent of their income on housing costs. The *Age-Friendly Berkeley* plan, identifies housing as a specific area of importance with three of the top 10 concerns for Berkeley adults 60 years of age and older being 1) affordable housing, 2) being able to maintain their home, and 3) being able to stay in their home.

Also according to the ACS 2013-2017 data, seniors also have a higher rate of disability that increases as people age, with 16.7 percent of persons 65 to 74 years of age and 42.4 percent of persons 75 years and over having a disability, compared to the total population at nearly nine percent (8.6%). Ambulatory and independent living difficulties are most common within the senior population. Between 2013 and 2017, 15.5 percent of all elderly households had ambulatory difficulty and 13.2 percent had an independent living difficulty or limitation.

Among the goals that Berkeley identified in the Alameda County *Regional Analysis of Impediments to Fair Housing Choice* is to “support shared housing opportunities for seniors and other special needs populations.” To accomplish this, the City of Berkeley will consider programs to match seniors with underutilized living space with appropriate homeseekers on a voluntary basis. The *Age-Friendly Berkeley* webpage already notes that programs such as this are currently under consideration with UC Berkeley students and can serve a dual purpose of 1) providing seniors with minor non-medical assistance and supplemental income and 2) providing homeseekers with an affordable shared housing unit. In addition, shared rental housing can be an appropriate way to increase housing affordability for seniors and non-senior low-income single individuals or small households. Shared housing programs could be administered directly by the City of Berkeley or by contract with local fair housing service providers. While there are not currently resources available, this is an identified priority.

Persons with Alcohol or Other Drug Addictions

Comprehensive local data on the number of people with alcohol and other drug addiction is not available. However, the 2016 *National Survey on Drug Use and Health* (<https://nsduhweb.rti.org/respweb/homepage.cfm>) estimated that seven and a half percent of the American population ages 12 or older have substance use disorder. If this statistic is accurate for Berkeley, approximately 8,804 people (based on ACS 2015 population data) have substance use disorder. The survey also estimated that 47.8 percent of current alcohol drinkers participated in binge drinking of alcohol at least once in the 30 days prior to the survey and 24.9 percent of those binge alcohol users were heavy drinkers. Estimates of self-reported alcohol and other drug addictions among the homeless population are mentioned above.

Victims of Domestic Violence, dating violence, sexual assault, and stalking

The City has seen an increase in domestic violence-related calls for assistance to the Berkeley Police Department. From 2009-2016, there was an average of 169 domestic violence-related calls per year while the most recent data (2017-2018) shows an average of 224 domestic violence-related calls per year (State of California Department of Justice, <http://oag.ca.gov/crime/cjsc/stats/domestic-violence>). The increase likely means that more individuals and families will require housing assistance in order to safely relocate.

From the last comprehensive City of Berkeley *Homeless Count and Survey* from 2019, families were asked about their experience with domestic violence. Among homeless adults with minor children in

Berkeley, 40 percent reported family/domestic violence, compared to five percent of all survey respondents. Additionally, 25 percent of respondents in the city of Berkeley reported a history of ever experiencing physical, emotional, or sexual abuse by a relative or by a person with whom they have lived, such as a spouse, partner, sibling, parent, or roommate, compared to 26 percent of respondents countywide.

What are the housing and supportive service needs of these populations and how are these needs determined?

The primary need for Non-Homeless Special Needs populations is for housing that is subsidized deeply enough to be affordable at extremely low income levels. Many seniors and people with disabilities have some form of income from the Social Services Administration, which, as described in the Housing Market Analysis, is simply not sufficient to pay for market-rate or much of the affordable housing in Berkeley. Despite Social Security Income increasing over one percent (1.6%) in January 2020 from 2019 levels (<https://www.ssa.gov/oact/cola/SSI.html>), the cost of living adjustment is not enough to match Berkeley's region. According to the Bureau of Labor Statistics (https://www.bls.gov/regions/west/news-release/consumerpriceindex_sanfrancisco.htm), the consumer price index for the San Francisco-Oakland-Hayward area in October 2019 increased by three percent from 2018 and is anticipated to follow this trend in 2020. Even those who do not require supportive housing (meaning affordable housing with connected supportive services) need affordable housing.

Other needs include:

- Home rehabilitation for health and safety needs and accessibility;
- Supportive services that include enough flexibility in type, intensity, and duration to support people to stay stably housed;
- Services that help people who are eligible to access entitlements such as SSI and Medi-Cal, to increase their housing and service options; and
- Education and employment programs which help people increase their income.

These needs are evidenced by applications for funding from local non-profit agencies providing services to the special needs populations listed above. The City's last major planning initiative for homeless and special needs housing was the adoption of the update to the EveryOne Home Plan and an analysis of homeless needs presented to City Council in April 2019.

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:

Human Immunodeficiency Virus (HIV) is an infection that causes Acquired Immunodeficiency Syndrome (AIDS). According to the Center for Disease Control (<https://www.cdc.gov/hiv/statistics/overview/ataglance.html>) more than 1.1 million people in the United States over the age of 13 are currently living with HIV/AIDS. In general, HIV/AIDS is continuing to

increase in minorities, especially African Americans and Latino populations. Disproportionate rates of HIV in these minority groups leads to an even more disproportionate rate of AIDS for these same groups. HIV/AIDS primarily affects men who engage in male-to-male sexual contact and women who engage in heterosexual sex, and intravenous/injection drug use.

In Berkeley HIV/AIDS infections and death are decreasing. The rate of new AIDS cases occurring annually in Berkeley has fallen steadily over the last decade. The Berkeley *2018 Health Status Report* (https://www.cityofberkeley.info/uploadedFiles/City_Manager/Press_Releases/2018/2018-health-status-report-berkeley.pdf) indicates that Berkeley's rate of new cases continues to meet the Healthy People 2020 goal of fewer than 13 new cases per 100,000 population annually. Berkeley's 2018 Health Status Report states due to better treatment, people with HIV are living longer, and the overall number of people living with HIV is increasing. Berkeley has a higher rate of persons living with HIV than Alameda County and California. Antiretroviral drugs account for the reduction in number of HIV cases that progress to AIDS and for the decline in deaths attributable to AIDS.

Discussion:

Alameda County Housing and Community Development administers the allocation of Housing Opportunities for Persons with AIDS (HOPWA) funds on behalf of the City of Oakland for the metropolitan area which includes Berkeley. Over the years, Berkeley has provided Housing Trust Fund funding to projects which include HOPWA units targeted to people living with HIV/AIDS, including to the University Neighborhood Apartments, Oxford Plaza, UA Homes, and Grayson Street Apartments projects.

NA-50 Non-Housing Community Development Needs – 91.215 (f)

Describe the jurisdiction's need for Public Facilities:

The City of Berkeley's General Plan adopted several policies and actions which addressed the City's need for public facilities. Some of these policies and actions include the following:

- Ensure neighborhoods are well served by community services and facilities such as parks, schools, child-care facilities, and religious institutions;
- Establish a network of community centers including school sites, neighborhood resource centers, and City facilities that offer community services such as child care, health care, and recreational programs;
- Create new open space and recreational resources throughout Berkeley and preserve, maintain, and repair the City's existing open space and recreational resources and facilities; and
- Provide properly staffed and equipped fire stations and engine companies.

How were these needs determined?

The City's General Plan was developed through many community meetings, public workshops, and the efforts of City Council, Planning Commission, and City staff. During the drafting of the Consolidated Plan, there were several community meetings in which the need for public facilities and their maintenance were discussed. For instance, the City's three senior centers were built in 1977, 1979, and 1980 and had not been renovated after 30 years of intensive use until recently using, in part, CDBG funding. These public facilities are critical infrastructure for the delivery of public services, and emergency shelter, and are therefore a high priority. Although the City prioritizes its CDBG resources to support public services, it has allocated funds for system upgrades at the senior centers along with the rehabilitation of community centers and the public health clinic.

Describe the jurisdiction's need for Public Improvements:

The City's need for public improvements is described in the City's *Capital Improvement Program*, available online at <http://www.cityofberkeley.info/CIP/>. Capital improvements include streets, transportation, storm drains, sidewalks, sanitary sewer, parks and marina, information technology, City facilities, equipment, fleet and other infrastructure.

How were these needs determined?

These needs were determined by the City Manager and adopted by City Council during the biennial budget process. The biennial budget cycle begins with the development of the Budget Development instructions, including policy directives. The City Manager reviews and evaluates the baseline budgets and supplemental requests to determine whether they fulfill City Council goals and objectives, improve management effectiveness and service delivery, or increase productivity.

The City Manager then develops a balanced budget proposal for submission to the Mayor and City Council. Copies of the proposed budget are distributed to all Boards, Commissions, City Departments, and made available to the general public. City Council then holds public meetings to discuss the proposed budget, including at least two formal public hearings.

Describe the jurisdiction's need for Public Services:

The City has historically funded a wide variety of public services for Berkeley's diverse population. Supporting public services will continue to be a high priority for the City. These services could include, but are not limited to, the following:

- Homeless services
- Senior services
- Disabled services
- Legal/advocacy services
- Youth services
- Transportation services
- Substance abuse services
- Services for battered/abused spouses
- Employment training
- Childcare services
- Health services
- Mental health services
- Fair housing related services

How were these needs determined?

The City has historically funded a wide array of public services based on community input. The vast majority of public services are funded with local sources, including General Fund, instead of federal funds. For public services funded with local sources, the needs are determined by the same process outlined above for public improvements. For public services funded with federal funding, the needs are determined by public hearings, commission review, consultation with local non-profit agencies providing the services, and client-level surveys.

Housing Market Analysis

MA-05 Overview

Housing Market Analysis Overview:

The purpose of the Market Analysis is to provide a clear picture of the environment in which the City will administer its CDBG, HOME, and ESG programs over the course of this Consolidated Plan. In conjunction with the Needs Assessment, this chapter will provide the basis for the Strategic Plan and the programs and projects to be administered. Most of the data tables in this section are populated with default data developed by the Census Bureau for HUD based on 2011 – 2015 American Community Survey (ACS) Census. Other sources are noted throughout the Plan.

The Market Analysis includes the following sections:

- Number of Housing Units
- Cost of Housing
- Condition of Housing
- Public and Assisted Housing
- Homeless Facilities and Services
- Special Needs Facilities and Services
- Barriers to Affordable Housing
- Non-Housing Community Development Assets
- Needs and Market Analysis Discussion

Note: There is no Consolidated Plan generated Table 28 – 30 for Berkeley.

MA-10 Number of Housing Units – 91.210(a)&(b)(2)

Introduction

Based on the 2013-2017 American Community Survey (ACS) data, there are 45,515 occupied households in the City with a total of 49,137 housing units. Single-units, both detached and attached structures, comprise 46.2 percent of the City’s housing units. Multi-unit structures of two to four units make up 20 percent of total households, while structures with five to 19 units comprise 18 percent, and structures of 20 or more make up 15.5 percent. At the time of the ACS data collection, less than half of one percent (0.3%) of households were mobile homes, however the City estimates that this number may have grown as a result of increasing housing instability. The 2019 *Homeless Count and Survey* conducted by Applied Survey Research on behalf of the City, as a part of Alameda County’s EveryOne Home effort, estimated that 20 percent of the unsheltered population is living in RVs (161 individuals).

According to Berkeley’s Planning Department annual reports to California’s Department of Finance, Berkeley’s new housing units completed since 2014 include the following:

YEAR	SFH	2-4 units	5+	number of affordable units
2018	60 (53 are ADUs)	10	161	13
2017	45	11	502	167
2016	17	4	226	14
2015	5	2	138	NA
2014	20	4	139	NA

Figure 2 - Projects with Building Permits Finaled in Reporting Year

Source: CA Dept of Finance Annual Reports (2018)

Notes: Accessory Dwelling Units (ADUs) tracked in 2018, but not in previous years. Affordable Housing not tracked before 2016.

The recent increase in the construction of Accessory Dwelling Units (ADUs), which Berkeley first clearly tracked in 2018, may reflect state and local legislation that went into effect in 2017 to ease land use restrictions and encourage ADU development. Berkeley City Council is considering additional programmatic investment to encourage ADU construction, as well as an amnesty program to incentivize the legalization of existing but unpermitted ADUs to increase the supply of overall units.

Most of Berkeley’s buildings were constructed between 1875 and 1940. Densities are greatest in the areas close to the University campus and Downtown, where there are multi-unit apartment buildings and large single-family homes converted to rooming houses or apartments. Density can also be found along the main arterials of the city in both older and new apartment buildings. The majority of the city is characterized by small lots with one to four units.

According to the *2015-2023 Housing Element* (<https://www.cityofberkeley.info/housingelement/>), the City of Berkeley has capacity for approximately 5,328 new units on underutilized parcels throughout the City. The City identified four main areas with the greatest potential for new units and a track record of units being built. These are the downtown area, the southside area, the commercial corridors, and vacant lots in the residential districts. For the period 2014-2022, the City estimates that the capacity for 997 units can be built in the downtown, 430 units in the Southside, 1,794 units in the commercial corridors, and 237 units in the residential districts.

All residential properties by number of units

Property Type	Number	%
1-unit detached structure	21,585	43%
1-unit, attached structure	1,880	4%
2-4 units	9,495	19%
5-19 units	8,820	18%
20 or more units	7,765	16%
Mobile Home, boat, RV, van, etc	130	0%
Total	49,675	100%

Table 36 – Residential Properties by Unit Number

Data Source: 2011-2015 ACS

Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	135	<1%	3,455	13%
1 bedroom	1,290	7%	10,485	40%
2 bedrooms	5,510	28%	8,440	32%
3 or more bedrooms	12,640	65%	3,960	15%
Total	19,575	100%	26,340	100%

Table 37 – Unit Size by Tenure

Data Source: 2011-2015 ACS

Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

Under the City of Berkeley's Housing Trust Fund (HTF), the City of Berkeley has assisted the development of 54 properties consisting of 1,331 rental housing units and 107 homeownership units. Of the 1,331 rental housing units, 68 percent of the units serve extremely low and low income families and individuals; 35 percent are designated specifically for extremely low and low-income seniors; and 20 percent serve a targeted special needs population, including formerly homeless, people with physical and/or development disabilities, people with AIDS and Transition-Aged Youth. Of the 107

HTF-funded homeownership units, 71 must be occupied by low- to moderate-income families and individuals. Each homeownership unit is subject to a regulatory agreement which requires long-term affordability and restricts resale of the affordable unit to another low income first-time homebuyer during the affordability period.

Since the inception of the HTF in 1990, the City has invested over \$50 million, including the City's allocation of federal HOME and CDBG funds, former redevelopment funds, City general funds and other local sources of funding. The City's investment has enabled local nonprofit project sponsors to secure over \$208 million in other financing, including low income housing tax credits, state Multifamily Housing Program funds, and in a few projects, federal New Markets Tax Credits. The majority of the City-assisted housing projects is 100 percent affordable and meets the deepest affordability levels per the City's Housing Trust Fund guidelines. Under the City's guidelines, project sponsors are required to set aside at least 60 percent of all the units for extremely low and very low income households, including a 20 percent set-aside for families and individuals who are extremely low-income.

Berkeley has made significant strides in expanding local funds to address the needs of displaced residents and the region's increasingly unaffordable housing prices. Since the previous submission of the City's Consolidated Plan, Berkeley voters approved three new sources of revenue to focus on affordable housing and programs addressing homelessness. Alameda County also created new affordable housing funding programs through which Berkeley has access to additional funding.

Berkeley's Measure U1 was passed in 2016 as a business license tax ordinance to permanently increase the gross receipts tax on owners of five or more residential units from just over one percent (1.081%) to nearly three percent (2.880%). While tax proceeds are deposited in the City's general funds, the City is required to consider the Housing Advisory Commission's recommendations for the use of funds to increase affordable housing and protect Berkeley residents from homelessness. Since its passage, Measure U1 has resulted in nearly \$11 million in additional tax revenue. The City has committed funds to anti-displacement programs at community based organizations, the new Small Sites loan program, affordable housing predevelopment loans, and a housing planning grant for the Berkeley Unified School District.

With \$1 million set aside from Measure U1 funds collected in 2017, 2018 witnessed the start of Berkeley's Small Sites Program, focused on the acquisition and renovation of small, multifamily rental properties with up to 25 units. In 2019 the City awarded \$950,000 in Small Sites Program funds to the Bay Area Community Land Trust for the renovation of the eight unit Stuart Street Apartments, targeted for Berkeley Residents making up to 80 percent of Area Median Income.

In November 2018, Berkeley voters approved Measure O and Measure P. Measure O authorizes the issuance of \$135 million of general obligation bonds to finance the acquisition and improvement of real property for the purpose of constructing, rehabilitating, or preserving affordable housing for low-, very low-, median-, and middle- income individuals and working families, including teachers, seniors, veterans, homeless students, people of with disabilities, and other vulnerable populations. Measure P increases the tax on the transfer of real property from one and a half percent to two and a half percent

for property sales and transfers over \$1.5 million to fund general city purposes and the establishment of a homeless services panel. Measure P will likely yield \$6 to \$8 million per year and has stated goals that include funding the rehousing of homeless individuals, as well as mental health needs and other wrap around services.

The City is planning on an initial issuance of Measure O bonds totaling \$30 million in early 2020. The City Council decided to make those funds available through the Housing Trust Fund program guidelines. Measure O and other available funds, including the City's balance of HOME funds, will go to two affordable housing projects with existing fund reservations—2012 Berkeley Way and 1601 Oxford Street—and additional projects selected in a 2019 Request for Proposals process. When completed, 1601 Oxford Street will be a 37-unit rental housing facility primarily for low income seniors and homeless households and 2012 Berkeley Way will include 142 permanent affordable housing units, for very low-income and formerly homeless families and individuals, as well as 32 men's shelter beds and 12 beds for homeless veterans.

In the 2016 election Alameda County passed Measure A1, a \$580 million bond to expand and preserve affordable housing options for renters and homeowners. The bond allows expenditures for down payment assistance, housing preservation loans, homeowner development programs, and the development of new affordable housing. The City received an allocation of about \$15 million in A1 funds, which it awarded to Grayson Apartments (22 affordable units) and 2012 Berkeley Way (described above). Berkeley projects were also able to compete for funds in a North County pool, and the Berkeley Way and 1601 Oxford projects also received A1 funds.

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.

No units are expected to be lost. As required by the State in its Housing Element, the City identified five developments containing 297 restricted units as being at risk since they are in annual renewals of their Section 8 contracts and have no other restrictions on their affordability. However, most of these properties are owned by mission-oriented non-profit organizations and the City does not have any evidence that the owners of any of these properties have any intention of converting to market rate. Of course, all of these properties would be at risk in the event of federal policy changes that reduced or eliminated Section 8 subsidies for these properties. The City informally monitors the status of these developments:

- Bonita House – 2 restricted units;
- Lawrence Moor Manor – 46 restricted units;
- Stuart Pratt Manor – 44 restricted units;
- Redwood Gardens – 169 restricted units; and
- Rosewood Manor – 36 restricted units.

Does the availability of housing units meet the needs of the population?

Despite the City's commitment to investing in affordable housing, and the many projects and programs that the City has supported, there is not enough affordable housing to meet the needs of the population in Berkeley, throughout the Bay Area and in coastal California. In the November 2018 Measure O ballot language, the City set a goal of achieving 10 percent reserved affordable housing by 2030. The combined funds of Measures U1, O, P and the existing Housing Trust Fund seek to meet this new goal by leveraging county, state and federal funds.

The Bay Area, including Berkeley, has some of the highest housing costs in the country. Real estate website Zillow.com, using data from September 30, 2019, estimates the median rent price in Berkeley to be \$3,775, which is higher than the San Francisco-Oakland-Hayward Metro Median of \$3,400. Using additional data from that time period, Zillow.com lists Berkeley's median listing price for single family homes is at \$998,000, and the median purchase price is actually \$1,256,000. These prices do not reflect a market that includes homes easily within reach for those working minimum wage jobs or extremely low, very low, and low income households. The jump in price from the listing price to the purchase price reflects multiple bids and a competitive market.

Part of the challenge contributing to the high cost and housing demand is that the regional housing supply has not grown to meet the regional job economy. According to the San Francisco Planning Urban Research Association (SPUR), as of early 2016, the Bay Area economy had added 480,000 private-sector jobs over the previous five years, but only 50,000 housing units.

In addition to the ongoing needs for housing for extremely low, very low, and low income households, there is evidence that housing is becoming unaffordable for even households above low income levels. As one example of the local affordability issues, it is very difficult to find housing units for rent at HUD's Fair Market Rents (FMR) in Berkeley, impacting the City's Shelter Plus Care program and the Berkeley Housing Authority's (BHA) Housing Choice Voucher program. BHA reports a 49 percent success rate in leasing up. This means that only 49 percent of vouchers issued in the past 12 months were able to find a unit in Berkeley. The City has also heard from the BHA and social services providers that there are not enough accessible units which are affordable, even for Housing Choice Voucher holders.

New housing developments along the traditional downtown retail corridors are providing market rate housing for higher income residents. Several multi-unit housing projects have recently been entitled or begun construction, including the 12-story apartments at 1951 Shattuck Avenue with 156 units, the Logan Park Apartments at 2352 Shattuck Avenue (204 units), the 2067 University Avenue project with 99 units, and the Aquatic Shattuck at 2628 Shattuck Avenue with 78 units and 2,000 square feet of retail. Each of these projects are anticipated to lease up quickly, with strong demand driven by regional economic growth as well as the increasing student population at UC Berkeley. As of September 2019, there are 2,458 additional housing units (in 36 distinct projects) in the development pipeline (currently under construction, or seeking approval of building permits or land use permits). This represents an

eight percent increase from the number of units that were entitled or under construction as of December 2018 (2,268).

Describe the need for specific types of housing:

The 2013-2017 ACS data shows that 42.3 percent of all occupied households (of 45,515 households) in the City are paying too much for their housing costs. A closer look at the data shows the burden is greater for renters (56.1 percent) than owners with mortgages (35.1 percent). This shows the City has a large need for affordable rental units.

As mentioned above, affordable and accessible units have been identified as a need by the BHA. The vast majority of units housing current Section 8 program participant households are 1- and 2-BR units (approximately 80 percent). The remaining 20 percent of the housing stock utilized by our participating households are Studios (nine percent); 3-BRs (10 percent); and 4 BR units (two percent). This aligns with the City's current rental housing stock with about 53 percent of it consisting of studios and one-bedrooms, although many of them do not have rents affordable at HUD's FMR and thus not available to Housing Choice Voucher holders.

Discussion

Affordable housing units of all types are needed to meet local housing needs.

MA-15 Housing Market Analysis: Cost of Housing - 91.210(a)

Introduction

The very high cost of housing is Berkeley's most critical housing issue and creates the most pressing housing need. Data in this section below show that the median home value increased two percent from 2009 to 2015, and the median contract rent rose 23 percent during this same time period. While this data reflects valuations for those years, it does not reflect the current housing market, where market resale prices have far exceeded older home tax valuations. According to Zillow.com, the median sales price percent change from December 2013 to September 2019 actually demonstrated a 42 percent increase. Similarly, Zillow.com's December 2013 to September 2019 median rental data demonstrates an 18.1 percent increase in rent. These increases far outpace the cost of living.

While incomes have increased, they have not kept pace with housing costs. According to the National Housing Conference's 2018 *Paycheck to Paycheck* report (https://www.nhc.org/wp-content/uploads/2019/04/P2P2018_Final.pdf) within Metro rankings, the San Francisco-Oakland-Hayward metropolitan area (which includes Berkeley) is now the most expensive rental market in the nation, and the most expensive ownership market. A 2019 study by the San Francisco Bay Area Planning and Urban Research Association (SPUR) with the Concord Group (<https://www.spur.org/news/2019-02-21/how-much-housing-should-bay-area-have-built-avoid-current-housing-crisis>) found that since 2000, the Bay Area should have added 1.05 million housing units. Instead, only 380,000 units were built during this time — 316,000 market rate and 42,000 subsidized affordable units. This means the region fell short by 700,000 housing units. The study additionally found that since the 1990s, the Bay Area's median income has grown rapidly from close to \$60,000 per year to close to \$90,000 (unadjusted for inflation in 2018). While the region became 50 percent wealthier, with the majority of those with higher incomes arrived from outside the region and wealthier new residents outcompeted existing residents in the constrained housing market. This fast paced competition has led to the conditions demonstrated in the Needs Assessment section of this document, particularly in regards to Housing Cost Burdens.

Cost of Housing

	Base Year: 2009	Most Recent Year: 2015	% Change
Median Home Value	724,100	741,900	2%
Median Contract Rent	1,058	1,303	23%

Table 38 – Cost of Housing

Data Source: 2005-2009 ACS (Base Year), 2011-2015 ACS (Most Recent Year)

Rent Paid	Number	%
Less than \$500	2,705	10.3%
\$500-999	5,825	22.1%
\$1,000-1,499	8,245	31.3%
\$1,500-1,999	5,265	20.0%
\$2,000 or more	4,290	16.3%
Total	26,330	100.0%

Table 39 - Rent Paid

Data Source: 2011-2015 ACS

Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	2,340	No Data
50% HAMFI	5,590	225
80% HAMFI	11,430	445
100% HAMFI	No Data	834
Total	19,360	1,504

Table 40 – Housing Affordability

Data Source: 2011-2015 CHAS

Monthly Rent

Monthly Rent (\$)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	1,540	1,855	2,329	3,219	3,946
High HOME Rent	1,369	1,468	1,763	2,028	2,243
Low HOME Rent	1,017	1,090	1,307	1,510	1,685

Table 41 – Monthly Rent

Data Source: HUD FMR and HOME Rents

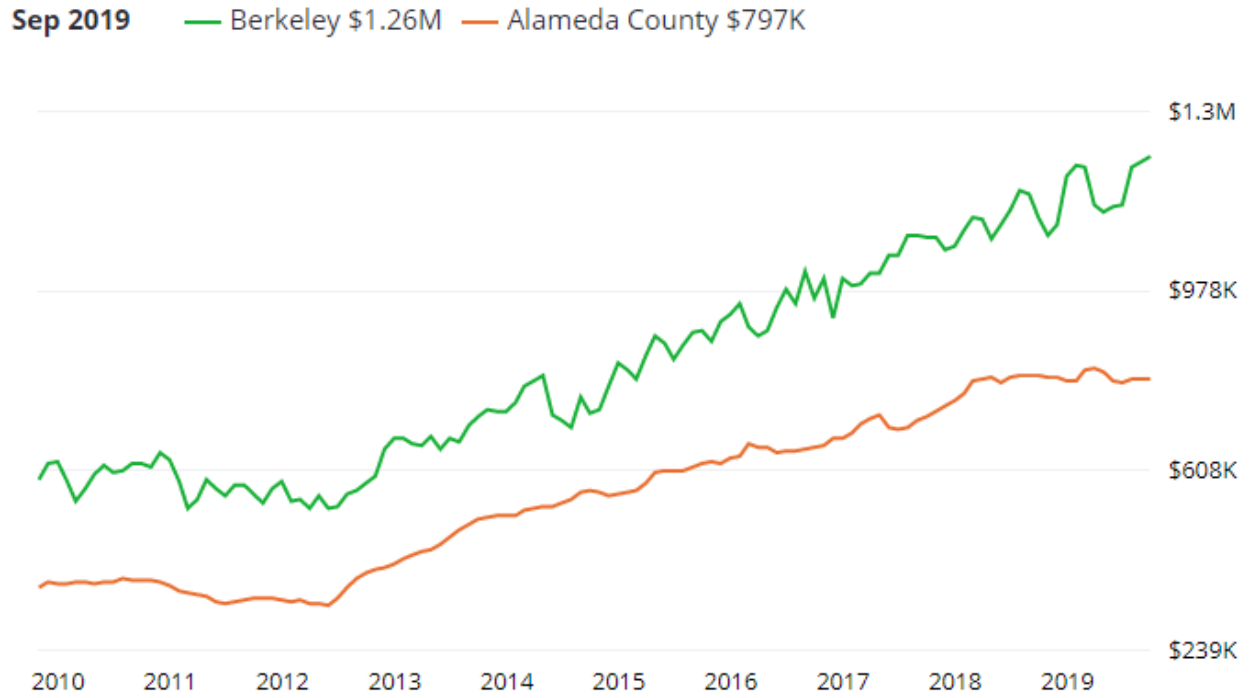


Figure 3 - Median Home Sales Price (all for sale home types), Berkeley and Alameda County, 2010-2019

Source: <https://www.zillow.com/berkeley-ca/home-values/>

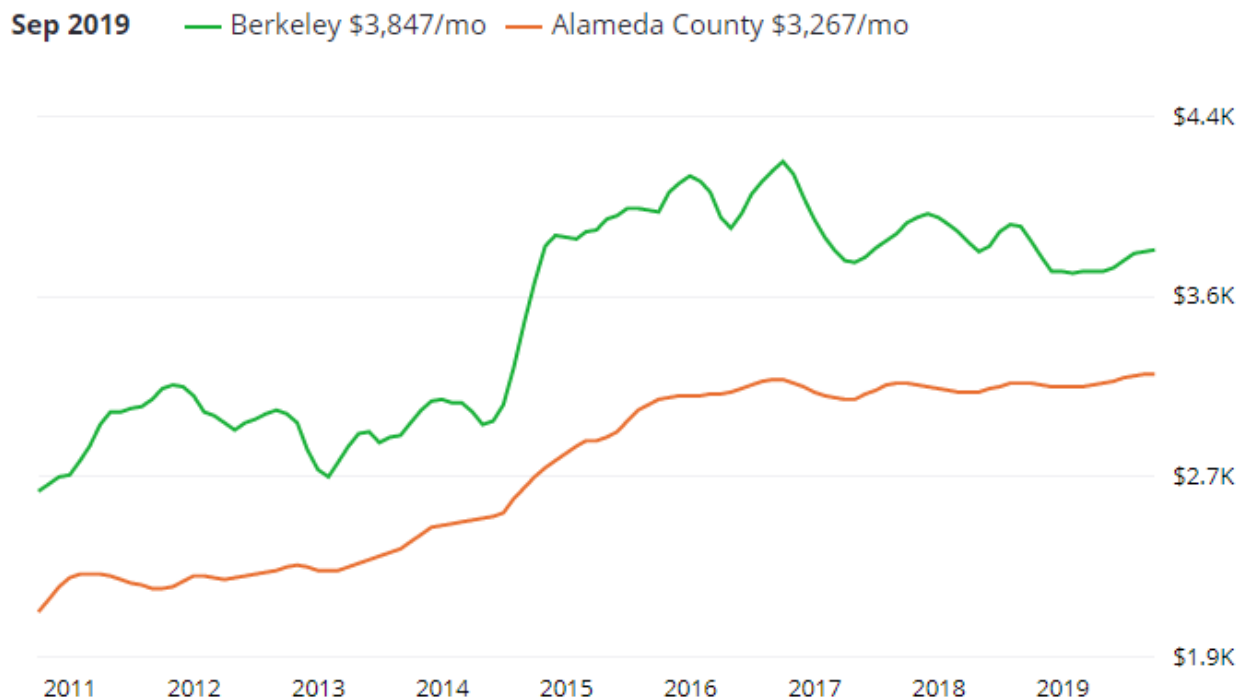


Figure 4 - Median Rental Prices (all unit types), Berkeley and Alameda County, 2010-2019

Source: <https://www.zillow.com/berkeley-ca/home-values/>

Is there sufficient housing for households at all income levels?

There is probably not sufficient housing for households at all income levels, evidenced by Berkeley being situated within the metro area with the nation's highest rents and home prices combined with a historically low vacancy rate.

How is affordability of housing likely to change considering changes to home values and/or rents?

Given recent trends in the Bay Area, it is likely that home values and rents will continue to increase. Berkeley's homeownership market remains particularly stable and attractive. Despite Zillow.com's 2019 predictions that foreclosures will be a factor impacting home values in the next several years, in Berkeley 0.0 homes are foreclosed per 10,000, which is lower than the San Francisco-Oakland-Hayward Metro value of 0.1 and lower than the national value of 1.2 (<https://www.zillow.com/berkeley-ca/home-values/>). Mortgage delinquency, a frequent indicator of potential foreclosure is a fraction of one percent (0.2%) in Berkeley, compared to the national value of just over one percent (1.1%). Nationally, as a result of the recession, home values fell by more than 20 percent from their peak in 2007 until their trough in late 2011, with many homeowners now underwater on their mortgages. Dips in home values adjusted relatively quickly after the recession in Berkeley and remain high. The percent of Berkeley homeowners underwater on their mortgage is less than one percent (0.9%), which is lower than San Francisco-Oakland-Hayward Metro at almost three percent (2.7%). This homeowner resiliency is a byproduct of high wage earners currently holding the recently sold market rate homes within Berkeley, with the continually increasing prices discussed in the prior section (\$1.26 million median sales price in September 2019).

Rental stock in Berkeley, both market rate and affordable, will significantly increase if currently entitled projects are occupied in the next two years, but the demand will remain high. As mentioned in the Needs Assessment, the University of California at Berkeley increased student enrollment by 11,000 students from original projections of enrollment from 2005-2020. The influx of students from 2005-2020, which is far greater in number than newly constructed university housing units, will continue to impact competition for rental units within the City.

Trends in regional job growth additionally point to sustained or increasing housing costs. According to the Center for the Continuing Study of the California Economy (<http://www.bayareaeconomy.org/bay-area-job-watch-33/>), a program of the Bay Area Council Economic Institute, 2018 Bay Area labor force participation rates were at record levels as residents who had previously dropped out of the workforce found eager employers. Job growth is continuing despite the lack of affordable housing, and the region has seen a notable increase in out migration (a result of the high housing costs) and an increase in high wage foreign migration.

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

Berkeley's Area Median Rents are higher than the HOME rents and Fair Market Rents. Services providers have difficulty identifying units for Shelter Plus Care certificate holders within Berkeley. In addition, Area Median Rents are continuing to rise.

The annual Average Market Rents table produced by the City's Berkeley Rent Stabilization Board shows the average market rents for new tenancies in units subject to rent stabilization from 1998 to 2018. The table showing median rents for new tenancies for 2018 is below

([General/INFO_Market%20Medians%20Report%20for%20Q3%20and%20Q4%20of%202018.pdf](#)). The City's affordable housing strategy has and continues to emphasize producing and preserving affordable housing.

2018 (new tenancies)										
#BR	1 st Q 2018		2 nd Q 2018		3 rd Q 2018		4 th Q 2018		12/31/2018 (Year)	
	Rent	#Units	Rent	#Units	Rent	#Units	Rent	#Units	Rent	#Units
Studio	\$1,600	135	\$1,800	328	\$1,895	344	\$1,798	102	\$1,800	999
1 BR	\$1,950	223	\$2,295	592	\$2,195	590	\$2,150	171	\$2,195	1,646
2 BR	\$2,504	116	\$3,150	574	\$2,900	401	\$2,800	116	\$2,990	1,287
3 BR	\$3,150	20	\$4,066	113	\$3,900	75	\$3,438	16	\$3,900	241

Figure 5 – 2018 New Tenancies

Source: Market Medians: January 1999 through December 2018, Berkeley Rent Stabilization Board Report, March 21, 2019

Discussion

In addition to rising housing costs, Berkeley has experienced rising costs for producing affordable housing. According to the *2019 International Construction Market Survey* by Turner and Townsend (<http://www.turnerandtownsend.com/en/perspectives/international-construction-market-survey-2019/#>), the Bay Area currently has the most expensive construction costs in the nation, with the average construction cost per square foot at \$416. The next most expensive city is New York, at an average of \$368 per square foot. Especially given the limited amount of HOME funding the City now receives, these high development costs require developers to pursue multiple, highly competitive sources of funding which can take years to assemble. New State of California housing programs, new County funds, and new local funds have dramatically improved the affordable housing funding climate in the past few years, but high costs and assembling multiple sources still remain challenging for local affordable housing developers. Prior to the waiver of HOME commitment deadlines, using HOME was very challenging for the City. The City does not receive enough HOME funds to fund new construction at the needed levels, and smaller rehabilitation projects are often not feasible due to HOME rehab scope and affordability requirements. Federal waiver of commitment deadlines and having local bond funds

available for a pipeline of projects have helped greatly. When the deadlines are reinstated, the City may need to explore using HOME funds for Tenant Based Rental Assistance to avoid the risk of recapture.

MA-20 Housing Market Analysis: Condition of Housing – 91.210(a)

Introduction

As previously mentioned, most of Berkeley's buildings were constructed between 1875 and 1940 with almost half of all Berkeley's housing stock consisting of single-family units. Of the multi-family units, 7,765 units (or 16 percent) are in buildings with 20 or more units. The age of the housing stock in Berkeley is much older when compared to other areas. Ninety-four percent of Berkeley's housing stock was built before 1979, compared to 81.1 percent in neighboring Oakland (<http://www.acphd.org/media/500604/health,%20housing%20in%20oakland.pdf>). Despite the prevalence of older units in Berkeley, the City's housing stock is in very good condition. This is likely due to the amount of owner-occupied units, single-family units, and high property values.

Over time the City has implemented a variety of programs to upgrade the quality of housing units in the City, including home rehabilitation loan programs and the Rental Housing Safety Program. Based on the experience with these programs, the rapid increase in property values in Berkeley over the last decade coupled with the availability of home equity loans for home rehabilitation, the City believes a very small number of housing units in Berkeley have significant rehabilitation needs.

Definitions

The City of Berkeley uses HUD's Housing Quality Standards (HQS) to define "standard condition" for units in the rental assistance programs. HQS consists of the following thirteen performance requirements: sanitary facilities; food preparation and refuse disposal; space and security; thermal environmental; structure and materials; interior air quality; water supply; lead-based paint; access; site and neighborhood; sanitary condition; and smoke detectors. For example, the dwelling unit must have suitable space and equipment to store, prepare, and serve food in a sanitary manner in order to satisfy the performance requirement for food preparation and refuse disposal.

This table displays the number of housing units, by tenure, based on the number of "conditions" the units has. Selected conditions are similar to housing problems in the Needs Assessment and are 1) lacks complete plumbing facilities, 2) lacks complete kitchen facilities, 3) more than one person per room, and 4) cost burden greater than 30 percent. The table also calculates the percentage of total units that the category represents.

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	5,720	29%	12,985	49%
With two selected Conditions	75	0%	765	3%
With three selected Conditions	0	0%	120	0%
With four selected Conditions	0	0%	0	0%
No selected Conditions	13,790	70%	12,465	47%
Total	19,585	99%	26,335	99%

Table 42 - Condition of Units

Data Source: 2011-2015 ACS

Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	325	2%	2,210	8%
1980-1999	895	5%	2,505	10%
1950-1979	2,905	15%	10,570	40%
Before 1950	15,465	79%	11,055	42%
Total	19,590	101%	26,340	100%

Table 43 – Year Unit Built

Data Source: 2011-2015 CHAS

Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	18,370	94%	21,625	82%
Housing Units build before 1980 with children present	473	2%	159	1%

Table 44 – Risk of Lead-Based Paint

Data Source: 2011-2015 ACS (Total Units) 2011-2015 CHAS (Units with Children present)

Vacant Units

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units	Not Available	Not Available	Not Available
Abandoned Vacant Units	Not Available	Not Available	Not Available
REO Properties	Not Available	Not Available	Not Available
Abandoned REO Properties	Not Available	Not Available	Not Available

Table 45 - Vacant Units

Data Source Comments: Data not available.

Vacancy Rates

The original Vacant Units Table above generated by HUD using CHAS data does not include any information on vacancy rates. Information from the 2015 Housing Element including available data is represented below.

Because of the high cost of and high demand for housing in Berkeley, vacant and abandoned units have not been a common problem. The City does not track which units are suitable for rehabilitation and which are not. The Planning & Development Department reports anecdotally that virtually any property in Berkeley can be rehabilitated because of the demand and high market prices for housing. Vacancy rates in Berkeley were relatively level at around four percent from 1970-2000 and increased to seven percent in 2010 according to the decennial census.

Since the Bay Area's rapid recovery from the recession, vacancy rates have dropped throughout the region. According to the 2013-2017 ACS 5-year estimates, Berkeley has a homeowner vacancy rate of 0.3 percent and a rental vacancy rate of 2.8 percent. Another data source, The *Comprehensive Housing Market Analysis for Oakland-Hayward-Berkeley* by HUD, based on the end of 2016 (<https://www.huduser.gov/portal/publications/pdf/OaklandCA-comp-17.pdf>), estimated the rental vacancy rate to be at nearly three percent (2.7%) and the sales housing market with an overall estimated vacancy rate of just over half a percent (0.6%).

In many urban areas, a "normal" vacancy rate is about two percent for owner-occupied housing, six to seven percent for rental housing, and about five percent overall. Although it is difficult to pinpoint what an acceptable vacancy rate is, an internet search of "normal vacancy rate" finds numerous references in real estate reports, housing studies, academic research, and other documents to a "normal" vacancy rate for a housing market in balance as being about five percent overall, two percent for ownership housing, and six or seven percent for rental housing. Many ordinances use a five percent long-term vacancy rate as the measure of a healthy rental market.

Occupied Housing Units and Vacancy Rates, 1970 to 2010					
	1970	1980	1990	2000	2010
Number of Housing Units	46,160	46,334	45,735	46,875	49,454
Occupied Housing Units or Households	44,494	44,704	43,453	44,955	46,029
Vacant Housing Units	1,666	1,630	2,282	1,920	3,425
Vacancy Rate	3.6%	3.5%	5.0%	4.1%	6.9%

Figure 6 – Occupied Housing Units and Vacancy Rates

Source: City of Berkeley 2015 Housing Element

Need for Owner and Rental Rehabilitation

As shown by the data above, more than half of Berkeley's housing stock does not have any of the selected quality conditions. Among the housing units that do have any of the reported conditions, high cost compared to the resident's income (cost burden) is by far the most common problem. At the same time, the vast majority of Berkeley's housing stock is more than 30 years old. Due to the age of the housing stock, rehabilitation is often needed to bring the housing up to current standards, particularly in regard to accessibility features for people with disabilities. Because many Berkeley residents are housing cost-burdened, there is also a need for affordable rehabilitation opportunities.

The City supports the rehabilitation of ownership and rental units through a variety of efforts. For ownership units, the City administers the Senior and Disabled Rehabilitation Loan Program. This program provides a zero interest deferred loan to low- and moderate-income senior and disabled homeowners to improve their homes. The City also provides funding to several local non-profit agencies for minor rehabilitation of units owned or rented by low-income households. For rental housing in the Housing Choice Voucher and Shelter Plus Care programs, the units are routinely inspected to ensure they meet HUD's Housing Quality Standard requirements. All rental units in the City participate in the Rental Housing Safety Program. Part of the program is reactive/complaint-based where state-mandated housing code inspections are conducted in response to complaints. Another part of the program is proactive where inspections are performed on randomly selected residential rental properties. The program also has a Safety Certification Checklist which requires owners of rentals to annually inspect their units and certify that specific housing safety standards are being met.

Low income Berkeley residents can also take advantage of Alameda County's Lead Hazard Repair grants. Grants are available for owners of pre-1978 rental and owner-occupied residential properties throughout Alameda County. Income, occupancy and other eligibility requirements apply. Pre-1960 housing units are a priority. Service includes free lead testing, up to \$10,000 per unit for lead hazard repairs, and project assistance to help make your home or property lead-safe.

Estimated Number of Housing Units Occupied by Low or Moderate Income Families with LBP Hazards

From the Number of Households Table (see Needs Assessment), there are 3,635 small family households at or below 80 percent HUD Area Median Family Income (HAMFI) income category and there are 300 large family households in the same income category. Therefore, approximately eight and a half percent of housing units are occupied by low income families. Applying that percentage to the total number of units built before 1980, an estimated 3,400 housing units occupied by low income families may contain Lead-Based Paint (LBP) hazards.

The table above (Table 39) indicates that three percent of housing units built before 1980 contains children in the household. However, the 2013-17 ACS shows there are approximately 8,478 households

with children in the City, or 18.6 percent of households. Therefore, the figures above appear to be too low and are likely incorrect.

The Alameda County Healthy Homes Department (ACHHD) administers HUD-funded lead hazard control grants in Alameda County and since July 1, 2015, has completed lead evaluations at 52 pre-1978 low-income housing units and has made 49 housing units lead-safe at 21 properties. Among the evaluated pre-1978 low-income housing it was found that 51 out of 52 units (98 percent) tested in Berkeley between 2015 and 2019 had lead hazards.

The ACHHD was recently awarded a new 42-month lead hazard control grant which is expected to begin January 1, 2020. The ACHHD will market to and expects to enroll eligible Berkeley properties into the program which will complete 144 units County-wide over the grant period.

Discussion

Generally, Berkeley's housing stock is in very good condition. Needs for rehabilitation are for low income homeowners, rental housing affordable to people with low incomes, and in accessibility improvements.

MA-25 Public and Assisted Housing – 91.210(b)

Introduction

N/A

Totals Number of Units

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available	0	98	0	1995	300	1695	20	0	40
# of accessible units									

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Table 46 – Total Number of Units by Program Type

Data Source: PIC (PIH Information Center)

Describe the supply of public housing developments:

Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan:

Not applicable. BHA no longer owns the 61 units of former public housing. Via the disposition process, the units were sold to a private developer (Related California) that rehabilitated and will operate the units as permanently affordable housing under the Project-based Vouchers program.

Public Housing Condition

Public Housing Development	Average Inspection Score
Not Applicable	Not Applicable

Table 47 - Public Housing Condition

Describe the restoration and revitalization needs of public housing units in the jurisdiction:

N/A

Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing:

N/A

Discussion:

The Berkeley Housing Authority administers a voucher program only.

MA-30 Homeless Facilities and Services – 91.210(c)

Introduction

The City funds a wide range of homeless programs including 298 year round shelter beds and 30 seasonal shelter beds. After working hours, unfilled beds are filled through an evening Centralized Shelter Reservation Hotline. BOSS Harrison House shelter has 10 beds reserved for Alameda County Behavioral Health Care Services Agency (BHCS). The remaining beds are available to literally homeless individuals and families who have been assessed by the North County Housing Resource Center or the Family Front Door, the Housing Resource Center for literally homeless families.

The City funds 27 transitional housing beds in two programs, and three other programs operate without City funding.

The City funds six programs which provide support services in permanent housing. Four are associated with specific sites, while the others serve tenants renting private apartments using rental subsidies.

Facilities and Housing Targeted to Homeless Households

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Households with Adult(s) and Child(ren)	56		15 beds (5 units)	35	2
Households with Only Adults	242	30	49	224	53
Chronically Homeless Households		0	0	206	53
Veterans	0	0	22	10	0
Unaccompanied Youth	0		12	10	0

Table 48 - Facilities and Housing Targeted to Homeless Households

Data Source Comments: City of Berkeley

Note: There is no Consolidated Plan generated Table 44 for Berkeley.

Provider Name	Address	Program Name	Population	Family Beds	Individual Beds	Year Round	Seasonal Only
Berkeley Food and Housing Project	2140 Dwight Way	Men's Housing Program	Single Males		32	32	0
Berkeley Food and Housing Project	2140 Dwight Way	Women's Housing Program	Single Females		32	32	0
Building Opportunities for Self Sufficiency	711 Harrison House	Harrison House	Single Males and Females and Families	56 (18 families)	50	106	0
Dorothy Day House	1931 Center Street	Veteran's Building Shelter	Single Males and Females		53	53	0
Dorothy Day House	2134 Martin Luther King Jr Way	Emergency Storm Shelter	Single Males and Females		30	0	30
Covenant House	1744 University	YEAH!	Single Males and Females (18-25 year olds)		30	30	0
Bay Area Community Services	2nd and Cedar	Pathways Stair Center	Single Males and Females		45	45	
				56	272	298	30

Figure 7 – Current Inventory: Emergency Shelters

Source: City of Berkeley, Housing and Community Services Division

Provider Name	Address	Program Name	Population	Family Beds	Individual Beds	Year Round
Berkeley Food and Housing Project	2140 Dwight Way	Veteran's Program	Single Males		12	12
Bonita House	1410 Bonita Street	Bonita House	Single Males and Females		15	15
Fred Finch Youth Center	3404 King Street	Turning Point	Single Males and Females		12	12
Resources for Community Development	1621 Ashby	Ashby House	Single Veterans		10	10
Women's Daytime Drop-in Center	2218 Acton Street	Bridget House	Families	15 beds (5 units)		12
				15	49	61

Figure 8 – Current Inventory: Transitional Housing

Source: City of Berkeley, Housing and Community Services Division

Provider Name	Address	Project Name	Population	Units	Beds/Rooms
Satellite Affordable Housing Associates	Berkeley	Peter Babcock House	Single Males and Females		5
Satellite Affordable Housing Associates	Berkeley	Harmon Gardens	Single Males and Females	15	
Berkeley Food and Housing Project	Berkeley	Russell Street Residence	Single Males and Females		17
Berkeley Food and Housing Project	Berkeley	Russell Street Residence Annex	Single Males and Females		4
Bonita House	Berkeley	Channing Way Apts	Single Males and Females		4
Bonita House	Berkeley	Pathways	Single Males and Females		7
Bonita House	Oakland	Pathways	Single Males and Females	4	4
Bonita House	Berkeley	SIL Hearst Apartments	Single Males and Females		12
City of Berkeley	Tenant Based Rental Assistance	Square One	Single Males and Females	6	
City of Berkeley	Tenant Based Rental Assistance(TBRA)	Shelter Plus Care - TBRA	Single Males and Females and Families	150	
City of Berkeley	Tenant Based Rental Assistance(TBRA)	COACH Project	Single Males and Females	86	
City of Berkeley	Berkeley	McKinley House	Single Males and Females	7	
City of Berkeley - Berkeley Housing Auth	Tenant Based Rental Assistance	Non-elderly Disabled (NED)	Single Males and Females and Families	30	
Northern California Land Trust	Berkeley	Haste House	Single Males and Females		7
Resources for Community Development	Berkeley	Supportive Housing Network	Single Males and Females		14
Resources for Community Development	Berkeley	Erna P. Harris Court	Single Males and Females	35	
Resources for Community Development	Berkeley	Oxford Plaza	Single Males and Females	4	
Resources for Community Development	Berkeley	U.A. Homes	Single Males and Females	0	74
			Total	337	148
Notes: Affordable rental housing is listed by the number of units. Developments providing congregate (shared kitchens, baths) housing are listed by the number of beds/rooms. There are other permanent housing developments in Berkeley that may be affordable to people who are homeless and offer some level of social services to residents which are not listed here. This table lists only developments/projects specifically targeted toward people who are homeless at entry. *Shelter Plus Care households are 86% adults and 14% families as of PY19.					

Figure 9 – Current Inventory: Permanent Supportive Housing

Source: City of Berkeley, Housing and Community Services Division

Describe mainstream services, such as health, mental health, and employment services to the extent those services are used to complement services targeted to homeless persons

All homeless agencies rely in part on mainstream services to meet the needs of their clients. Berkeley has its own Mental Health Division that accepts referrals from homeless providers and outreaches to homeless people living on the streets. Berkeley is also home to Lifelong Medical Care and provides funding for Lifelong to serve low-income residents, including those who are homeless. In addition, the City funds Lifelong to provide services to formerly homeless people living in permanent housing in Berkeley. The City also funds both benefits advocacy services. It also funds employment training and placement services that can be accessed by people who are homeless. More information about the mainstream services accessed by homeless services providers is provided in Section SP-60.

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

All homeless housing and service programs in Berkeley may be serving people who are chronically homeless. In PY18, 56% of the people served by shelters and transitional housing programs were chronically homeless individuals. The 2019 homeless count (the last count from which Berkeley-specific data is available) found that chronically homeless people were 34 percent of the City's homeless population and most agencies have experience serving people who are chronically homeless.

Berkeley has five City-operated programs serving primarily people who are chronically homeless:

- The Shelter Plus Care Collaborative Opportunity to Address Chronic Homelessness (COACH) grant, provides tenant-based rental assistance to a minimum of 87 chronically homeless single adults who are frequent users of emergency services, or have repeated contacts with law enforcement.
- The Shelter Plus Care Housing Opportunity for Older Adults (HOAP) Project also specifically targets chronically homeless single adults. This grant provides a minimum of 14 tenant-based subsidies for chronically homeless adult aged 55 and older who receive services through the City's Aging Services Division. In FY19, the City received approval to consolidate its HOAP grant with the below Tenant Based Rental Assistance grant described below.
- The Shelter Plus Care Tenant-Based Rental Assistance provides rental assistance to a minimum of 129 households, either families or single adults, and prioritizes households that meet the HUD criteria for being chronically homeless, but the grant allows some flexibility to serve households who are homeless and disabled who may not meet the strict criteria for being chronically homeless. All newly referred participants must meet HUD's chronic homeless definition.

- The Shelter Plus Care Alameda County Collaborative grant is a tenant-based rental assistance grant in partnership with Alameda County that serves a minimum of 15 households with a disabling condition related to HIV/AIDS, and prioritizes people who are chronically homeless.
- The Shelter Plus Care Supportive Housing Network is a sponsor-based grant with Resources for Community Development as the project sponsor. The grant primarily serves 15 chronically homeless single adults who reside at one of two sites owned and managed by RCD.
- The Square One program, which combines a locally funded housing subsidy with services provided by Berkeley service providers. The City of Berkeley invests more than \$407,000 each year in services for transition age youth. The City has 30 year-round shelter beds for homeless TAY (YEAH! Shelter), 12 transitional housing beds (Fred Finch Youth Center) and 10 permanent supportive housing units (Harmon Gardens).

Through the Mental Health Division, the City has contracted with Youth Engagement, Advocacy, Housing (YEAH!) for \$101,978, to provide services, supports, and/or referrals to Transition Age Youth (TAY) with serious mental illness who are homeless or marginally housed and not currently receiving services in its TAY Support Services. This program is part of the City's Mental Health Services Act (MHSA) implementation.

The Berkeley Food and Housing Project has 12 transitional housing beds for single homeless male veterans and provides case management services during the day and shelter at night. In addition, Ashby House, owned by Resources for Community Development and operated by Operation Dignity provides 7 units of transitional housing for homeless veterans.

MA-35 Special Needs Facilities and Services – 91.210(d)

Introduction

As previously discussed in the Needs Assessment, the special needs population consists of persons who are not homeless but require supportive housing and services for various reasons. This population includes (but is not limited to) persons with mental, physical, and/or developmental disabilities; the elderly and frail elderly; persons with alcohol or other drug addiction; persons with HIV/AIDS and their families; victims of domestic violence, dating violence, sexual assault, and stalking; and transitional age youth.

Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs

The City of Berkeley's Aging Services Division, part of the Health, Housing & Community Services (HHCS) Department, operates two senior centers and offers a variety of computer classes, seminars, and social events for adults 55 years of age and older. The Aging Services Division offers lunch at the two senior centers, delivers meals to homebound seniors through their Meals on Wheels Program, and provides consultation/referral services via the Social Services Unit. The City also funds the following programs:

- Japanese American Services of the East Bay, Senior Services
- Easy Does It Emergency Services, Senior Paratransit Services

The City of Berkeley's Mental Health Division (also part of HHCS) provides mental health prevention and intervention services with a focus on high-risk adult, youth, and families. Working closely with other City departments and community partners, the City's Mental Health Services Division provides programs for people in crisis, people with serious mental illnesses and disabilities, people in need of mental health or related social services, and children, teens, and families experiencing emotional difficulties. The division is also one of a number of agencies providing services for participants in Berkeley's Shelter Plus Care Program. Their assistance allows seriously mentally ill adults who are homeless, frequently chronically homeless, to become permanently housed with ongoing support.

In addition to the work of the Mental Health Division, the City has funded the following programs for people with disabilities using a combination of federal and local funds. These programs serve primarily non-homeless people but do not prohibit participation by people who are homeless. Programs include:

- Bay Area Outreach and Recreation Program: Recreational Services for Persons with Disabilities;
- Berkeley Place: Deaf Services;
- Bonita House: Creative Wellness Center;
- Center for Independent Living: Residential Access Project for Disabled;
- Easy Does It: Emergency Services for Severely Disabled Transportation Program; and

- Through the Looking Glass: Parenting and Education Programs.

The City funds the following programs for people with alcohol and drug addiction:

- Bonita House: Case Management Tied to Permanent Housing;
- Lifelong Medical Care: Acupuncture Detox Clinic; and
- Options Recovery Services: Transitional Housing.

The City funds the following program for victims of domestic violence:

- Family Violence Law Center: Family Violence and Homelessness Prevention

The City of Berkeley's Public Health Division provides HIV/AIDS services. The services at the public health clinic include HIV education, counseling, "opt-out" testing (conventional and Rapid HIV testing) and referral services to minimize the spread of HIV infection. For all newly positive HIV clients and for HIV + clients who have fallen out of medical care we provide a warm hand off to one of the HIV Care Clinics in the East Bay. The Public Health Division also conducts AIDS/HIV case surveillance.

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

The Alameda County-wide Continuum of Care (CoC) provides several programs to ensure persons returning from mental and physical health institutions receive appropriate supportive housing.

Persons are not routinely discharged from health care facilities into homelessness, and the CoC worked with a variety of health care institutions to reduce discharges into literal homelessness. California recently enacted Senate Bill (SB) 1152 that outlines requirements of hospitals and emergency departments related to the care and discharge of homeless patients. The Alameda County Health Care Services Agency (HCSA), a member of the HUD CoC, convened several work group sessions on the new legislation in partnership with the Northern California Hospital Council and its members. The sessions focused on improving collaboration and coordination among the CoC and community-based agencies including training and information sharing on coordinated entry processes. The County and hospitals have established several medical respite/recuperative care programs for homeless patients exiting emergency departments and hospitals with a large project in the planning phases on formal federal land. The County also established a locally funded housing subsidy pool to provide permanent housing subsidies for high priority homeless patients in Skilled Nursing Facilities and hospitals. Finally, Alameda County actively participates in a Medicaid waiver program focused on expanding resources and collaboration among health and housing providers to address homelessness.

The CoC works with Housing Services Office of Behavioral Health Care Services (BHCS) to improve discharge planning from mental health facilities. To that end, the Housing Services Office, with coordination by the CoC created a homelessness prevention/rapid re-housing fund, modeled after and

delivered in partnership with the Homeless Prevention and Rapid Re-Housing Program. The fund has been used to help hospitalized persons continue to pay rent so units are not lost, or to obtain units upon exit from the facility. The CoC worked with permanent supportive housing providers to develop protocols allowing tenants hospitalized for more than 30 days to retain their units. The CoC and the Housing Services Office trained staff on how to assess patients' housing needs and assist in resolving them as part of discharge planning, utilizing the Office's centralized housing resource database and webpage. BHCS also contracts for dedicated emergency hotel beds for use while ACT teams work on locating permanent housing. BHCS also pays subsidies for licensed residential care facilities to which people routinely exit and expanded this program over the past year. BHCS is also working on a new crisis and transitional residential program for homeless individuals with a serious mental illness.

Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)

The City of Berkeley will continue to fund public services, housing rehabilitation, public facility renovations and other housing services with federal funds in PY20. See the Strategic Plan and Annual Action Plan for more detail.

For entitlement/consortia grantees: Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. (91.220(2))

N/A

MA-40 Barriers to Affordable Housing – 91.210(e)

Negative Effects of Public Policies on Affordable Housing and Residential Investment

To identify potential constraints to housing production, City staff analyzed the specific constraint categories as described in state law and discussed the City's regulations with local developers. Planning and zoning regulations establish rules for how land may be used, thereby limiting the amount of development in a city. Although local ordinances and policies are typically adopted to protect the health, safety, and welfare of residents, they may have the consequence of creating constraints to the development of housing. This consequence may be intentional (as is the case with growth control ordinances) or unintentional (such as with certain zoning requirements).

As described in detail below, most constraints have been addressed by existing City programs. The development record and densities of approved projects are the best evidence that there are not significant constraints to housing production. However, housing policies have been designed to minimize potential constraints including: identification and consideration of options to revise the zoning regulations in lower and medium-density areas for infill developments, consideration of revisions to the accessory dwelling unit regulations, and continued improvement to the development review process.

Density and Development Standards

Density is a key factor in identifying potential constraints to development of housing. The more cities limit density, the fewer units are constructed and, in general, the more expensive they are on a per-unit basis. Most lots in Berkeley are developed and most zoning districts allow residential uses. Thus, housing is allowed in most of the City, except portions of West Berkeley that are developed with and planned for manufacturing uses.

For most zoning districts, residential development standards, such as lot size, setbacks, lot coverage, etc. are similar to standards in other nearby cities. There are not many vacant lots and construction of new single-family dwellings has been limited. Single-family development tends to provide above-moderate income housing, so to the extent that this is a constraint, it is not on the development of affordable units.

Berkeley has numerous medium and high density residential zoning districts. This type of infill development (adding units to developed lots) occurs throughout the City.

As previously indicated, residential growth has concentrated on commercial corridors, with recent development densities ranging from 69 to 202 dwelling units per acre. Since 2014 the state has increased development potential in the Telegraph Commercial district. The Planning Department is actively engaged in the Adeline Corridor Planning Process which is proposing new zoning incentives for on-site affordable housing. The plan and updated zoning are anticipated to be adopted in the first half of 2020. Additionally California Assembly Bill 2923, passed in 2019, requires adopting updated zoning on all BART properties. This will affect both Ashby BART station and North Berkeley BART Station.

While the flexibility of Berkeley's zoning ordinance and the lack of specific density standards may be seen as providing less certainty than more traditional zoning, it is clear from the record of development that specific density standards are not needed to produce housing of sufficient density to be financially feasible and attractive to developers. However, while the zoning ordinance includes five multi-family zoning districts and the City has seen numerous medium density multi-family development projects, Housing Policy H-34 of the City's *Housing Element* encourages the review the regulation of medium density infill development and to identify and change possible constraints.

Parking

The City's residential parking requirements are generally low and are not a constraint to development. The zoning regulations for mixed-use projects also provide flexibility to the parking standards. For example, the City allows deep parking reductions for projects located Downtown and along major transit corridors. Many mixed-use projects have been built with less than one parking space per dwelling unit. Some have been approved with no parking for the residential component and several Downtown projects that were allowed a parking reduction have discovered that there is less tenant demand than expected.

In addition, Berkeley was one of the first cities in the country to allow double and triple stacks lifts to satisfy the City's residential parking requirements. This can eliminate the need for expensive below-grade parking and/or leave more leasable ground floor area by minimizing the space needed for parking.

In January 2020, new California state legislation, Assembly Bill 881, takes effect, and as noted below, removes parking requirements when near public transportation or when physically replacing an existing garage, car port or covered parking structure. This may continue to ease building restrictions.

Second Residential Units

Provision of small, accessory dwelling units (ADUs) in low density areas can be a good way to add housing units outside of the commercial corridors and higher density residential districts, while also meeting personal or financial needs of property owners. For example, a second unit on a single-family property can provide an opportunity for an older owner to remain at home, either with a caretaker in the second unit or by renting the house to a family and the owner moving into the smaller unit. A 2012 study by UC Berkeley's Center for Community Innovation, *Yes in My Backyard: Mobilizing the Market for Secondary Units* (<http://www.bayareaeconomy.org/files/pdf/AlamedaHousing.pdf>) estimated that 3,628 single family housing units in Berkeley would be eligible for ADUs under existing zoning and that with recommended land use changes 6,040 units would be possible. Due to updates in Berkeley's code we estimate that the number may now be closer to 6,040.

While the City adopted new ADU rules which took effect June 29, 2018, the state of California also recently passed legislation in 2018 and 2019 to ease restrictions to further streamline the building and permitting process. Key changes brought about by the new 2019 state laws, which will be fully

implemented by 2020, include prohibiting parking requirements (when half a mile from transit stops) and impact fees on units smaller than 750 square feet and limiting the permit fees that can be charged to larger ADUs, removing owner-occupancy requirements and allowing for two ADUs on the same property. Berkeley's City Council is currently considering an ADU amnesty program that would assist owners in bringing existing ADUs to code, hoping to encourage new, updated units to come to market.

Demolition Controls

The City regulates demolition of dwelling units to protect the affordable housing supply and existing tenants. In general, the Zoning Adjustments Board (ZAB) may approve a use permit to demolish dwelling units only if the units are replaced by new construction or if the structure is hazardous, unusable or infeasible to repair. However, if elimination of a rent-controlled unit is proposed, the requirements are more stringent.

In 2016 there was an amendment to the municipal code regulating the demolition and elimination of Dwelling Units. The ZAB may allow demolition of a building constructed prior to June 1980 (essentially a controlled rental unit) on a property containing two or more dwelling units if it makes the following findings: 1) the building containing the units is hazardous or unusable and is infeasible to repair; or 2) the building containing the units will be moved to a different location within the City of Berkeley with no net loss of units and no change in the affordability levels of the units; or 3) the demolition is necessary to permit construction of special housing needs facilities such as, but not limited to, childcare centers and affordable housing developments that serve the greater good of the entire community; or 4) the demolition is necessary to permit construction approved.

If this demolition allowance is made by the ZAB, applicants must pay a fee, but the City Council, as of 2019, has not yet determined the amount of that fee. In lieu of a fee, the applicant may provide a unit in the new project at below market rate to a qualifying household in perpetuity. The rate would be set by City Council and would be governed by a regulatory agreement with the City.

The issue is complicated by interpretation of other ordinances, including the Rent Stabilization and Eviction for Good Cause Ordinance, the Relocation Ordinance, and the Ellis Act. Due to the restrictive nature of these exceptions and their interaction with other City ordinances, the controls on demolition of rent-controlled units can be a constraint to development. The afore mentioned update to the code includes a provision to require that if a building is removed from the rental market under the Ellis Act, there must be a 5 year waiting period prior to demolition and the property cannot have verified cases of harassment or illegal eviction in the preceding 3 years. If those conditions are not met, hearing may be heard by the rent Board Hearing Examiner and the Zoning Adjustment Board.

Regarding occupied units under consideration for demolition, the following requirements apply: 1) the applicant provides all sitting tenants notice of the application to demolish the building no later than the date it is submitted to the City; 2) The applicant shall provide assistance with moving expenses 3); the

applicant shall subsidize the rent differential (in a manner approved by the City) for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy.

If a demolition applicant proposes to construct a 100 percent affordable housing project, applicants shall provide relocation benefits that conform to state laws. Sitting tenants who are displaced as a result of demolition shall be provided the right of refusal to move into the new building; and tenants of units that are demolished shall have the right of first refusal to rent new below market rate units designated to replace the units that were demolished, at the rent that would have applied if they had remained in place, as long as their tenancy continues. Income restrictions shall not apply to displaced tenants. First right of refusal would also apply to 100 percent affordable units that were not designated to replace displaced tenants' demolished units, but income and other restrictions would apply when the units were ready for occupancy. Demolition regulations regarding Accessory Dwelling Units may be reviewed by City staff in 2020 to ensure compliance with new state legislation.

Berkeley's demolition regulations are not a constraint to housing development, as demolition of units is permissible upon replacement of at least the same number of dwelling units as the demolished structure.

Affordable Housing Incentive Programs

Inclusionary housing was originally adopted as City policy as part of the Neighborhood Preservation Ordinance in 1973 and it was codified in the zoning ordinance in 1987. In 2009, the *Palmer/Sixth Street Properties vs. City of Los Angeles* court ruling found that inclusionary housing requirements on rental developments violate the Costa-Hawkins Rental Act of 1995, thereby invalidating the City's inclusionary requirements for rental housing. In order to continue to provide income-restricted units in Berkeley, Council adopted an affordable housing mitigation fee (AHMF) on new market-rate rental units (Ordinance 7,192-N.S.) on June 28, 2011. The fee was established by an impact fee nexus study, which quantified the need for affordable housing created by the development of new market rate rental housing.

On October 16, 2012, the City Council adopted Resolution 65,920-N.S. setting the fee at \$28,000 and establishing criteria for applying the fee. On February 19, 2013, City Council adopted Resolution 66,015-N.S. which reduced the fee for projects meeting certain benchmarks within the first two years of the program. On October 7, 2014, Council adopted Resolution No. 66,809-N.S. amending Resolution No. 66,015-N.S. to extend the affordable housing mitigation fee discount of \$8,000 for six months to April 16, 2015, requiring projects receiving the discount to obtain needed approval of the Zoning Adjustments Board by April 16, 2017, and directing staff to work with the Planning Commission and the Housing Advisory Commission to complete the new nexus study for possible revisions to the fee.

An updated nexus study for the AHMF which was completed March 25, 2015, found a nexus supporting maximum possible fee of \$84,400 per market rate unit. On July 12, 2016, Council raised the fee to 34,000 per new unit of rental housing. June 27, 2017, Council increased the fee to 37,000 per new unit

of rental housing with a 3,000 discount if paid in full before issuance of building permit. Effective July 1, 2018, the AHMF is \$37,962 per new unit of rental housing, payable at the issuance of Certificate of Occupancy. If the AHMF is paid in its entirety no later than issuance of the building permit, the fee is \$34,884 per new unit of rental housing.

The inclusionary housing ordinance includes both rental and ownership housing, but there has not been an ownership project since 2007. The City is exploring the ownership project with a developer that may be interested in an ownership project.

The AHMF is deposited in the City's Housing Trust Fund. The AHMF applies to new rental housing projects of 5 or more dwelling units (certain types of projects are exempt). An applicant for a development project that is subject to the AHMF may elect to avoid the fee completely by providing 20 percent of the units in the development to qualified households at rental rates affordable to Low-Income and Very Low-Income households (<https://www.cityofberkeley.info/ContentDisplay.aspx?id=74682>). Half of the affordable units must be provided to households with rents and incomes no greater than Low Income (80 percent of Area Median for the household and unit size) and half at Very Low- Income (50 percent of Area Median). If an odd number of affordable units are provided, the majority must be Very Low-Income. In addition, of the total Very Low-Income units, 40 percent of the units must be reserved for holders of Berkeley Housing Authority Section 8 vouchers and 40 percent must be reserved for holders of City of Berkeley Shelter + Care certificates. For projects designating fewer than 20 percent of their total units as affordable, the AHMF will be reduced proportionally.

Between 2015 and 2018, the City's policy led to the construction of a total of 194 below market rate units, including 86 Very Low Income and 17 Low Income units. As mentioned in previous sections, the Housing Trust Fund has recently expanded as a result of voter approved measures, expanding the City's ability to leverage funds to create additional below market rate units.

As demonstrated by development activity in Berkeley, the zoning standards, including density, parking and affordable housing requirements, have not constrained approval of housing projects or development of affordable units. According to a Berkeleyside news publication on March 26, 2019 (<https://www.berkeleyside.com/2019/03/26/the-2019-berkeley-housing-pipeline-map-a-berkeleyside-special-report>), nearly 1,300 units have been built since about 2012, about 90 of which were below-market-rate units; 1,047 are under construction (including 81 below market rate units); 1,444 units have been approved (with about 84 below market rate units); and another 1,252 (with 102 below market rate units) have been submitted. In 2019, an additional 519 units have been approved, are under construction or have been built for seniors, artists, persons with special needs, those who have been homeless and other specialized categories. The residential zoning standards are appropriate for residential areas and flexibility is provided for high density projects on commercial corridors. The affordable housing mitigation fee (AHMF), or provision of on-site units available to Very Low Income Households, has not deterred new residential development as can be seen with the number of applications the City has received and the continued interest in new multi-family construction.

MA-45 Non-Housing Community Development Assets – 91.215 (f)

Introduction

This section covers the economic development needs of the City and provides data regarding the local economic condition.

Economic Development Market Analysis

Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	348	41	1	0	-1
Arts, Entertainment, Accommodations	5,166	8,264	14	18	4
Construction	1,147	1,432	3	3	0
Education and Health Care Services	7,147	11,341	20	24	5
Finance, Insurance, and Real Estate	2,413	1,717	7	4	-3
Information	2,092	1,566	6	3	-2
Manufacturing	1,776	4,043	5	9	4
Other Services	1,877	3,251	5	7	2
Professional, Scientific, Management Services	6,965	6,037	19	13	-6
Public Administration	0	0	0	0	0
Retail Trade	3,169	6,163	9	13	5
Transportation and Warehousing	635	185	2	0	-1
Wholesale Trade	1,035	1,259	3	3	0
Total	33,770	45,299	--	--	--

Table 49 - Business Activity

Data Source: 2011-2015 ACS (Workers), 2015 Longitudinal Employer-Household Dynamics (Jobs)

Labor Force

Total Population in the Civilian Labor Force	64,085
Civilian Employed Population 16 years and over	58,830
Unemployment Rate	8.19
Unemployment Rate for Ages 16-24	15.25
Unemployment Rate for Ages 25-65	5.71

Table 50 - Labor Force

Data Source: 2011-2015 ACS

Employer	Number of Employees	Rank	Percentage of Total City Employment
University of California Berkeley	13,396	1	20.14
Lawrence Berkeley National Laboratory	3,350	2	5.04
Sutter East Bay Medical Foundation/Hospitals	2,344	3	3.52
Berkeley Unified School District	1,642	4	2.47
Bayer Corporation	1,576	5	2.37
City of Berkeley	1,572	6	2.36
Siemens Corporation/Healthcare Diagnostics, Inc.	877	7	1.32
Kaiser Permanente Medical Group	800	8	1.20
Berkeley Bowl Produce	616	9	0.93
Whole Foods Market California Inc.	383	10	0.58
Total	26,556		39.92

Figure 10 – Principal Employers in Berkeley, FY 2018

Data Source: City of Berkeley's FY 2018 Comprehensive Annual Financial Report (CAFR), available at:
<https://www.cityofberkeley.info/uploadedFiles/Finance/Home/Reports/BerkeleyCAFRReport2018.pdf>

Top 10 Berkeley Employers, 4th Quarter, 2013

Occupations by Sector	Number of People
Management, business and financial	25,475
Farming, fisheries and forestry occupations	1,990
Service	3,860
Sales and office	9,875
Construction, extraction, maintenance and repair	1,320
Production, transportation and material moving	805

Table 51 – Occupations by Sector

Data Source: 2011-2015 ACS

Travel Time

Travel Time	Number	Percentage
< 30 Minutes	29,830	58%
30-59 Minutes	15,540	30%
60 or More Minutes	5,720	11%
Total	51,090	100%

Table 52 - Travel Time

Data Source: 2011-2015 ACS

Education:

Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		Not in Labor Force
	Civilian Employed	Unemployed	
Less than high school graduate	1,195	260	955
High school graduate (includes equivalency)	2,470	205	1,090
Some college or Associate's degree	6,360	895	2,485
Bachelor's degree or higher	33,155	1,890	5,965

Table 53 - Educational Attainment by Employment Status

Data Source: 2011-2015 ACS

Educational Attainment by Age

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
Less than 9th grade	14	315	355	580	395
9th to 12th grade, no diploma	505	230	380	550	350
High school graduate, GED, or alternative	4,675	1,175	600	2,000	1,590
Some college, no degree	18,055	2,470	1,465	3,365	2,215
Associate's degree	675	780	585	1,130	700
Bachelor's degree	5,545	8,700	4,310	7,260	3,720
Graduate or professional degree	300	6,405	5,330	9,025	7,040

Table 54 - Educational Attainment by Age

Data Source: 2011-2015 ACS

Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	21,442
High school graduate (includes equivalency)	28,484
Some college or Associate's degree	30,316
Bachelor's degree	45,112
Graduate or professional degree	62,483

Table 55 – Median Earnings in the Past 12 Months

Data Source: 2011-2015 ACS

Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?

According to the data above, the top employment sectors in the City of Berkeley are education and health care services with 24 percent share of the jobs. The arts, entertainment, and accommodations sector follow with 18 percent share.

Describe the workforce and infrastructure needs of the business community:

The workforce and infrastructure needs of the business community are broad. As in most Bay Area cities, Berkeley's businesses require an educated and skilled workforce, a robust transportation system, public safety and health, a business-friendly policy climate and workforce housing.

According to the City's Office of Economic Development, some of Berkeley's emerging growth sectors include biotech/life sciences, information technology, health care, food production, food services, and small-scale manufacturing. Specific needs include:

- Workers with Science, Technology, Engineering and Mathematics (STEM) education;
- Transportation infrastructure, particularly linking to Berkeley's west side;
- More connections/access to training, job and career opportunities for people from low income or limited English-speaking households;
- And workforce housing near transit centers.

In FY 2019, federal, state and private sources have provided nearly 1.8 billion dollars in new funding for research at UC Berkeley and Lawrence Berkeley National Laboratory in areas that are national priorities such as biofuels, energy conservation, advanced telecommunications, and biomedical engineering. Berkeley is working closely with the tech transfer staff of both UC Berkeley and the Berkeley Lab to retain local startups that are commercializing new technology as well as attract national companies to set up research centers in Berkeley. This collaboration is productive; the companies benefit from the City's entrepreneurial climate and from interaction with UC faculty and graduate

students. For this and other reasons—including the overall quality of life in Berkeley, access to a highly educated workforce, the central and accessible location within the Bay Area, and access to investment opportunities—many early-stage founders want to locate their businesses in Berkeley. As companies get established and grow, however, they often seek larger spaces than are available. The Berkeley Startup Cluster is attempting to address these real estate shortages by increasing founders’ awareness of their options for securing suitable office space in Berkeley. This also includes encouraging property owners to upgrade their existing buildings to create more high-quality office space in Berkeley, and working with property owners and community partners to explore the entitlement of a new office tower in Downtown Berkeley.

Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.

Some specific developments that will likely have a notable economic impact in Berkeley include:

- Increased investment and real estate activity from University of California (UC), Berkeley. UC Berkeley has been active in Downtown area development, opening a new student center in late 2015, and opening an office/education building on Berkeley Way. The 320,000 square foot Berkeley Way West project adjacent to the Energy Biosciences Building is now housing the Graduate School of Education, the School of Public Health, and the Department of Psychology. The project includes more than 7,000 square feet of retail space on the ground floor, and classrooms, offices, open workstations, on the seven floors above. The Legends Aquatic Center on Bancroft Way was completed in late 2016, and a 783 bed-dorm project (Blackwell Residence Hall) at Bancroft and Dana (Stiles Hall) was completed and occupied by students in August of 2018. UC is currently undertaking planning work on a new student transfer center at 1990 Oxford Street, and a housing project at 2556 Haste Street. According to a Berkeleyside article published on February 21, 2019 (<https://www.berkeleyside.com/2019/02/21/uc-berkeleys-student-enrollment-projected-to-reach-44735-in-next-3-years>), UC Berkeley has increased their student population, with 44,735 students expected on campus by 2022-23, a 33.7 percent increase over original projections. In 2019 there are 41,000 students on campus. The number of employees on campus is decreasing. UC Berkeley had projected there would be 15,810 employees on campus by 2020. The number projected for 2022-23 is now 15,355, according to a report by the publication, Berkeleyside. Currently, there are 14,682 employees on campus, including faculty and staff. The City of Berkeley must plan to support the ancillary companies and economic activities that may result from shifts in the UC Berkeley employee and student populations.
- Recent and pending land use planning activities (the Downtown Plan, the Adeline Corridor Specific Plan) spur new mixed-use development in key corridors. The City must attract and support neighborhood serving businesses to fill spaces.

- The pending construction of a new highway interchange at Route 80 and Gilman Street could spur economic growth on the west side. This project is currently in its preliminary engineering and environmental review phase.
- Berkeley benefits from a very high concentration of incubators and co-working spaces that facilitate new business starts. It is anticipated that demand for co-working spaces, wet labs, and other high quality office space near in Downtown Berkeley will continue in the future, based on 2019 feedback from individual founders, accelerator leaders, and real estate brokers serving Berkeley's innovation sector.
- Recent major investments in the art are focused on the Downtown Berkeley BART Plaza, currently showcasing contemporary sound pieces (Sam Whiting, San Francisco Chronicle, [Strange Sounds Mix with Street Noise at Berkeley BART Art Installation](https://datebook.sfchronicle.com/art-exhibits/strange-sounds-mix-with-street-noise-at-berkeley-bart-art-installation), October 25, 2018, available at <https://datebook.sfchronicle.com/art-exhibits/strange-sounds-mix-with-street-noise-at-berkeley-bart-art-installation>) and outdoor performances; a rotating sculpture installation; and ongoing arts and cultural event programming. The \$7.6 million transportation improvement project, funded by a grant from the Metropolitan Transportation Commission, is bolstered by an additional \$400,000 of investment in infrastructure and programming for the arts in FY2019. Investments in the arts at the most prominent public plaza by the City and its partners will continue annually.
- In FY 2019, the Office of Economic Development (OED) launched new economic development initiatives to better support small, independently-owned businesses. These include: improving OED's outreach & communications with small businesses, increasing support for businesses navigating the permitting process, modifying the zoning ordinance to support small local businesses, piloting new small business assistance and retention programs, and increasing marketing, technical assistance, and networking opportunities for locally-owned retail and services businesses. OED will continue its support of these and other initiatives in FY 2020 and beyond.

Taken together, these projects may make Berkeley a more attractive location for business, catalyze more development activity, and ultimately generate new business activity and employment opportunity in the growing economic sectors mentioned above.

How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?

The City of Berkeley features a population that is exceptionally well-educated. Seventy-two percent of Berkeley's population (age 25 and up) has a bachelor's degree or more education, compared to just 32.5 percent for California overall (2013-2017 ACS). That said, there are certainly unmet needs among the City's unemployed, underemployed and low income populations. There is still a strong need to provide relevant job skills training and employment opportunities for these populations.

Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan.

The City has contracted with workforce development programs to provide training, education and job placement for low income, under-employed, and unemployed residents in addition to administering local hire policies and a youth employment program:

- 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 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 technology (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 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 Center for Opportunity (formerly known as Rising Sun Energy Center) Green Energy Training Services (GETS) provides pre-apprenticeship classroom and hands-on training in the Building and Construction trades which serves as a pathway for careers in construction including green and clean technologies. Rising Sun also operates the California Youth Energy Services (CYES) program funded by the CA Public Utilities Commission, providing summer jobs for youth conducting residential energy audits.
- Berkeley Youth Alternatives (BYA) receives WIOA funding through Alameda County Workforce Development Board (ACWDB) to provide workforce development services to in-school and out-of-school youth. The area of workforce development is a focus area for increased coordination, including establishing methods to maximize and leverage resources. BYA, utilizing city funds, provides training to disadvantaged youth in all aspects of park and landscape maintenance in addition to summer and after-school programs for children and youth.
- UC Theatre Concert Careers Pathways (UCCCP) is a nine-month program for young people ages 17-25, providing workshops and paid internships for participants to learn all aspects of live music venue production.
- Continuing the City's Local Hire policies which include the Community Workforce Agreement (CWA) between the City of Berkeley and the Building trades (created in 2011) which applies to publicly funded construction projects estimated at \$500,000 or above, and, the First Source local hiring policy which applies to both public infrastructure projects estimated between \$100,000 - \$499,999 and private development over 7,500 square feet. develop the
- The YouthWorks employment program continued its partnerships with City and nonprofit agencies. YouthWorks targets low income, at-risk youth and provides all youth with workplace

skills training. City of Berkeley departments and local community agencies serve as worksites providing valuable work experience to Berkeley youth 14-25 years old.

- The City's Recreation Division of the Park, Recreation & Waterfront Department partners with the Berkeley Unified School District and YouthWorks on the Achievers Program, which provides leadership development, career exploration and peer-led tutoring. This program is also used as a stepping stone for entry into the City's YouthWorks program.
- Funded through the City's Public Works Department, the Downtown Streets Team, a non-profit organization, homeless and low-income persons volunteer to beautify commercial districts while engaging in case management and employment services.

Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)?

No

If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.

The City participates in a number of regional economic development initiatives and strategies:

- East Bay Economic Development Alliance is a next-generation, cross-sector membership organization dedicated to growing the economy from the inside out. Working with the world-class companies, leading research institutions, passionate community organizations, small business leaders, and forward thinking local government agencies that constitute the membership, East Bay EDA represents the collective identity of the East Bay and the special power of a fully functional regional partnership. The organization conducts research, advocacy, and marketing to attract business investment to the region.
- Berkeley-Emeryville Bio is a collaboration of Berkeley and Emeryville to support and grow the cities' biotechnology and medical research business cluster. The efforts have paid off: Berkeley is experiencing substantial development of new programs and buildings that support the local bioscience industry. In addition to the QB3 Garage and EBI² incubators on UC Berkeley's campus (as well as the planned QB3 Bakar BioEnginuity hub, at Woo Hon Fai Hall, 2625 Durant Avenue), West Berkeley, near Emeryville, is becoming a second nexus of biotech innovation. The result of a unique public-private sector partnership between UC Berkeley, UCSF, Lawrence Berkeley National Laboratory, Wareham Development, and the cities of Berkeley and Emeryville, the QB3 East Bay Innovation Center (EBIC) offers top-quality wet-laboratories, along with office space for support functions, a common lunch and break area, and a formal conference room. Nearby, the nearby Bonneville Labs offers co-working facilities for life sciences entrepreneurs and others who require lab space for R&D. Both see continuous demand for their facilities and rarely have space available.

Discussion

N/A

MA-50 Needs and Market Analysis Discussion

Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")

The City of Berkeley does not currently allocate funds on a geographic basis and does not have a HUD approved Neighborhood Revitalization Strategy Area. Funds are allocated to organizations that provide services to low income households and the homeless population.

Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (include a definition of "concentration")

HUD regulations stipulate that the City should not allocate funds to an area of minority concentration unless certain conditions are met. Minority concentration is defined as when “the percentage of households in a particular racial or ethnic minority group is at least 20 percentage points higher than the percentage of that minority group for the housing market area, i.e. the Metropolitan Statistical Area (MSA) in which the proposed housing is to be located.”

The City of Berkeley is divided into the following neighborhoods: Central, Greater Downtown, North East, South, South East, and West (see “Berkeley Neighborhoods” map). Each neighborhood consists of several census tracts which is more reflective of the City’s areas for market purposes. When the neighborhoods are compared to the City as a whole, none meets the “concentrated” standard for Asian, African American, or Latino residents. Based on the 2010 Census data, the areas closest to concentrated are African Americans in South Berkeley and Latinos in West Berkeley but they do not meet the definition of “concentration.”

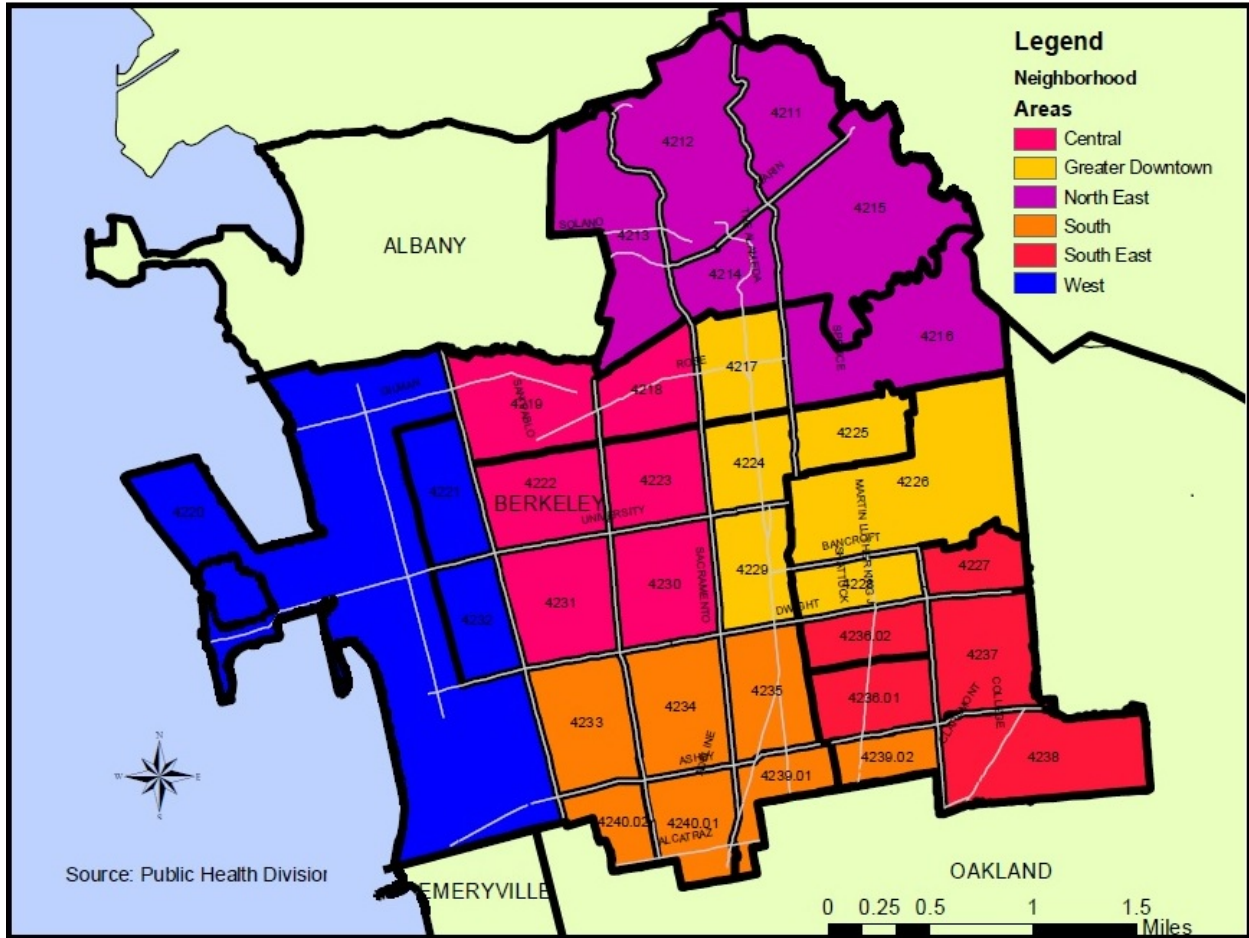


Figure 11 – Berkeley Neighborhoods

What are the characteristics of the market in these areas/neighborhoods?

N/A

Are there any community assets in these areas/neighborhoods?

N/A

Are there other strategic opportunities in any of these areas?

N/A

Strategic Plan

SP-05 Overview

Strategic Plan Overview

The purpose of the Strategic Plan is to identify the priority needs of the City and describe strategies that the City will undertake to serve the priority needs. The Strategic Plan includes the following sections:

- Geographic Priorities
- Priority Needs
- Influence of Market Conditions
- Anticipated Resources
- Institutional Delivery Structure
- Goals
- Public Housing Accessibility and Involvement
- Barriers to Affordable Housing
- Homelessness Strategy
- Lead-based Paint Hazards
- Anti-Poverty Strategy
- Monitoring

In addition to the above, the Strategic Plan section has been amended to include Coronavirus Aid, Relief, and Economic Security Act (CARES) funding that was signed into law on March 27, 2020 by the President of the United States. The CARES Act allocated to the City of Berkeley the following funding:

\$1,610,805 of CDBG-CV

\$6,648,603 of ESG-CV

SP-10 Geographic Priorities – 91.215 (a)(1)**Geographic Area**

1	Area Name:	BERKELEY
	Area Type:	N/A
	Other Target Area Description:	N/A
	HUD Approval Date:	N/A
	% of Low/ Mod:	N/A
	Revital Type:	N/A
	Other Revital Description:	N/A
	Identify the neighborhood boundaries for this target area.	N/A
	Include specific housing and commercial characteristics of this target area.	N/A
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	N/A
	Identify the needs in this target area.	N/A
	What are the opportunities for improvement in this target area?	N/A
	Are there barriers to improvement in this target area?	N/A

Table 56 - Geographic Priority Areas**General Allocation Priorities**

Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)

The City of Berkeley is divided into the following neighborhoods: Central, Greater Downtown, North East, South, South East, and West (see "Berkeley Neighborhoods" map in section MA-50). However, the City does not allocate federal funds based on geography. It funds a variety of services targeting low income and homeless people that are located in all parts of the jurisdiction.

SP-25 Priority Needs - 91.215(a)(2)**Priority Needs**

1	Priority Need Name	Affordable Housing
	Priority Level	High
	Population	Extremely Low Income Low Income Moderate Income Large Families Families with Children Elderly Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse Veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence
	Geographic Areas Affected	BERKELEY
	Associated Goals	Increase Affordable Housing Supply and Quality
Description	Approximately 90 percent of the HOME funds and 54 percent of CDBG funding will be utilized for the affordable housing development and rehabilitation. This includes affordable multi-family housing funded through the City's Housing Trust Fund and single family rehabilitation programs funded with CDBG.	

	Basis for Relative Priority	As mentioned in the Needs Assessment Section, 43.9 percent of Berkeley households are considered "low income" per HUD definitions and 23.3 percent of the City as a whole has a severe cost burden of 50 percent or more of their income for housing. There is a strong need for more affordable housing options in the City. It is expected that federal funding will be allocated to these activities during the period covered by the consolidated plan.
2	Priority Need Name	Homelessness
	Priority Level	High
	Population	Extremely Low Income Low Income Families with Children Elderly Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse Veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth
	Geographic Areas Affected	BERKELEY
	Associated Goals	Provide Homeless Prevention, Emergency Shelter, Outreach and Rapid Re-Housing services
	Description	Approximately 90 percent of the ESG funds will be used for Rapid Re-Housing, Emergency Shelter, Outreach and Homeless Prevention activities. The remainder will be used to fund the Homeless Management Information System and for the administration of the program.
	Basis for Relative Priority	ESG funds are expected to be allocated to these activities during the period of the consolidated plan.
	3	Priority Need Name

	Priority Level	High
	Population	Extremely Low Income Low Income Large Families Families with Children Elderly Chronic Homelessness Individuals Mentally Ill Chronic Substance Abuse Veterans Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence Non-housing Community Development
	Geographic Areas Affected	BERKELEY
	Associated Goals	Improve Public Facilities and Public Services
	Description	CDBG funds will be used for public facility improvements and public services. Approximately 42 percent of CDBG funding available each year will be used for 1) renovations to facilities operated by non-profits for homeless and other low-income populations and 2) public services such as homeless and fair housing services for low-income populations.
	Basis for Relative Priority	Federal funds are expected to be allocated to these resources during the period of the consolidated plan.
<u>4</u>	<u>Priority Need Name</u>	<u>Prevent, prepare for and respond to COVID-19</u>
	<u>Priority Level</u>	<u>High</u>

<u>Population</u>	Extremely Low Income Low Income Moderate Income Large Families Families with Children Elderly Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse Veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence
<u>Geographic Areas Affected</u>	BERKELEY
<u>Associated Goals</u>	Prevent, prepare for and respond to COVID-19
<u>Description</u>	The City will support the low-moderate community aiding directly with activities related to preventing, preparing for, and responding to COVID-19. Planned programming includes supporting vulnerable populations in non-congregate shelter, housing vulnerable populations with rapid rehousing, and COVID testing and supports for vulnerable populations.
<u>Basis for Relative Priority</u>	CARES Act funds are expected to be allocated during the period of the consolidated plan in response to the coronavirus (COVID-19).

Table 57 – Priority Needs Summary

Narrative (Optional)

The Consolidated Plan Section NA-05 through NA-50 provides detail on the priority needs in Berkeley.

SP-30 Influence of Market Conditions – 91.215 (b)**Influence of Market Conditions**

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	The City currently does not use HOME funds for TBRA but the City may consider it as an increasing number of Berkeley residents face a housing cost burden. As previously discussed, in total, a housing cost burden greater than 50 percent of income affects 10,005 households, with the majority of those comprised of rental households (8,075 rental and 1,930 homeowner).
TBRA for Non-Homeless Special Needs	The City does not currently use HOME funds for TBRA.
New Unit Production	The characteristics of Berkeley’s market that would substantiate the need for funding new affordable unit production include the cost of land, pre-development costs, cost of construction, and economic conditions including income/employment levels. HOME funds can be used in the development of new unit production for projects offering affordable housing at various levels.
Rehabilitation	The City contains an old housing stock with more than 90 percent of all housing constructed before 1980. As the housing stock continues to age, the need for rehabilitation will increase. Other factors influencing the use of funds include economic conditions since it would affect whether property owners have the funds for repair. The expense of construction is also continuing to increase. Labor shortages continue, as documented annually by the National Association of Homebuilders, and recently increasing prices for imported materials make the Bay Area an expensive place to renovate. The region has many older homes and much demand for contractor services. According to the June of 2019 San Jose Mercury News report, “Planning to Renovate in the Bay Area? Be Prepared to Wait,” year long waiting lists for contractor services are not uncommon for those seeking renovations (https://www.mercurynews.com/2019/06/19/planning-to-remodel-in-the-bay-area-be-prepared-to-wait/).
Acquisition, including preservation	As economic conditions change and housing cost burdens increase, HOME and CDBG funds continue to be a possible source of gap financing for acquisition and preservation projects. Increasingly, the City is unable to use federal funds for these projects because affordable housing developers cannot take the time required to complete a NEPA prior to site acquisition due to intense market competition for sites. Three of the four sites proposed in the 2019 Housing Trust Fund Request for Proposal had been acquired prior to City funding application or would be acquired prior to fund award. The local HUD office has advised that HOME funds cannot be used for any of these projects.

Table 58 – Influence of Market Conditions

Note: There is no Consolidated Plan generated Table 55 Berkeley. Tables 56, 57 and 58 show up after Table 59.

SP-35 Anticipated Resources — 91.215(a)(4), 91.220(c)(1,2)

Introduction

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	2,738,258	255,925	222,352	3,216,536	16,082,678	See below
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	778,383	20,000	0	798,383	3,991,915	See below

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	234,354	0	0	234,354	1,171,770	See below
Other: CARES Act	public – federal	Prevent, prepare for, and respond to coronavirus.	CDBG-CV: \$1,610,805	\$0	\$0		\$0	CARES Act allocation
Other: CARES Act	public – federal	Prevent, prepare for, and respond to coronavirus.	ESG-CV: \$6,648,603	\$0	\$0		\$0	CARES Act allocation

Table 59 – Anticipated Resources

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Many 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. In PY18 over three quarters of the funding for community agency programs came from General Funds. The City anticipates using all of its HOME funds for multifamily residential new construction and rehabilitation. These types of projects virtually always require multiple sources of federal, state and other funding, which project sponsors are able to leverage with a commitment of local funds, including HOME. The City will use local funds, such as those from the City's Measure O housing bond and mitigation fee revenue in the Housing Trust Fund, to ensure continued compliance with the HOME match requirements.

The City meets the dollar for dollar match requirements for the ESG program by allocating General Funds to various homeless services providers. Shelter programs alone receive over \$348,489 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:

- Dorothy Day House –Year-round and Emergency Winter Shelters and Community Resource Center;
- BOSS' Harrison House Shelter for Homeless men, women and families;
- BOSS' Sankofa House – emergency shelter for homeless families;
- Women's Daytime Drop-In Center's Bridget House – transitional housing for homeless families; and
- Bay Area Community Services Pathways Stair Center.

The City also has long-term leases for affordable permanent housing at:

- Ocean View Gardens;
- UA Cooperative Housing; and
- William Byron Rumford Senior Plaza.

The City has committed more than \$27 million in local funding for the development of the City-owned Berkeley Way parking lot to address the needs identified in the plan. On September 9, 2014, after a Request for Qualifications process, the City Council approved the selection of a development team consisting of Bridge Housing, the Berkeley Food and Housing Project, and Leddy Maytum Stacy Architects (LMSA) as the preferred development team for the site. Since then the City has been working closely with the project team on a three-part project including homeless services and meal space, emergency shelter, permanent supportive housing, and affordable apartments. The project sponsors have secured all required funding and construction will begin in spring 2020.

The City is currently exploring the possible use of the City-owned Ashby BART station area are rights as well as the West Berkeley Services Center as possible future housing sites.

Discussion

N/A

SP-40 Institutional Delivery Structure – 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
Resources for Community Development	Non-profit organization (HOME CHDO)	Affordable rental housing development and management	Region
Berkeley Housing Authority	PHA	Public Housing	Jurisdiction
Berkeley Food & Housing Project	Non-profit organizations	Homelessness	Region
Center for Independent Living	Non-profit organizations	Affordable Housing <ul style="list-style-type: none"> • Ownership • Rental 	Jurisdiction
Eden Council for Hope and Opportunity (ECHO)	Non-profit organizations	Non-homeless special needs <ul style="list-style-type: none"> • Public Services 	Region
Habitat for Humanity	Non-profit organizations	Affordable Housing <ul style="list-style-type: none"> • Ownership 	Jurisdiction
Satellite Affordable Housing Associates	Non-profit organization (HOME CHDO)	Affordable rental housing development and management	Region
City of Berkeley	Government	Non-homeless special needs <ul style="list-style-type: none"> • Economic Development • Public Services 	Jurisdiction
Bay Area Community Services	Non-profit organizations	Homelessness	Region

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
Dorothy Day House	Non-profit organizations	Homelessness	Region
Building Opportunity for Self-Sufficiency	Non-profit organizations	Homelessness	Region
Covenant House	Non-profit organizations	Homelessness	Region

Table 60 – Institutional Delivery Structure

Assess of Strengths and Gaps in the Institutional Delivery System

Due to past and ongoing efforts, the City of Berkeley has strong working relationships with other jurisdictions and public agencies in the delivery system. Examples of coordination and collaboration include:

- Membership in the EveryOne Home Leadership board by City of Berkeley staff, Berkeley community agencies, and public agencies across the county;
- Countywide coordinated planning and implementation of the Coordinated Entry System;
- Monthly coordination meeting between Housing and Community Services Department and Planning Department staff; and
- Joint development of outcomes to use in homeless program contracts by the Cities of Berkeley and Oakland, and several Alameda County agencies, starting in 2019.

Although there are needs for additional services and housing, no specific gaps in the delivery system have been identified. Many of the housing and community services programs described in the Consolidated Plan are delivered by nonprofit community based organizations. The City contracts with a wide range of housing and service providers using CDBG, HOME, ESG, 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.

Availability of services targeted to homeless persons and persons with HIV and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	X	X	
Legal Assistance	X		
Mortgage Assistance	X		
Rental Assistance	X	X	
Utilities Assistance	X		
Street Outreach Services			
Law Enforcement	X	X	
Mobile Clinics	X	X	
Other Street Outreach Services	X	X	
Supportive Services			
Alcohol & Drug Abuse	X	X	
Child Care	X		
Education	X		
Employment and Employment Training	X	X	
Healthcare	X		
HIV/AIDS	X		
Life Skills	X	X	
Mental Health Counseling	X	X	
Transportation	X	X	

Other			

Table 61 — Homeless Prevention Services Summary

Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

Alameda County’s Continuum of Care (CoC) is comprised of three Consolidated Plan jurisdictions: the Cities of Berkeley and Oakland, and the Alameda County HOME Consortium. The CoC held community-wide meetings and several focus groups to determine how best to prioritize the use of Emergency Shelter Grant (ESG) funds. All three jurisdictions’ Consolidated Plans include the goals of the EveryOne Home Plan (the CoC Strategic Plan). The goals are:

- Prevent homelessness and other housing crises;
- Increase permanent housing opportunities for homeless and high risk households;
- Provide wrap-around services to ensure housing stability and quality of life—no wrong door to help;
- Measure success and report outcomes; and

Develop long-term leadership and political will, which includes inter jurisdictional cooperation and participation in the CoC.

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

The North County Coordinated Entry System Housing Resource Center (HRC) is located in Berkeley and serves people who are literally homeless in Berkeley, Albany and Emeryville. The HRC, operated by Bay Area Community Services (BACS), conducts assessments using the standardized assessment tool and matches homeless eligible people to available services and resources including shelters and transitional housing, , as well as a range of services listed in Table 57 to support people both before and after they are housed. City staff and BACS facilitate bimonthly case conferences with homeless service agency partners to discuss individual cases and coordinate care based on needs and available resources.

The City invests approximately \$3.5 million annually in homeless services through community agency contracts funded by City General Fund and federal funds. Starting in PY19, the City will allocate additional local funds collected pursuant to Measure P, a tax passed by voters in November 2018 funds. Funding for coordinated entry accounts for 37 percent of the City's investment in homeless services while 29 percent goes to support drop in centers and emergency shelters. Supportive housing and case management account for 17 percent, transitional housing eight percent and rapid rehousing, rep payee and other services account for seven percent of the City's homeless funding. City dollars are overwhelmingly invested in emergency services that focus on addressing basic needs. With the implementation of the CES, HRCs prioritize serving people with the highest needs with the goal of placing people in permanent housing as quickly as possible but many more resources, particularly, permanent housing subsidies, are needed.

The North County HRC has assessed more than 1,200 people in the past two years, of which 53 percent are presumed to be chronically homeless based on self-report. The City of Berkeley administers approximately 260 Shelter Plus Care vouchers. However, only 25-30 vouchers turn over annually, meaning the vast majority of chronically homeless people will not have access to PSH vouchers when they need them. The City recently received approval to expand one of its Shelter Plus Care project to add 53 more vouchers for a total of 313. This expansion will allow for more permanent housing placements in PY19. However, in many cases the cost of rent exceeds HUD's rent ceilings making it challenging for people with vouchers to find eligible housing units

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

In November of 2018, Berkeley voters passed Measure P, which raises transfer taxes on high-value real estate transactions by an estimated \$6-8M annually. As of June 30, 2019, approximately \$3.4 million in proceeds had been realized from this tax. Berkeley City Council has allocated funds to expanding shelter, adding employment and health care services for homeless people, funding an RV parking program, and additional permanent subsidies for homeless families. Berkeley voters also passed a bond measure in November 2018 to raise \$135 million for affordable housing.

SP-45 Goals Summary – 91.215(a)(4)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Increase Affordable Housing Supply and Quality	2020	2024	Affordable Housing	BERKELEY	Affordable Housing	CDBG: \$7,380,285 HOME: \$3,352,149	Rental units constructed:17 Household Housing Unit Rental units rehabilitated: 80 Household Housing Unit Homeowner Housing Rehabilitated: 165 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	2020	2024	Non-Housing Community Development	BERKELEY	Non-Housing Community Development	CDBG: \$5,714,135,178,137	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2,000 Persons Assisted Public service activities other than Low/Moderate Income Housing Benefit: 5,525 Persons Assisted.

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
3	Provide Homeless Prevention, Emergency Shelter, Outreach and Rapid Re-Housing	2020	2024	Homeless	BERKELEY	Homelessness	ESG: \$1,171,770	Tenant-based rental assistance / Rapid Rehousing: 50 Households Assisted Emergency Shelter: TBD Households Assisted Outreach: 500 Households Assisted Prevention: TBD Households Assisted

4	Prevent, prepare for and respond to COVID-19	2020	2024	Affordable Housing Homeless Non-Housing Community Development	BERKELEY	Affordable Housing, Homelessness, Community Development, Non-Housing Community Development, and responding to needs of COVID-19	CDBG(PY20): \$535,998 CDBG-CV: \$1,610,805 ESG-CV: \$6,648,603	CDBG (PY20) & CDBG-CV supported: Rental units acquired and/or rehabilitated: 29 Public service activities other than Low/Moderate Income Housing Benefit: TBD Persons Assisted ESG-CV supported: Tenant-based rental assistance / Rapid Rehousing: 640 Households Assisted Emergency Shelter: 147 Households Assisted Outreach: 400 Households Assisted
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Table 62 – Goals Summary

Goal Descriptions

1	Goal Name	Increase Affordable Housing Supply and Quality
	Goal Description	CDBG and HOME funds will be used for affordable housing acquisition and rehabilitation, and single family rehabilitation programs.
2	Goal Name	Improve Public Facilities and Public Services
	Goal Description	CDBG funds will be used to rehabilitate public facilities and homeless and fair housing public services.

3	Goal Name	Provide Homeless Prevention, Emergency Shelter, Outreach and Rapid Re-Housing services
	Goal Description	ESG funds will be used to provide outreach services, emergency shelter and/or rapid re-Housing to literally homeless households.
4	Goal Name	Prevent, prepare for, and respond to COVID-19
	Goal Description	CDBG (PY20), CDBG-CV and ESG-CV (CARES Act) funds will be used to prevent, prepare for and respond to COVID-19

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 91.315(b)(2)

The number of new affordable housing units created during the Consolidated Plan period will depend on the amount of HOME and CDBG funds available to the City, the availability of other sources of affordable housing development funding, and the cost of rehabilitating and constructing affordable housing in Berkeley. Generally, the City has experienced declining allocations of federal funding combined with rising costs of housing development and operation. Assuming an average of \$500,000 in HOME funds per year, a 5 year Consolidated Plan period, and the maximum allowable HOME subsidy per unit of \$185,136 per two bedroom unit, the City will provide funding for at least 4 extremely low income units and 10 low income units in the Consolidated Plan period. This does not include the hundreds of previously created HOME and CDBG units which the City continues to monitor for compliance.

SP-50 Public Housing Accessibility and Involvement – 91.215(c)

Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)

N/A

Activities to Increase Resident Involvements

N/A

Is the public housing agency designated as troubled under 24 CFR part 902?

No

Plan to remove the ‘troubled’ designation

N/A

SP-55 Barriers to affordable housing – 91.215(h)

Barriers to Affordable Housing

The City adopted its *Housing Element* (HE) for the 5th RHNA cycle on April 28, 2015. The HE serves as the City's framework for housing goals and policies, detailing programs needed for meeting existing and future housing needs and for increasing affordable housing opportunities. The 5th Cycle HE addresses the planning period of January 31, 2015 to January 31, 2023 and the 6th cycle will address the next eight years. The 2015 HE contains an evaluation of potential constraints to housing production. The following narrative is adapted from the report.

To identify potential constraints to housing production, City staff analyzed the specific constraint categories as described in state law and discussed the City's regulations with local developers. Planning and zoning regulations establish rules for how land may be used, thereby limiting the amount of development in a city. Although local ordinances and policies are typically adopted to protect the health, safety, and welfare of residents, they may have the consequence of creating constraints to the development of housing. This consequence may be intentional (as is the case with growth control ordinances) or unintentional (such as with certain zoning requirements).

Additionally, a 2018 study by Bay Area Council's Economic Institute entitled, "Policy Choices and the Affordability Crisis in Alameda County," notes that Alameda County added 125,000 jobs since 2012, but only permitted 27,505 housing units over the same period (<http://www.bayareaconomy.org/files/pdf/AlamedaHousing.pdf>). This competitive market for housing encourages pricing to climb for both for sale homes and rental properties across all market segments. That same study identified Berkeley's progressive ADU policies as a model for cities to expand affordability and build additional units on existing parcels. As previously stated in MA-40, Berkeley is working to address constraints that have been identified and improve existing successful initiatives, like the ADU program. Expanding the Housing Trust Fund through ballot approved bond and fee structures additionally addresses the issue of high costs facing affordable housing development.

As described in MA-40 and NA-10 the major constraints facing Berkeley are housing costs and an ongoing need for policy changes, which are being addressed by existing City programs and/or by State directives. The development record and densities of approved projects are the best evidence that there are not significant constraints to housing production imposed by the city of Berkeley. However, housing policies must continually be revisited to minimize potential constraints. Some areas of potential change identified in 2015 included: identification and consideration of options to revise the zoning regulations in lower and medium-density areas for infill developments, consideration of revisions to the accessory dwelling unit regulations, and continued improvement to the development review process.

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

As stated in MA-40, the following are considered potential constraints in Berkeley: accessory dwelling unit (ADU) requirements, infill development regulations and permit review process. Outlined below are strides the City has made, either through local initiative or by State direction, to lessen these constraints:

ADUs: The city of Berkeley has revised its ADU ordinance three times since 2015 and is about to undergo another round of changes. The current ordinance was less restrictive than State regulations in terms of allowable size (e.g. there was no limiting relationship between the size of the primary and the accessory dwelling unit), parking (ADUs were not required to provide off-street parking) and setbacks (the state required 5 feet, Berkeley only required 4 feet). After new State ADU law comes into effect on January 1, 2020, existing constraints will be removed, as outlined in Berkeley's 2015 Housing Element.

Infill Development: 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 of the 2015 Housing Element encourages the review of infill development regulations in residential districts to identify and change possible constraints. Since adoption of the 2015 Housing Element, the City of Berkeley has increased density in the Telegraph Avenue Commercial District and is currently engaged in active planning processes for the Adeline Corridor and Southside Priority Development Areas. Furthermore, Assembly Bill 2923, signed by the Governor in 2019, requires the City of Berkeley to adopt Transit Oriented Development at Ashby and North Berkeley BART stations within the next two years. These projects help to lessen the constraints on infill development.

Permitting Process: 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 of the 2015 Housing Element 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. Since the 2015 Housing Element was adopted, the City has begun a process to develop objective standards for zoning, which will help streamline the permitting process. In addition, State housing law packages adopted in 2017, 2018 and 2019 have created new pathways for streamlining projects with a majority of affordable units (e.g. SB-35). In addition to State Law, the City is examining its regulations, with the intent of simplifying and clarifying regulations, through its Zoning Ordinance Revision Project. Although this won't streamline the permitting process, it will provide the public with a document that is easy to read and easy to understand.

SP-60 Homelessness Strategy – 91.215(d)

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The North County HRC is focused on single adults who are literally homeless in Berkeley, Emeryville and Albany. The staff at the North County HRC work in close partnership with Berkeley homeless service partners who provide a range of services including shelter, transitional housing, SSI advocacy, primary care, mental health and alcohol and other drug services, and drop-in services.

HRC staff conduct assessments through 211 referrals, during HRC drop-in hours, and at regularly scheduled service partner locations. Additionally, assessments are conducted on the streets, in parks and at encampments throughout Berkeley with the goal of identifying individual needs and matching them to appropriate and available resources including physical and mental health services, housing navigation services, shelter, transitional housing programs, addiction services and SSI advocacy. Services providers are focused on removing barriers and quickly moving people into permanent housing. Housing navigators support participants in a variety of ways from housing problem solving to, assisting with identification documents to housing search activities. The HRC outreach team partners with the City's Homeless Outreach and Treatment Team (HOTT) and University of California Berkeley's Outreach staff.

Addressing the emergency and transitional housing needs of homeless persons

The HRC assesses people to determine needs and appropriate and available resources. Initial conversations are geared towards housing problem solving with the goal of reconnecting people with housed friends or family. In some cases, these conversations are supported with one-time limited financial assistance. The HRC is the access point into emergency shelter, transitional housing, rapid rehousing financial assistance, and will provide housing search assistance and other housing supports. On a daily basis, HRC staff identify the number of shelter and transitional housing beds available and reach out to people who have been assessed and have expressed interest in shelter to fill the beds. Additionally, depending on the need and availability of shelter beds, the HRC will support medically fragile people who are working with housing navigators or partnering agency case managers with short-term motel stays when a more permanent housing placement is imminent. HRC will also make referrals through this front door to other existing services in the community, such as medical services, alcohol and other drug treatment programs, and SSI advocacy.

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 intake and assessment process assists HRC staff in understanding an individual's level of need and the level of assistance needed.

The goal of this process is to ensure people are matched as quickly as possible to the appropriate amount of assistance needed to end their homelessness (typically rapid re-housing) and reserve the most costly interventions (permanent supportive and transitional housing) for those with the highest needs and greatest barriers.

Additionally, staff has access to small amounts of one-time flexible funds to support people's successful transition to these opportunities. Staff utilizes rapid rehousing funds to quickly move people into housing. This typically includes paying the security deposit and approximately six months of rental assistance; the monthly subsidy decreases over the six month period. Due to the exorbitant rental prices rents in the bay area, HRC staff have incorporated larger units in their portfolio. This has allowed people with limited income and a willingness to share housing more opportunities to be permanently housed.

Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs

Low income households in Berkeley at risk of homelessness and being discharged from institutions will benefit from the groundwork laid by the Alameda County-wide Homeless Continuum of Care (CoC). The CoC's discharge planning efforts are summarized below.

Health Care: Persons are not routinely discharged from health care facilities into homelessness, and the CoC worked with a variety of health care institutions to reduce discharges into literal homelessness. California recently enacted Senate Bill (SB) 1152 that outlines requirements of hospitals and emergency departments related to the care and discharge of homeless patients. The Alameda County Health Care Services Agency (HCSA), a member of the HUD CoC, convened several work group sessions on the new legislation in partnership with the Northern California Hospital Council and its members. The sessions focused on improving collaboration and coordination among the CoC and community-based agencies including training and information sharing on coordinated entry processes. The County and hospitals have established several medical respite/recuperative care programs for homeless patients exiting emergency departments and hospitals with a large project in the planning phases on former federal land. The County also established a locally funded housing subsidy pool to provide permanent housing subsidies for high priority homeless patients in Skilled Nursing Facilities and hospitals. Finally, Alameda County actively participates in a Medicaid waiver program

focused on expanding resources and collaboration among health and housing providers to address homelessness.

Mental Health: The CoC works with Housing Services Office of Behavioral Health Care Services (BHCS) to improve discharge planning from mental health facilities. To that end, the Housing Services Office, with coordination by the CoC created a homelessness prevention/rapid re-housing fund, modeled after and delivered in partnership with the Homeless Prevention and Rapid Re-Housing Program. The fund has been used to help hospitalized persons continue to pay rent so units are not lost, or to obtain units upon exit from the facility. The CoC worked with permanent supportive housing providers to develop protocols allowing tenants hospitalized for more than 30 days to retain their units. The CoC and the Housing Services Office trained staff on how to assess patients' housing needs and assist in resolving them as part of discharge planning, utilizing the Office's centralized housing resource database and webpage. BHCS also contracts for dedicated emergency hotel beds for use while ACT teams work on locating permanent housing. BHCS also pays subsidies for licensed residential care facilities to which people routinely exit and expanded this program over the past year. BHCS is also working on a new crisis and transitional residential program for homeless individuals with a serious mental illness.

SP-65 Lead based paint Hazards – 91.215(i)

Actions to address LBP hazards and increase access to housing without LBP hazards

While lead-based paint was banned in 1978 by the U.S. Consumer Product Safety Commission (CPSC), it is still a significant problem in cities where the housing stock is relatively old and built before the ban. In Berkeley, over 90 percent of the housing stock was built before 1979.

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. 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 $\mu\text{g}/\text{dL}$.

The Alameda County Healthy Homes Department (ACHHD) also has a HUD Lead Hazard Control grant to remediate lead hazards in 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 visits twice a week for at least three hours each time. Since July 1, 2015, ACHHD has completed lead evaluations at 52 pre-1978 low-income housing units and has made 49 housing units lead-safe at 21 properties. The ACHHD was recently awarded a new 42-month lead hazard control grant which is expected to begin January 1st, 2020. The ACHHD will market to and expects to enroll eligible Berkeley properties into the program which will complete 144 units County-wide over the grant period.

ACHHD provides lead safety and healthy housing training. Since July 1, 2015, the ACHHD has provided lead safety training to 23 individuals with the City of Berkeley, associated with Berkeley-based non-profits, or with residential properties or housing-related businesses in Berkeley including Community Energy Services Corp, Berkeley Mission Homes, and the Northern California Land Trust. In addition, broader healthy housing training, which included lead safety, was provided to 6 City of Berkeley staff. The ACHHD plans to continue to make lead safety training opportunities available for City of Berkeley staff, organizations, and property owners.

The ACHHD's outreach and education activities promote lead safety, regulatory compliance, and participation in ACHHD lead hazard control grant programs to property owners, property managers. The ACHHD coordinates lead poisoning prevention outreach activities with the City of Berkeley Public Health. Outreach partners and locations for property owner presentations, staff trainings, and literature distribution have included the Berkeley Rent Stabilization Board and Permit Office, the Berkeley Housing Authority, Tool Lending Library, North Berkeley Senior Center, YMCA, Berkeley Apartment Owners Association, the East Bay Rental Housing Association which is in Oakland but serves Berkeley property owners, the Ecology Center, and local paint and hardware stores. The ACHHD participates in local collaborations and with partners including the Berkeley Tobacco Prevention Coalition, Bay Area Lead Programs, Berkeley Black Infant Health, Kerry's Kids, Rebuilding Together East Bay North, Habitot, and the Safe Kids Coalition.

How are the actions listed above related to the extent of lead poisoning and hazards?

The City's old housing stock increases the risk of lead-based paint hazard. Approximately 87 percent of renter-occupied units are built before 1980. For owner-occupied units, the figure is 94 percent. There have been years of education and assistance to the public but the City does not know the extent of lead poisoning and hazards. The City will continue to take action as necessary to reduce lead-based paint hazards as required by HUD regulations.

How are the actions listed above integrated into housing policies and procedures?

All participants of the City's Housing Choice Voucher Program and prospective tenants of a pre-1978 residential building are required to receive a copy of the EPA booklet entitled "Protect Your Family From Lead in Your Home." Landlords must also provide a disclosure form for the tenants to sign that informs them either of any known lead-based paint the property or that no testing has been done. The Alameda County Lead Poisoning Prevention Program also provides information to property owners, realtors, and contractors. The actions above will also assist the City in meeting its policy of encouraging housing types that are environmentally and chemically safe, a policy of the City of Berkeley Housing Element.

SP-70 Anti-Poverty Strategy – 91.215(j)

Jurisdiction Goals, Programs and Policies for reducing 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. Federally funded community agency contracts are outlined in the Annual Action Plan.
- 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, such as the coordinated entry system, to employment training and placement opportunities.

The City has contracted with workforce development programs to provide training, education and job placement for low income, under-employed, and unemployed residents in addition to administering local hire policies and a youth employment program:

- 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 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 technology (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 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 Center for Opportunity (formerly known as Rising Sun Energy Center) Green Energy Training Services (GETS) provides pre-apprenticeship classroom and hands-on training in the Building and Construction trades which serves as a pathway for careers in construction including green and clean technologies. Rising Sun also operates the California Youth Energy Services (CYES) program funded by the CA Public Utilities Commission, providing summer jobs for youth conducting residential energy audits.
- Berkeley Youth Alternatives (BYA) receives WIOA funding through Alameda County Workforce Development Board (ACWDB) to provide workforce development services to in-school and out-of-school youth. The area of workforce development is a focus area for increased coordination,

including establishing methods to maximize and leverage resources. BYA, utilizing city funds, provides training to disadvantaged youth in all aspects of park and landscape maintenance in addition to summer and after-school programs for children and youth.

- UC Theatre Concert Careers Pathways (UCCCP) is a nine-month program for young people ages 17-25, providing workshops and paid internships for participants to learn all aspects of live music venue production.

The City's anti-poverty strategy continues to be closely tied to the funding of approximately 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. The City also funds anti-poverty programs with general funds for job training and creation/job placement agencies.

How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan

The City will undertake the following additional actions to reduce poverty which are coordinated with this Consolidated Plan:

- Continuing the City's Local Hire policies which include the Community Workforce Agreement (CWA) between the City of Berkeley and the Building trades (created in 2011) which applies to publicly funded construction projects estimated at \$500,000 or above, and, the First Source local hiring policy which applies to both public infrastructure projects estimated between \$100,000 - \$499,999 and private development over 7,500 square feet. These policies work towards creating a pathway into building and construction trades jobs for Berkeley residents.
- The YouthWorks employment program will continue its partnerships with the YMCA Teen Center, Public Health Division, Berkeley Public Library, Public Works Department and Parks, Recreation and Waterfront Department. YouthWorks targets low income, at-risk youth from and provides all youth with training regarding important workplace skills. City of Berkeley departments and organizations serve as worksites providing valuable work experience to Berkeley youth. YouthWorks provides positive and meaningful youth-focused activities, which address youth unemployment, crime and poverty, teach fundamental life and workplace skills and help them to explore, prepare for, transition, and ultimately succeed in the world of work. YouthWorks will continue to develop and coordinate new opportunities for Berkeley youth in the public service jobs.

SP-80 Monitoring – 91.230

Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

Monitoring Completed Developments: The Housing Services Division of the Health, Housing and Community Services Department (HHCS) is responsible for monitoring affordable housing developments funded with Housing Trust Fund (HTF) money to ensure ongoing compliance with federal regulations under the HOME and CDBG programs and other local requirements. The HTF Program pools funds from various sources to achieve the City's General Plan and Consolidated Plan goals of developing and preserving long-term affordable housing. To achieve this purpose, the City provides loan and grants to qualified developers to undertake activities which create, preserve and expand the City's affordable housing stock. The federal and local requirements are incorporated in the development loan agreements and regulatory agreements associated with each project. Currently, there are a total of 54 HTF properties subject to a regulatory agreement. Of the 54 HTF properties, 46 are rental properties of which 17 have HOME-assisted units. The monitoring procedures are documented in the *City of Berkeley Monitoring Procedures for the HTF Program*.

Monitoring During Construction: Consistent with federal requirements and good lending practices, the City is very involved in monitoring funded developments during construction. Individual projects may require a varying degree of City staff involvement depending upon the project size, complexity of the construction activity, type of sponsor, and subrecipient's development expertise/process.

Community Agency Services Contract Monitoring: HHCS staff both prepare and monitor more than 50 community agency contracts for services annually. The City requires outcome reporting for all community agency contracts, and has drawn on outcome reporting information in the RFP process since November 2003.

Community Facilities Improvements Monitoring: The CDBG Coordinator reviews the contract between the non-profit and the general contractor to ensure that all local and federal requirements are passed on. The CDBG Coordinator is responsible for submitting the Semi-Annual Labor Enforcement Report (HUD 4710) and the Annual Contractor and Subcontractor Activity Report (HUD 2516). These reports include both information from the community facility improvement projects and information from any other construction activity undertaken by the HHCS.

Senior and Disabled Home Rehabilitation Loans Monitoring: The City's contracts include insurance and permitting requirements, payment instructions, the construction drawings and the scope of work detailing the work to be executed. The payment schedules and change orders document the procedure employed to implement payments, changes to the scope of work and time schedules. All pre 1978

properties must employ lead-safe work practice and are tested when the work is completed to ensure there has not been contamination during the construction process.

The program administrative staff processes the progress payments for work completed. The progress payments are based on 95 percent of the cost associated in the line item breakdown for the work completed. The progress payment includes the pay request, payment tabulation, lien waivers and approved permit signatures. All payments require the owner(s), Contractor, and the City's Project Manager/Inspector to approve the payment. The final five percent retainage payment is held for 31 days after the Notice of Completion has been recorded and any documentation that may be required to close out the contract. In order to refine the program, improve services, and ensure the program is meeting current needs, staff incorporate both participant feedback and improvements identified through routine program review into program procedures and Council approved guidelines.

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

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	2,738,258	255,925	222,352	3,216,536	16,082,678	See below
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	778,383	20,000	0	798,383	3,991,915	See below

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	234,480	0	0	234,480	1,171,770	See below
Other: CARES Act	public - federal	Prevent, prepare for, and respond to coronavirus.	CDBG-CV: \$1,610,805	\$0	\$0		\$0	CARES Act allocation
Other: CARES Act	public - federal	Prevent, prepare for, and respond to coronavirus.	ESG-CV: \$6,648,603	\$0	\$0		\$0	CARES Act allocation

AP Table 63 - 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

Many 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. In PY18 over three quarters of the funding for community agency programs came from General Funds. The City meets the HOME 25 percent match requirement. The City meets the dollar for dollar match requirements for the ESG program by allocating General Funds to various homeless services providers. Shelter programs alone receive over \$348,489 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:

- Dorothy Day House –Year-round and Emergency Winter Shelters and Community Resource Center
- BOSS’ Harrison House Shelter for Homeless men, women and families;
- BOSS’ Sankofa House – emergency shelter for homeless families;
- Women’s Daytime Drop-In Center’s Bridget House – transitional housing for homeless families; and
- Bay Area Community Services Pathways Stair Center.

The City also has long-term leases for affordable permanent housing at:

- Ocean View Gardens;
- UA Cooperative Housing; and
- William Byron Rumford Senior Plaza.

The City has committed more than \$27 million in local funding for the development of the City-owned Berkeley Way parking lot to address the needs identified in the plan. On September 9, 2014, after a Request for Qualifications process, the City Council approved the selection of a development team consisting of Bridge Housing, the Berkeley Food and Housing Project, and Leddy Maytum Stacy Architects (LMSA) as the preferred development team for the site. Since then the City has been working closely with the project team on a three-part project including homeless services and meal space, emergency shelter, permanent supportive housing, and affordable apartments. The project sponsors have secured all required funding and construction will begin in spring 2020.

The City is currently exploring the possible use of the City-owned Ashby BART station area are rights as well as the West Berkeley Services Center as possible future housing sites.

Discussion

N/A

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	Increase affordable Housing Supply and Quality	2020	2024	Affordable Housing	BERKELEY	Affordable Housing	CDBG: \$1,476,057 HOME: \$690,430	Rental units constructed: 3 to 4 Household Housing Unit Rental units rehabilitated: 16 Household Housing Unit Homeowner Housing Rehabilitated: 33 Household Housing Unit
2	Improve Public Facilities and Public Services	2020	2024	Non-Housing Community Development	BERKELEY	Non-Housing Community Development	CDBG: \$606,829	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 400 Persons Assisted Public service activities other than Low/Moderate Income Housing Benefit: 1,105 Persons Assisted.

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Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
3	Provide Homeless Prevention, Emergency Shelter, Outreach and Rapid Re-Housing	2020	2024	Homeless	BERKELEY	Homelessness	ESG: \$234,354	Tenant-based rental assistance / Rapid Rehousing: 10 Households Assisted Emergency Shelter: TBD Households Assisted Outreach: 100 Households Assisted Prevention: TBD Households Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	Prevent, prepare for and respond to COVID-19	2020	2024	Affordable Housing Homeless Non-Housing Community Development	BERKELEY	Affordable Housing, Homelessness, Community Development, Non-Housing Community Development, and responding to needs of COVID-19	CDBG (PY20): \$535,998 CDBG-CV: \$1,610,805 ESG-CV: \$6,648,603	CDBG (P20) & CDBG-CV supported: Rental units acquired and/or rehabilitated: 29 Public service activities other than Low/Moderate Income Housing Benefit: TBD Persons Assisted ESG-CV supported: Tenant-based rental assistance / Rapid Rehousing: 64 Households Assisted Emergency Shelter: 147 Households Assisted Outreach: 400 Households Assisted

Table 64 – Goals Summary

Goal Descriptions

1	Goal Name	Increase Affordable Housing Supply and Quality
	Goal Description	CDBG and HOME funds will be used for affordable housing acquisition and rehabilitation, and single family rehabilitation programs.

2	Goal Name	Improve Public Facilities and Public Services
	Goal Description	CDBG funds will be used to rehabilitate public facilities and homeless and fair housing public services.
3	Goal Name	Provide Homeless Prevention, Emergency Shelter, Outreach and Rapid Re-Housing
	Goal Description	ESG funds will be used to provide outreach, services emergency shelter and/or rapid re-Housing to literally homeless households.
4	<u>Goal Name</u>	<u>Prevent, prepare for and respond to COVID-19</u>
	<u>Goal Description</u>	<u>CDBG (PY20), CDBG-CV and ESG-CV (CARES Act) funds will be used to prevent, prepare for and respond to COVID-19</u>

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	Housing Services
3	Single Family Rehabilitation Programs
4	Housing Trust Fund
5	Public Services
6	Community Facility Rehabilitation
7	ESG20 - Berkeley- Emergency Shelter, Outreach, Rapid Rehousing and HMIS Activities
8	CV- City of Berkeley Planning and Administration
9	CV- Public Services
10	CV- Housing to prevent, prepare for, and respond to COVID-19

Table 65 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

See sections NA and MA of the Consolidated Plan.

AP-38 Project Summary

Project Summary Information

1	Project Name	City of Berkeley Planning and Administration
	Target Area	BERKELEY
	Goals Supported	Increase Affordable Housing Supply and Quality, Improve Public Facilities and Public Services, & Provide Homeless Prevention, Emergency Shelter, Outreach and Rapid Re-Housing services
	Needs Addressed	Affordable Housing, Homeless, & Non-Housing Community Development
	Funding	CDBG: \$597,652 HOME: \$79,838 (estimated at \$79,838 once PI is available)
	Description	The project will fund City staff to plan and administer CDBG and HOME projects. HOME Admin based on entitlement is \$79,838, but is estimated to go up to \$79,838 once the project program income is received and available.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	Citywide.
	Planned Activities	Information about the planned activities is included in Section AP-38 Project Summaries.
2	Project Name	Housing Loan Services
	Target Area	BERKELEY
	Goals Supported	Increase Affordable Housing Supply and Quality
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$70,008
	Description	City staff provide loan services to support single family rehabilitation, housing trust fund projects, and other federally funded housing related activities.

	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	The project will serve approximately 106 active housing rehabilitation loans.
	Location Description	Various locations within the City of Berkeley.
	Planned Activities	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.
3	Project Name	Single Family Rehabilitation Programs
	Target Area	BERKELEY
	Goals Supported	Increase Affordable Housing Supply and Quality
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$917, 708
	Description	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.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	The project will benefit an estimated 44 low-income households annually.
	Location Description	Various locations within the City of Berkeley.

	Planned Activities	Activities include health and safety, accessibility, and energy efficiency improvements. CIL's program removes barriers to housing for 21 low-income, disabled residents by installing ramps, lifts and making other interior and exterior modifications to ensure accessibility of their homes. Habitat for Humanity provides home repairs, access modifications, and safety upgrades 18 low-income households focusing on essential health and safety of the home. City staff work with senior and/or disabled homeowners, providing loans of up to \$100,000 for the Senior & Disabled Home Rehabilitation Loan Program.
4	Project Name	Housing Trust Fund
	Target Area	BERKELEY
	Goals Supported	Increase Affordable Housing Supply and Quality
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$488,341 HOME: \$690,430
	Description	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.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	17 units (households) will be directly supported with federal funding during the five-year Consolidated Plan period for an average of 3-4 per year. During the same time period staff will also support the development of an additional 371 affordable units with local funds. These totals will include 34 senior units and 81 special needs (homeless and/or disabled units).
	Location Description	Citywide

	Planned Activities	<p>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. \$28,115 <u>plus an additional \$41,885 for a total of \$70,000</u> will be dedicated to CHDO operating. <u>The CHDO operating is increased under the HOME COVID-19 waiver.</u></p> <p>This is the City of Berkeley’s Housing Trust Fund, and the funds support Housing Development staff. 570.201 (k) “provides that CDBG funds may be used to pay costs in support of activities eligible for funding under the HOME program. This includes services such as housing counseling in connection with tenant-based rental assistance and affordable housing projects, energy auditing, preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, and other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in the HOME program.”</p> <p>Funded activities include working with funded projects throughout predevelopment, supporting public participation in project selection and development, preparing and executing loan agreements, and conducting federally required environmental review. Staff are currently working with 8 affordable housing developments in varying stages of predevelopment with reservations totaling nearly \$60M in City funds, including HOME funds. Staff are currently focusing on Jordan Court, at 1601 Oxford, which will close its City financing, including HOME funds, by August 2020. In addition, this funding supports the City’s implementation of CHDO operating funding. Staff recently completed a competitive process for operating funds, and will take recommendations for funding awards to Council.</p>
5	Project Name	Public Services
	Target Area	BERKELEY
	Goals Supported	Improve Public Facilities and Public Services
	Needs Addressed	Homelessness Non-Housing Community Development
	Funding	CDBG: \$453,921

	Description	Services including homeless programs (daytime respite, men's shelter and Coordinated Entry System), and fair housing services are funded under this project.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	1,105 low-income and homeless households are expected to be served through these activities.
	Location Description	Citywide
	Planned Activities	Bay Area Community Services operates Berkeley's Coordinated Entry System which will screen, conduct intakes, and provide housing navigation services to approximately 920 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.
6	Project Name	Community Facility Rehabilitation
	Target Area	BERKELEY
	Goals Supported	Improve Public Facilities and Public Services
	Needs Addressed	Non-Housing Community Development
	Funding	CDBG: \$688,906 <u>152,908</u>
	Description	Activities that fund the rehabilitation of public facilities are funded under this project.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	It is projected that improved community facility improvements provided by the City of Berkeley administered program will benefit a minimum of 409 people. The number of beneficiaries may increase as new community facility projects are identified through the upcoming NOFA.
	Location Description	Various locations within the City of Berkeley.

	Planned Activities	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 both be planned to be completed, serving some of the City's lowest income and most vulnerable populations.
7	Project Name	ESG20-Berkeley - Emergency Shelter, Outreach, Rapid Rehousing and HMIS Activities
	Target Area	BERKELEY
	Goals Supported	Provide Homeless Prevention, Emergency Shelter, Outreach and Rapid Re-Housing services
	Needs Addressed	Homelessness
	Funding	ESG: \$234,354 ESG-CV: \$6,648,603
	Description	ESG funds will be used for Emergency Shelter, Outreach, Rapid Re-Housing and HMIS costs. ESG-CV will be used for Emergency Shelter, Outreach, Rapid Re-Housing and Administration.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	ESG: 10 households will be served with Rapid Rehousing financial assistance. 100 persons will be assisted with Street Outreach. No persons will be assisted with Emergency Shelter or Homeless Prevention activities during this year's plan. ESG-CV: 640 households will be served with Rapid Rehousing financial assistance. 400 persons will be assisted with Street Outreach. 147 persons will be assisted with Emergency Shelter.
Location Description	Various locations.	

	Planned Activities	<p>ESG funds will be used to provide financial assistance and housing relocation and stabilization services to rapidly re-house approximately 10 households, and support approximately 100 people through street outreach and engagement activities.</p> <p><u>ESG-CV funds will be used to provide:</u></p> <ol style="list-style-type: none"> 1) <u>Emergency shelter related to COVID – 19 including increased shelter costs (95 beneficiaries), the Berkeley Respite Program (22 beneficiaries), conversion of the STAIR center to non-congregate (30 beneficiaries) for a total of 147 shelter beneficiaries.</u> 2) <u>Rapid Rehousing under the County-coordinated Safer Ground program (604 beneficiaries).</u> — Outreach from the City’s HEET Outreach Team (approximately 400 beneficiaries). 1)3) <u>City administration of the funds.</u>
8	Project Name	<u>CV- City of Berkeley Planning and Administration</u>
	Target Area	<u>BERKELEY</u>
	Goals Supported	<u>Prevent, prepare for, and respond to COVID-19</u>
	Needs Addressed	<u>Affordable Housing</u> <u>Homelessness</u> <u>Non-Housing Community Development</u>
	Funding	<u>CDBG-CV: \$322,161</u>
	Description	<u>The project will fund City staff to plan and administer CDBG-CV projects and activities.</u>
	Target Date	<u>6/30/2021</u>
	Estimate the number and type of families that will benefit from the proposed activities	<u>N/A</u>
	Location Description	<u>Citywide</u>
	Planned Activities	<u>Information about the planned activities is included in Section AP-38 CV- Project Summaries.</u>
	Project Name	<u>CV- Public Services</u>

9	Target Area	<u>BERKELEY</u>
	Goals Supported	<u>Prevent, prepare for, and respond to COVID-19</u>
	Needs Addressed	<u>Affordable Housing</u> <u>Homelessness</u> <u>Non-Housing Community Development</u>
	Funding	<u>CDBG-CV: \$-1,288,644</u>
	Description	<u>Mobile coronavirus testing program for highest priority populations in Berkeley including seniors, unhoused people and shelter workers and residents.</u>
	Target Date	<u>6/30/2021</u>
	Estimate the number and type of families that will benefit from the proposed activities	<u>Up to 10,000 low-income persons tested.</u>
	Location Description	<u>Various locations within the City of Berkeley.</u>
	Planned Activities	<u>Mobile coronavirus testing program for highest priority populations in Berkeley including seniors, unhoused people and shelter workers and residents. This will result in over 12,000 tests for our highest population with up to 10,000 individuals being tested.</u>
10	Project Name	<u>CV - Housing to prevent, prepare for, and respond to COVID-19</u>
	Target Area	<u>BERKELEY</u>
	Goals Supported	<u>Prevent, prepare for, and respond to COVID-19</u>
	Needs Addressed	<u>Affordable Housing</u> <u>Homelessness</u>
	Funding	<u>CDBG (PY20): \$535,998</u> <u>CDBG-CV: \$38,644</u>
	Description	<u>Acquire and/or rehabilitate housing for low-income and homeless populations.</u>
	Target Date	<u>6/30/2021</u>

<p><u>Estimate the number and type of families that will benefit from the proposed activities</u></p>	<p><u>Up to 29 families will benefit from the proposed housing for the homeless.</u></p>
<p><u>Location Description</u></p>	<p><u>Various locations within the City of Berkeley.</u></p>
<p><u>Planned Activities</u></p>	<p><u>In partnership with Alameda County the City will purchase and renovate a hotel or other housing options for use as future permanent supportive housing for the homeless.</u></p>

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 concentration and therefore does not allocate federal funds geographically.

Geographic Distribution

Target Area	Percentage of Funds
BERKELEY	100

Table 66 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

N/A

Discussion

N/A

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

This section includes HOME-funded units only. The City does not anticipate that any new construction will be completed in the year July 1, 2020 – June 30, 2021. As of this writing in November 2019, the City is working with six proposed development projects with a total of 386 permanent housing units and more than \$71 million in City funding, including \$1.8 million (three percent) in HOME funds. At least two developments will start construction in spring 2019, and are expected to be completed in the following program year (2021-2022), adding 177 units to the City's Housing Trust Fund portfolio, including a portion of HOME units.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	0
Special-Needs	0
Total	0

Table 67 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
The Production of New Units	0
Total	0

Table 68 - One Year Goals for Affordable Housing by Support Type

Discussion

N/A

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.

Actions planned during the next year to address the needs to public housing

N/A. The BHA no longer owns any public housing.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

N/A

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

N/A

Discussion

N/A

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City uses a variety of approaches to support homeless and other vulnerable populations.

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

HRC staff will continue to conduct assessments through 211 referrals, during HRC drop-in hours, and at regularly scheduled service partner locations, and at street based locations throughout Berkeley. Street based outreach staff will continue to engage people and provide basic necessities, such as water and hygiene kits.

Eligible people will be matched to appropriate and available resources including physical and mental health services, housing navigation services, shelter, transitional housing programs, addiction services and SSI advocacy.

The HRC will provide housing navigation services tied to rapid-rehousing and flexible financial assistance to support additional people in moving to permanent housing. Housing navigators support participants in a variety of ways from housing problem solving to, assisting with identification documents to housing search activities.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City will continue to provide funding for shelter and transitional housing as described in section MA-30.

The City funds multiple agencies to provide 298 year round shelter beds, 30 seasonal shelter beds and 27 transitional housing beds. After working hours, unfilled beds are filled through an evening Shelter Reservation Hotline. The Shelter Bed Hotline opens after 7:00 pm and makes available shelter beds operated by BFHP that were not filled after the daytime shelter bed reservation process. Sometimes people have a bed reserved but do not come in to the shelter in the evening. Before this program was implemented in 2009, these beds stayed vacant all night.

[As part of the City's COVID-19 response, the City will provide additional resources to existing shelters to mitigate the spread of the virus, modify one congregate shelter to provide individual living spaces to residents, provide rapid re-housing resources to people living in hotels as part of Project Roomkey, provide additional outreach to people living in encampments, bring additional testing resources to encampment sites, and purchase a hotel to be used for homeless housing. ...](#)

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

Housing Navigators focus on the highest need people, which are prioritized using the standardized assessment tool. They assist with collecting identification documentation needed to apply for housing opportunities, housing searches and linking participants to services that will help to retain housing. The City's Shelter Plus Care COACH Project will be expanded by 53 vouchers this year. These vouchers will be matched to the highest need people in North County through the county's HomeStretch process. The City's Aging Services Division will support enrolled participants with housing search and retention services, regardless of the age of the participant.

The North County HRC has flexible and rapid rehousing funds, which assist in reducing people's length of homelessness. The City allocates ESG, and City and County General Funds to support these efforts. While funding is available, providers report that the lack of available units with rents within HUD's Fair Market Rent (FMR) makes it difficult to rapidly re-house participants within the County. Often, participants are being housed in neighboring counties making it challenging to provide ongoing housing retention services. This has resulted in some delays in spending City of Berkeley ESG funds for rapid rehousing. Starting in PY19, the City of Berkeley has shifted a portion of its ESG allocation to fund the Pathway Stair Center and HRC outreach. Also, the HRC has incorporated more shared housing opportunities through the use of larger units. This has provided people with limited income and a willingness to share housing more opportunities to be permanently housed.

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 City uses General Funds to fund services that prevent people who are not literally homeless but are at imminent risk of homelessness per the HUD Homeless definition (Category 2) from becoming homeless. Prevention assistance may include support to a household to retain its current housing or to move to other housing without having to become literally homeless. While the ESG regulations allow for federal funds to be provided to those categorized as "at-risk" but not necessarily at "imminent risk", Berkeley uses its ESG funds for rapidly rehousing people who are literally homeless.

Berkeley funds prevention assistance for people who meet "immediate risk" criteria defined as:

“An individual or family who will imminently lose their primary nighttime residence, provided that:

- the primary nighttime residences will be lost within 14 days of the day of application for homeless assistance;
- No subsequent residence has been identified; and,
- the individual or family lacks the resources of support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing.”

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 is working with local hospitals to share information about the North County HRC and available homeless services in Berkeley to reduce discharges to local daytime drop-in centers and shelters that can't support the needs of medically fragile people with severe disabling conditions. The City will continue to participate in countywide and regional efforts to reduce discharges into homelessness.

Discussion

The City of Berkeley supports a wide range of homeless programs, including emergency/crisis drop in centers and shelters, transitional housing, permanent supportive housing, prevention 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:**

N/A

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

As stated in section MA-40, the following are considered potential constraints in Berkeley: accessory dwelling unit (ADU) requirements, infill development regulations and permit review process. While the City's accessory dwelling unit requirements meet state law, they may be a constraint to development of additional units; therefore, the 2015 *Housing Element* includes a housing program to evaluate the regulations and consider changes to development standards for ADUs, a process that is currently underway. 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 of the 2015 *Housing Element* encourages the review of infill development regulations in residential districts to identify and change possible constraints.

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. However, Policy H-34 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.

With the passage of California Senate Bill 35 Berkeley, like all California cities, has an expedited path to planning and environmental approvals for affordable housing developments meeting certain State-established criteria. In 2018, the City approved land use entitlements for three City-funded projects under the SB35 rules: 2012 Berkeley Way, 1601 Oxford and 2001 Ashby.

Discussion:

N/A

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 on-going 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 most residential rents in Berkeley, provides tenants with increased protection against unwarranted evictions and is intended to maintain affordable housing and preserve community diversity.
- Affordable Housing Mitigation Fee (AHMF). This fee requires developers of new market rate rental housing to pay a fee into the Housing Trust Fund or to provide affordable apartments instead. Resulting units are affordable both to people with incomes less than 50 percent of Area Median and less than 80 percent. The Council adopted a formula for increasing the rate over time.
- 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. A mitigation fee for production of permanently affordable housing will be collected.
- 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 program 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. On November 19, 2013, City Council approved completing a nexus study to determine the appropriate fee applicable to new for-sale housing.

- 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. Similarly, organizations working with the City of Berkeley on single family rehabilitation will work with the City and Alameda County Lead Poisoning Prevention Programs to increase awareness of lead issues among their clients and incorporate lead safe work practices into their activities.

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.

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. 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 $\mu\text{g}/\text{dL}$.

The Alameda County Healthy Homes Department (ACHHD) also has a HUD Lead Hazard Control grant to remediate lead hazards in 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 visits twice a week for at least three hours each time. Since July 1, 2015, ACHHD has completed lead evaluations at 52 pre-1978 low-income housing units and has made 49 housing units lead-safe at 21 properties. The ACHHD was recently awarded a new 42-month lead hazard control grant which is expected to begin January 1st, 2020. The ACHHD will market to and expects to enroll eligible Berkeley properties into the program which will complete 144 units County-wide over the grant period.

ACHHD provides lead safety and healthy housing training. Since July 1, 2015, the ACHHD has provided lead safety training to 23 individuals with the City of Berkeley, associated with Berkeley-based non-profits, or with residential properties or housing-related businesses in Berkeley including Community Energy Services Corp, Berkeley Mission Homes, and the Northern California Land Trust. In addition, broader healthy housing training, which included lead safety, was provided to 6 City of Berkeley staff. The ACHHD plans to continue to make lead safety training opportunities available for City of Berkeley staff, organizations, and property owners.

The ACHHD's outreach and education activities promote lead safety, regulatory compliance, and participation in ACHHD lead hazard control grant programs to property owners, property managers. The ACHHD coordinates lead poisoning prevention outreach activities with the City of Berkeley Public Health. Outreach partners and locations for property owner presentations, staff trainings, and literature distribution have included the Berkeley Rent Stabilization Board and Permit Office, the Berkeley Housing Authority, Tool Lending Library, North Berkeley Senior Center, YMCA, Berkeley Apartment Owners Association, the East Bay Rental Housing Association which is in Oakland but serves Berkeley property owners, the Ecology Center, and local paint and hardware stores. The ACHHD participates in local collaborations and with partners including the Berkeley Tobacco Prevention Coalition, Bay Area Lead Programs, Berkeley Black Infant Health, Kerry's Kids, Rebuilding Together East Bay North, Habitot, and the Safe Kids Coalition.

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. Federally funded community agency contracts are outlined in the Annual Action Plan.
- 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, such as the coordinated entry system, to employment training and placement opportunities.

The City has contracted with the a number of 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% Discretionary pool of Workforce Investment 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 technology (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 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 Center for Opportunity (formerly known as Rising Sun Energy Center) Green Energy Training Services (GETS) provides pre-apprenticeship classroom and hands-on training in the Building and Construction trades which serves as a pathway for careers in construction including green and clean technologies. Rising Sun also operates the California Youth Energy Services (CYES) program funded by the CA Public Utilities Commission, providing summer jobs for youth conducting residential energy audits.
- Berkeley Youth Alternatives (BYA) receives WIOA funding through Alameda County Workforce Development Board (ACWDB) to provide workforce development services to in-school and out-of-school youth. The area of workforce development is a focus area for increased coordination, including establishing methods to maximize and leverage resources. BYA, utilizing city funds, provides training to disadvantaged youth in all aspects of park and landscape maintenance in addition to summer and after-school programs for children and youth.
- UC Theatre Concert Careers Pathways (UCCCP) is a nine-month program for young people ages 17-25, providing workshops and paid internships for participants to learn all aspects of live music venue production.
- Continuing the City’s Local Hire policies which include the Community Workforce Agreement (CWA) between the City of Berkeley and the Building trades (created in 2011) which applies to publicly funded construction projects estimated at \$500,000 or above, and, the First Source local hiring policy which applies to both public infrastructure projects estimated between \$100,00 - \$499,999 and private development over 7,500 square feet. develop the
- The YouthWorks employment program continued its partnerships with City and nonprofit agencies. YouthWorks targets low income, at-risk youth and provides all youth with workplace skills training. City of Berkeley departments and local community agencies serve as worksites providing valuable work experience to Berkeley youth 14-25 years old.
- The City’s Recreation Division of the Park, Recreation & Waterfront Department partners with the Berkeley Unified School District and YouthWorks on the Achievers Program, which provides leadership development, career exploration and peer-led tutoring. This program is also used as a stepping stone for entry into the City’s YouthWorks program.

- Funded through the City's Public Works Department, the Downtown Streets Team, a non-profit organization, homeless and low-income persons volunteer to beautify commercial districts while engaging in case management and employment services.

The City's anti-poverty strategy continues to be closely tied to the funding of approximately 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. The City also funds anti-poverty programs with general funds for job training and creation/job placement agencies.

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. The City's Health & Human Services and its Housing Departments merged in PY12. Since that time, senior leadership of all Divisions meets weekly to share information on Division activities which promotes closer coordination. For example, in PY2019, the Housing & Community Services Division and the Aging Services Division collaborated to hire two new staff who will provide supportive services to house homeless residents who are assisted through Continuum of Care Rental Assistance administered by the Housing & Community Services Division. The Division leadership will continue to seek opportunities to increase coordination during PY20.

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 implementation and ongoing refinement of the Coordinated Entry System, issuance of an updated countywide strategic report by EveryOne Home, coordination and approval of countywide performance measures aligned with HUD priorities; and implementation of the countywide Whole Person Care funds to support the development and operations of regional housing resource centers.

City staff continue to collaborate with service agencies, from legal advocacy assistance, to disability rights organizations for unit modifications, the VA for VASH vouchers, and the Berkeley Housing Authority (BHA) for Mainstream Voucher allocations. Additionally with Project-based voucher

allocations and through work with owners of Below Market Rate units, BHA has partnered with both non-profit and for-profit developers of housing in Berkeley, to house those participating in our programs.

Discussion:

The majority of Berkeley's activities furthering the goals of the Consolidated Plan are provided by community agency partners. This will continue to be the case in PY20.

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	\$255,925
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
Total Program Income:	\$255,925

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 percent of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	87.00%

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)

(Refinancing Costs).

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 or tenant-based rental assistance activities are anticipated for PY20.

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 PY20.

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 of Berkeley's HTF Guidelines apply to any project using HOME funds to refinance existing debt. Per the Guidelines, Project owners submit funding requests to the City, or reply to the City's Requests for Proposals for funding, with the following information, among other things:

a) As a condition precedent to funding, Owners must demonstrate an extension of affordability term. For new HOME funds invested in the Project, the minimum affordability term is the term required by 24 CFR 92 et seq., but, typically, the required extension of affordability is 55 years.

b) As a condition precedent to funding, Owners must demonstrate that the refinancing preserves the affordable Project through rehabilitation.

1. Minimum rehab costs/unit must correspond to at least the value identified in a current physical needs assessment to ensure that the long-term needs of the Project can be met.
2. Typical rehab/unit costs are no less than \$10,000/unit, the minimum rehab value required by the California Debt Limit Allocation Committee Regulations.

c) Owners indicate if their refinancing request includes new construction that adds net new units to the Project

d) Owners provide extensive Project data, including audited financial statements, cash flows, rent rolls, services plans, PNAs, and rehabilitation proformas to demonstrate that:

1. The project is sound financially and disinvestment has not occurred
2. The long-term needs of the Project and residents will be met by the rehab

3. The proposed rehab is financially feasible, includes no barriers to refinancing existing mortgage loans, does not include the refinancing of any existing federal or federally-insured loans, and leverages other non-federal funds to the greatest extent possible

**Emergency Solutions Grant (ESG)
Reference 91.220(l)(4)**

1. Include written standards for providing ESG assistance (may include as attachment)

The City's standards for providing ESG assistance are attached as Attachment 5: City of Berkeley ESG Manual.

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 established its coordinated entry system (CES). The CES has regional Housing Resource Centers that provide a range of services and resources. Each HRC conducts assessments using a standardized tool that prioritizes individuals and families based on need. The people with the highest needs are matched to appropriate and available services and resources including housing navigation, emergency shelter, transitional housing, rapid rehousing and permanent supportive housing.

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. Funds will be used primarily for rapid rehousing and street outreach. Funds may be used, however, for shelter activities depending on community needs. The City of Berkeley will utilize the maximum amount possible for administration (Seven and a half percent of the grant) and allocate funds to support the County-wide Homeless Management Information System, known as InHouse.

ESG funds were allocated to the North County HRC through the FY20-24 Community Agency Request for Proposals (RFP) allocation process. Bay Area Community Services successfully competed to operate the HRC and will therefore be awarded the ESG funding.

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.

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.

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%

Together Priority Home Partnership and the Housing Retention program make up the housing retention and rapid rehousing segment of the City's continuum of services. The City will continue to work with EveryOne Home and community agencies to ensure that prevention and rapid rehousing funds are fully utilized and play an important role in ending homelessness in Berkeley.

Appendix - Alternate/Local Data Sources

1	Data Source Name Berkeley Housing Authority
	List the name of the organization or individual who originated the data set. Berkeley Housing Authority
	Provide a brief summary of the data set. The table was updated with the most current data available from PIC (PIH Information Center)
	What was the purpose for developing this data set?
	Provide the year (and optionally month, or month and day) for when the data was collected. December 2019
	Briefly describe the methodology for the data collection.
	Describe the total population from which the sample was taken.
	Describe the demographics of the respondents or characteristics of the unit of measure, and the number of respondents or units surveyed.

Citizen Participation Plan for the City of Berkeley

1. Encouragement of Citizen Participation

Since the City of Berkeley began receiving the Community Development Block Grant (CDBG, in the mid-1970s), Emergency Solutions Grant (ESG, in the late 1980s), and HOME Partnership for Investment (HOME, in 1990) Programs, the City has incorporated full opportunities for citizens to participate in planning, development, and review of proposals for funding from these entitlement programs. As required by federal regulations from the U.S. Department of Housing and Urban Development (HUD)¹, citizens must be provided with a reasonable opportunity to participate in an advisory role in planning, implementing and assessing those programs and proposals.

This Citizen Participation Plan (CPP) sets forth policies and procedures to provide for and encourage participation by the residents of Berkeley in the development of the City's Consolidated Plan for Housing and Community Development (Consolidated Plan) and subsequent Annual Action Plans. The CPP also applies to any substantial amendments to the Consolidated Plan and to the preparation of the Consolidated Annual Performance and Evaluation Report (CAPER), which evaluates progress toward the Consolidated Plan objectives. The City of Berkeley submits a Consolidated Plan to HUD every 5 years and an Annual Action Plan to HUD every year. These documents are due to HUD by May 15. The CAPER is submitted to HUD by September 30 each year.

Interested groups and individuals are encouraged to provide input into all aspects of the City's consolidated planning activities – from assessing needs and setting priorities through performance evaluation. This CPP offers numerous opportunities for citizens to contribute information, ideas, and opinions about ways to provide decent housing, establishing and maintaining a suitable living environment, and expanding economic opportunities, particularly for low- and moderate-income persons.

In developing its Consolidated Plan, Annual Action Plans, Substantial Amendments, CAPER, [Analysis of Impediments to Fair Housing Choice](#) and Section 108 applications to HUD, the City will take appropriate actions to encourage the participation of all of its citizens including:

- Low- and moderate-income persons, particularly those living in areas where federal funds are proposed to be used;
- Residents of predominantly low- and moderate-income neighborhoods;
- Minorities;

¹ The specific citizen participation plan requirement is stated in 24 CFR Part 91.105. HUD Consolidated Planning regulations may be viewed online at <http://www.hud.gov/offices/cpd/about/ConsolidatedPlan/index.cfm>.

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- People with Limited English Proficiency;
- People with Disabilities; Residents of public and other assisted housing developments; and
- Local and regional institutions, the regional Continuum of Care (known as Everyone Home) and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations).

The City of Berkeley is committed to keeping all interested groups and individuals informed of each phase of the consolidated planning process, and of activities being proposed or undertaken under HUD entitlement programs. Opportunities to comment on or participate in planning community development and affordable housing activities and projects will be publicized and disseminated as widely as possible in Berkeley.

2. Public Hearings

The City of Berkeley will conduct at least two public hearings each year to obtain citizens' views and to respond to proposals and questions. The hearings are usually held before the Housing Advisory Commission which meets in South Berkeley in the City's Neighborhood Strategy Area and/or before City Council. Hearings will take place at different stages of the consolidated planning process and together address:

- Housing and community development needs;
- The proposed use of program funds, and
- Program performance during the past year.

At least one hearing will be held in the fall (usually in October before the Housing Advisory Commission), to solicit feedback on the City's housing and community development needs and to review program performance during the past year. In addition, at least one hearing will be held in the spring (usually in March, before the Housing Advisory Commission, and/or April, before City Council) to solicit comments on the draft Consolidated Plan and/or Annual Action plans, which include the proposed use of CDBG, ESG and HOME funds. The information provided to the public on or before the public hearing will include:

- The amount of assistance the local government expects to receive (including grant funds and program income);
- The range of activities that may be undertaken;
- The estimated amount of funding that will benefit persons of low- and moderate-incomes; and
- The City's plan to minimize displacement of persons and to assist any person displaced², specifying the types and levels of assistance the City will make

² In making anti-displacement and relocation information available to affected persons, the City shall follow the procedures identified for the federal Uniform Relocation Act (42 U.S.C. 4601 *et seq.*, 42 U.S.C. 4621 *et seq.*, and 42 U.S.C. 4651 *et seq.*), and the City's Relocation for Repairs Ordinance (Berkeley Municipal Code Chapter 13.84.). The City of Berkeley will continue to make available on its web site anti-displacement and relocation information. This online resource may be viewed at <https://www.cityofberkeley.info/ContentDisplay.aspx?id=4956#:~:text=Permanent%20or%20temporary%2>

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available (or require others to make available) to persons displaced, even if no displacement is expected to occur.

This information will be presented at the public hearing and is contained in the text of the Consolidated Plans and Annual Action Plans under review.

Public Hearings During a Local, Regional or National Disaster or Emergency
In the event of an unforeseen and unpreventable event that renders in-person public gathering impossible or inadvisable, such as but not limited to a disaster or pandemic, public hearings may be held as a virtual meeting.

The City will ensure a public hearing is structured in a manner that will still allow for reasonable access and participation in the meeting. Meeting formats may include webinars, webcasts, telecasts, radio or audio broadcasts, or other virtual communication tools as appropriate for the meeting format. Virtual meetings shall provide, at a minimum, an opportunity for the public to publicly ask questions and for the presenter or public officials to make public response. All questions and responses shall be documented, either via text, such as meeting minutes or chat scripts, or recorded, or as appropriate for the meeting format. Virtual meetings shall be publicly noticed, and in the event traditional noticing tools are unavailable or will not effectively reach the public, alternative public noticing efforts must be made and documented.

3. Public Hearing Notices and Outreach

Information about the time, location, and subject of each hearing will be provided to citizens at least two weeks in advance by publication in a local newspaper, via email distribution lists, and via publication on the City's website, www.cityofberkeley.info. Targeted outreach developed specifically for informing low- and moderate-income persons, particularly those residing in the NSA, minorities, residents of public and other affordable housing, and persons with disabilities will take place via distribution of notices to providers of services to these populations, including the Berkeley Housing Authority and non-profit affordable housing developers in Berkeley. Published notices will include instructions in Spanish and Chinese directing speakers of Spanish and Chinese to contact staff for translation or interpreting services. Outreach to Everyone Home, local businesses, Berkeley-based developers, nonprofit organizations, philanthropic organizations, and other community-based and faith-based organizations, will take place via notices sent to these organizations via email and/or regular mail.

Every effort will be made to ensure that public hearings are inclusive. Hearings will be held at convenient times and locations, preferably in the evening and in places where people most affected by proposed activities can attend. The City will utilize facilities, such as the City's Senior Centers, which are accessible to persons with mobility impairments. If notice is given at least seven days before a hearing date, the City will provide appropriate materials, equipment, and interpreting services to facilitate the participation of non-English speaking people and people with visual and/or hearing

[Orelocation%20often%20creates%20hardships%20for%20tenants.&text=The%20City%20Relocation%20Ordinance%20requires,associated%20with%20being%20temporarily%20displaced](#) .

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impairments. Interpreters will be provided at public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

Public Hearing notices and citizen participation outreach related to the City's Housing Trust Fund (HTF) allocation process will follow the policies and procedures outlined in the HTF Guidelines, which can be found here:

<http://www.cityofberkeley.info/ContentDisplay.aspx?id=6532>

Noticing and Outreach During a Local, Regional or National Disaster or Emergency In certain circumstances, HUD has permitted grantees to determine what constitutes reasonable notice and opportunity to comment given unique circumstances.

In the event of an unforeseen and unpreventable event that renders in-person public noticing, outreach and/or gatherings impossible or inadvisable, such as but not limited to a disaster or pandemic, public noticing and outreach will follow all reasonable above-mentioned electronic noticing. To the extent possible this will include publication in a local newspaper, email distribution lists, and publication on the City's website.

HUD may also grant additional noticing waivers for CDBG, ESG, and HOME funds during an event. This includes, but is not limited to, Emergency Solution Grant (ESG) funds that are not subject to the consultation and citizen participation requirements that otherwise apply to the Emergency Solutions Grants. However each recipient must publish how its allocation has and will be used, at a minimum, on the Internet at the appropriate Government web site or through other electronic media.

4. Publication of the Proposed Consolidated Plan and Annual Action Plans

The City will publish proposed Consolidated Plans and Annual Action Plans in a manner that affords citizens, public agencies, and other interested parties a reasonable opportunity to examine its contents and submit comments. The proposed Consolidated Plan (or "public comment draft") shall include:

- The amount of assistance the City expects to receive (including grant funds and program income); and
- The range of activities that may be undertaken, including the estimated amount that will benefit persons of low- and moderate-incomes.

A summary of the proposed Consolidated Plan and/or Annual Action Plan will be published in one or more newspapers of general circulation at the beginning of the required public comment period. The summary will describe the contents and purpose of the plan (including a summary of specific objectives), and include a list of locations where copies of the entire proposed Consolidated Plan and/or Annual Action Plan may be obtained or examined. The following are among the locations where copies of the public comment draft will be made available -unless these facilities are closed due to local, regional or national disaster or emergency ~~for inspection~~:

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- Berkeley Main Library: Reference Desk, on the 2nd Floor, 2090 Kittredge Street, Berkeley; and
- Housing & Community Services Department, 2180 Milvia Street, 2nd Floor, Berkeley.

Citizens and groups may obtain a reasonable number of free copies of the proposed Consolidated Plan and/or Annual Action Plan by contacting the Housing & Community Services Department at (510) 981-5400 or HHCS@cityofberkeley.info.

5. Public Comments on the Proposed Consolidated Plan and/or Annual Action Plan

The City of Berkeley will receive comments from citizens on its proposed Consolidated Plan and/or Annual Action Plan for a period not less than 30 days prior to submission of the Plan(s) to HUD. All comments or views of citizens received in writing or orally at public hearings will be considered in preparing the final Plan(s). A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefore shall be attached to the final Plan(s). Oral comments outside of the public hearing will not be considered, unless they are also provided directly to staff via email, letter, or other legible written form at the address provided in Section 4, above. The final version of the Consolidated Plan and/or Annual Action Plan as submitted to HUD will be posted on the City's webpage.

Public Comment During a Local, Regional or National Disaster or Emergency

In the event of an unforeseen and unpreventable event that requires timely action, HUD may provide guidance and waivers to the 30-day public comment period allowing for expedited procedures on public comment if adopted by the grantee in the citizen participation plan. At minimum, the public comment period shall provide citizens with notice and a reasonable opportunity to comment of no less than 5 days.

6. Amending the Consolidated Plan and the Annual Action Plan

HUD regulations at 24 CFR Part 91.505 require amendments to the Consolidated Plan and Annual Action Plans whenever an entitlement jurisdiction:

- Makes a change in its allocation priorities or a change in the method of distributing funds;
- Becomes aware of HUD-imposed regulatory changes guiding planning, reporting, monitoring, and evaluation requirements;
- Carries out an activity, using funds from any program covered by the Consolidated Plan (including program income), not previously described in the Action Plan; or
- Changes the purpose, scope, location, or beneficiaries of an activity.

Some amendments will be considered substantial while others will be considered to be not substantial. All non-substantial amendments, including those required by HUD

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regulations, will be considered narrative changes to be completed by the City Manager in consultation with City staff, and will be published in the plans and online within a reasonable time after they are made. A proposed amendment is considered substantial when:

- A proposed action or change that may create a significant community impact. A significant community impact is defined as either:
 - Any federal grant-funded project or activity that results in a significant environmental impact as that term is defined pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. 4231 *et seq.*); or
 - Any federal grant-funded project or activity that generates relocation of at least 20 resident households and/or two existing businesses which are subject to the federal Uniform Relocation Act (42 U.S.C. 4601 *et seq.*, 42 U.S.C. 4621 *et seq.*, and 42 U.S.C. 4651 *et seq.*).
- Changes in the use of CDBG funds from one eligible activity category to another (for example, from housing to public services, or to any other broad category within CDBG funding).³
- Changes in the use of Emergency Solutions Grant (ESG) funding from one of the following categories to another: 1) Emergency Shelter/Street Outreach, 2) Homeless Prevention/Rapid Re-housing, and 3) Homeless Management Information

The need to prepare a substantial amendment shall trigger use of the public participation requirements described below.

7. Public Notice of and Public Comment on Substantial Amendment.

Once drafted, the City of Berkeley shall make the substantial amendment public and submit it to the Housing Advisory Commission for its review, comment, and recommendation to the City Council. Notice and opportunity to comment will be given to citizens through public notices in local newspapers and other appropriate means, such as the targeted distribution lists described above in Section 3. A public comment period of not less than 30 days will be provided prior to implementing any substantial amendments to the Consolidated Plan and/or Annual Action Plan. Housing and Community Services Department staff will prepare a summary of all comments received and, in cases where any citizens' views are not accepted, provide reasons for the decision. This documentation will be attached to the substantial amendment, which will be available to the public and submitted to HUD.

[Public comment during a disaster or emergency as defined in Section 5 also apply to amendments.](#)

³ A substantial change shall not include budget modifications within an approved budget for a project where there is an increase and/or a decrease of federal funds from one eligible activity budget line item to another eligible activity budget line item, within the same project or contract budget. This does not include the transfer of funds between different contracted projects.

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8. Preparation of the Consolidated Annual Performance and Evaluation Report (CAPER)

Performance reports on programs covered by the Consolidated Plan/AAP are to be prepared by the City of Berkeley for annual submission to HUD by September 30. The City of Berkeley shall provide a preliminary draft of the CAPER to the Housing Advisory Commission and publish a notice announcing that the public shall have no less than 15 days to review and comment on the document. The CAPER shall be placed on view at the same public places where the Consolidated Plan/AAP shall be made available, and posted to the City's website.

All public comments received orally at public hearings or submitted in writing regarding the CAPER will be considered and a summary of these comments or views and staff responses shall be attached to the document. The City shall encourage commissioners and members of the public to review the performance detailed in the CAPER during the Fall public hearing.

9. Access to Records

A reasonable number of free copies of the City of Berkeley Consolidated Plan for Housing and Community Development, Annual Action Plan, the Consolidated Annual Performance and Evaluation Report, as well as all amendments to the Consolidated Plan and Annual Action Plan will be available to citizens and groups requesting them. These documents shall be maintained for not less than 5 years on the City's web site. Materials will also be made available in a form accessible to persons with disabilities upon request.

10. Technical Assistance

The City shall make available, upon request, technical assistance to groups representing persons of low- and moderate-income (and other special needs) that request such assistance in developing proposals for funding assistance under any of the programs covered by the Plans. The City shall also hold at least one workshop for community agencies applying for City funding on or near the time of issuance of a Request for Proposals to explain issues related to various funding sources available, eligible activities, the application process itself, and to answer any questions applicants may have.

11. Citizen Complaints

The City of Berkeley shall accept written complaints and provide a substantive written response to any written citizen complaint within a reasonable period of time, not to exceed 15 working days, when the complaint concerns the Consolidated Plan, Annual Action Plans, amendments thereto, and performance reports.

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Complaint, comments and questions should be directed to:

CDBG Coordinator
Health, Housing & Community Services Department
City of Berkeley
2180 Milvia Street, 2nd Floor
Berkeley, CA 94704
HHCS@cityofberkeley.info
(510) 981-5400

**CITY OF BERKELEY
NOTICE OF VIRTUAL PUBLIC HEARING
and
REQUEST FOR COMMENTS ON ITS
CONSOLIDATED PLAN (2020-2025) AMENDMENT #1 – CARES Act**

As of Friday August 28, 2020, the public is invited to review and comment on the City of Berkeley's Consolidated Plan Amendment #1 for Housing and Community Development that covers the period July 1, 2020 through June 30, 2025 including the City of Berkeley's FY 2021 Annual Action Plan, which covers the period July 1, 2020 through June 30, 2021. This amendment is to allow the City of Berkeley to receive and administer \$1,610,805 in Community Development Block Grant coronavirus (CDBG-CV) funding and \$6,648,603 in Emergency Solutions Grant coronavirus (ESG-CV) funding from the US Department of Housing and Urban Development (HUD) made available through the Coronavirus Aid, Relief, and economic Security Act (CARES Act).

The City of Berkeley, and all jurisdictions receiving certain types of federal funds, are required to submit a Consolidated Plan, Annual Action Plans, and any amendments thereto to HUD. The Consolidated Plan outlines the City's needs and goals in the areas of Housing, Homelessness, Community Development, and Non-Homeless Special Needs, to act as a framework for the use of federal funds in these areas. The City of Berkeley's Annual Action Plan presents the City's plan for funding housing and community services.

The CARES Act funds are available for "eligible activities" meeting the national objective of the CDBG and ESG funding and to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). Eligible CDBG-CV activities include, but are not limited to, public services and public facility improvements that support eligible low-income households in response to COVID-19. Eligible ESG-CV activities include street outreach, emergency shelter, homelessness prevention, rapid re-housing, Homeless Management Information System and administration. Specific activities using ESG funding under the CARES Act do not require a 5-day public comment period but will, at minimum, be posted on the City of Berkeley's website.

The draft Consolidated Plan Amendment #1 is available for public review on the web at <http://www.cityofberkeley.info/ContentDisplay.aspx?id=12160> beginning August 28, 2020.

Lastly, as part of this amendment, the City of Berkeley has revised its Citizen Participation Plan to include the 5-day day comment period and include virtual meetings. The revised Citizen Participation Plan is available at: <https://www.cityofberkeley.info/ContentDisplay.aspx?id=12160>

The period for public comment on this report closes September 16, 2020, at 5:00 p.m.

**THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH
VIDEOCONFERENCE AND TELECONFERENCE**

The hearing will be held via videoconference pursuant to Governor's Executive Order N-29-20. A **virtual public hearing** will be held on the Consolidated Plan Amendment #1 that includes the proposed CDBG-CV, ESG-CV and HOME allocations for funding on **September 15, 2020 at 6:00 p.m.** A copy of the agenda material **and instructions for accessing this real-time virtual** public hearing will be posted on the City's website at www.cityofberkeley.info.

A copy of the agenda material for this hearing will be available on the City's website at www.CityofBerkeley.info as of **September 3, 2020**. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.** *Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.*

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

For more information or to submit written comments, contact Rhianna Babka (email: rbabka@cityofberkeley.info) at the Health, Housing and Community Services Department 2180 Milvia Street, 2nd Floor, Berkeley, 94704. **Written comments must be received by no later than September 16, at 5:00 p.m.**



Office of the City Manager

ACTION CALENDAR

September 15, 2020

(Continued from July 28, 2020)

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Jordan Klein, Interim Director, Planning and Development Department
 Subject: Annual Housing Pipeline Report

INTRODUCTION

The Housing Pipeline Report is prepared annually by the Planning and Development Department in response to a request from the City Council for a progress report on the development of new housing units in Berkeley. The report includes data on numbers of new units at each phase of the development process, from application to occupancy, with subtotals for units set aside for specific levels of affordability.

CURRENT SITUATION AND ITS EFFECTS

The annual Housing Pipeline Report was most recently delivered to City Council on July 23, 2019. The report provides data on the following:

- 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 completed since 2014; 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. This alignment optimizes the staff time needed to produce these data, avoiding the need to compile new versions of 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.

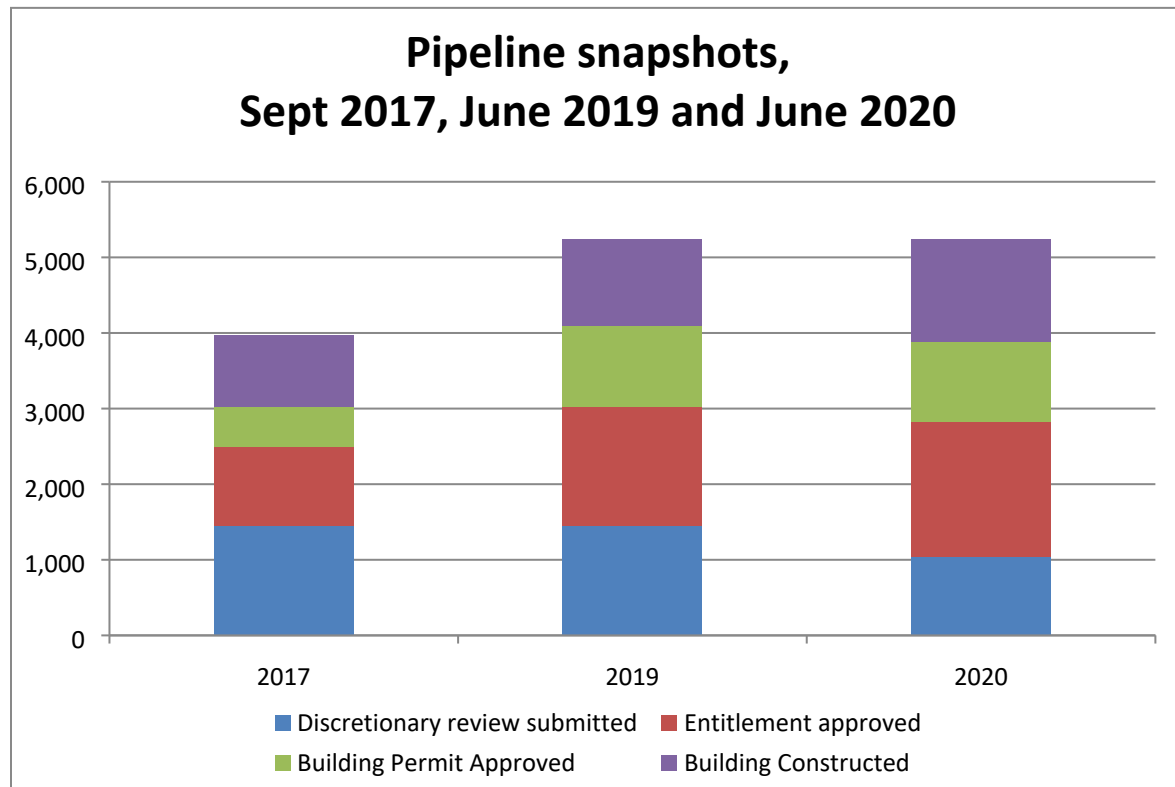
The Department of Housing and Community Development requires jurisdictions to submit an annual progress report (APR) that tracks status of implementation of the Housing Element of each jurisdiction's General Plan. These data are important because the Housing Element allows the City to adequately plan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

Staff present the annual housing pipeline report to the City Council each July, using data from the most recently completed calendar year, to correspond with the information submitted to the State.

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 1, 2020 and provided in the two previous reports. Projects which received approvals after June 1, 2020 will be included in next year’s report.



The chart above is a summary of the more detailed information provided in Attachments 1-4. These build on information from previous reports to show how projects move through the development process. In some cases, the information from previous years has been amended to address inaccuracies or reflect new information; this information is usually related to building permit submittal dates or approval dates, or unit counts. 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 are subject to 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 1,045, which is a decrease from the 1,448 units shown in the pipeline report presented to Council in July 2019. The units included in Table 1 would be created within 18 projects, compared with 18 projects that were pending in the snapshot from June 2019, and 23 pending in the snapshot taken in September, 2017. In addition, two Group Living Accommodation (GLA) projects were submitted and are included in the table. Since they do not provide units, and to maintain consistency in the data over time, the 178 rooms that the GLA projects could provide are not included in the numbers above. However, their progress will be tracked for future reports.

As reported to Council previously, 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.

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;
- Input provided by the community; and

- 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 1,790. This continues an upward trend in the number of units, from 1,573 in 2019 and 1,042 in 2017.

Table 2 provides the first opportunity to report more reliable information about the number and levels of affordability a project will provide. As noted above, however, 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 between five and six months.

Of the ten projects in Table 2 which have not yet submitted building permits, two have been entitled for over two years: 2902 Adeline and 2720 San Pablo. 2720 San Pablo was approved in 2007, and since then, the current owners have submitted a use permit application for a new, different project at this site. This new use permit application is included within Table 1 as a pending project. The developers of 2902 Adeline are still determining whether to move forward with the project.

One project, 1040 University, was removed from the list, as it was simply as conversion from one affordable housing type (27 Single Room Occupancy (SRO) units) into 27 Very Low-Income units.

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 1,045 (compared to 1,074 in the 2019 report and 525 in the 2017 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 17 projects that are under construction, 10 received

a building permit within 24 months of receiving a use permit. Of the other seven, most were put on the market and 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 just over 17 months.

Table 3 also includes a “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 completed. 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 building is completed. The number of dwelling units in this category is 1,351 (up from 1,141 in the 2019 report and 952 in the 2017 report).

The previous reports used the term “Certificate of Occupancy (COO) issued” to indicate when a project was finished. Most projects do not require a COO and are considered complete once construction is completed and the building is finalized by the Building and Safety Division. This report has removed the reference to COOs in order to more accurately reflect the action taken and to be consistent with the information reflected in the previous reports.

Table 4 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 project completion for these projects was just over 25 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 as reported annually to the Department of Housing and Community Development (HCD). This table is consistent with the information that HCD will use to determine Berkeley’s compliance with affordable housing production goals and is taken directly from Berkeley’s Annual Progress Report on the Housing Element. Table 5 continues

to report on building permits issued after January 1, 2014, and is current through 2019 (per RHNA reporting requirements). Through 68% of the reporting period, the City's progress ranges from 21% for Very Low-Income units, 4% for Low-Income units, 23% for Moderate Income units to 128% for Above-Moderate units.

338 additional below market rate units have been entitled, but are not yet included in the RHNA numbers in Table 5 because they have not received a building permit. Those units are reflected in Table 2.

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 95 in 2019, for a building permit total of 266 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. The Planning Department 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/>.

POSSIBLE FUTURE ACTION

This report includes no proposals for future action by the City Council.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

None.

CONTACT PERSON

Elizabeth Greene, Senior Planner, Planning and Development Department, 510-981-7484

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 completed since 2014

5: Table 5 – Status of Regional Housing Needs Allocation

Table 1.A – Projects with more than 5 units submitted and pending approval by ZAB or Council.					
#	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
1915	Berryman	R-2A	10	5/22/20	Incomplete
2015	Blake	R-4	155	12/20/18	Incomplete
2317	Channing	R-S	17	12/20/19	Incomplete
2000	Dwight	R-4	126	4/24/19	Incomplete
1155	Hearst	R-2A	6	2/2/16	Under Appeal, Council 6-9-2020
2099	MLK	C-DMU	72	5/2/19	Incomplete
1200	San Pablo	C-W	104	12/2/19	Incomplete
2136	San Pablo	C-W	123	10/29/19	Incomplete
2371	San Pablo	C-W	6	5/15/19	Incomplete
2720	San Pablo	C-W	40	1/20/16	Complete May 2019; ZAB Preview-10-10-19
3000	San Pablo	C-W	78	9/27/19	Incomplete
1650	Shattuck	C-NS	10	2/21/20	Incomplete
2023	Shattuck	C-DMU	48	3/5/19	Complete; ZAB & DRC Previews 10-10-19
2650	Telegraph	C-1	45	4/18/19	Complete. ZAB 3-12-20. Council 6-16-20
1110	University	C-1	36	3/3/17	Complete; on hold per applicant
1367	University	C-1	40	10/18/19	Incomplete
		Total:	1,045		

Table 1.B Group Living Accomodation Projects submitted and pending approval by ZAB or Council					
2210	Harold	C-DMU outer	136-bed	1/31/20	Incomplete.
0/2435	San Pablo	C-W	42 GLA units	12/6/18	Complete 10/28/19. Continued off calendar from 12/12/19 ZAB

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

	New projects added				
	Number changed since 2019 report				

#	Street Name	Zoning	Ext Low <30% AMI	VLI 31%-50% AMI	LI 51%-80% AMI	MOD 81-120% AMI	BMR Total	Above MOD	Total Units	Entitlement Year	By:	Building Permit Applied For?	Subtotals
2902	Adeline	C-SA & R-4		4	4	1	9	41	50	2017	Council	No	Units in Approved projects, no BP yet applied for:
2001	Ashby	C-SA	25	28	33	0	86	1	87	2019	SB35		
2176	Kittredge	C-DMU	0	0	0	0	0	165	165	2020	ZAB		
1740	San Pablo	C-W	0	4	0	0	4	47	51	2018	ZAB		
1835	San Pablo	C-W	0	7	0	0	7	94	101	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		
2701	Shattuck	C-SA		5	0	0	5	52	57	2019	Council		
3000	Shattuck	C-SA		2	2	0	4	19	23	2018	Council		
2009	Addison	C-DMU					0	45	45	2019	ZAB	7/18/19	Units in Approved projects, BP applied for:
2028	Bancroft	C-DMU		2			2	35	37	2019	ZAB	10/29/19	
2012	Berkeley Way	C-DMU	53	54	34	0	141	1	142	2019	SB35	9/12/19	
2542	Durant	C-T		0	0	0	0	32	32	2018	ZAB	4/4/19	
1601	Oxford	R-3		13	21	0	34	3	37	2018	SB35	12/17/19	
1201	San Pablo	C-W		0	0	5	5	22	27	2006	Council	11/25/19	
2527	San Pablo	C-W	0	6	6	0	12	51	63	2018	Council	8/17/18	
2100	San Pablo	C-W	0	0	0	0	0	96	96	2019	ZAB	8/30/19	
3020	San Pablo	C-W		2	2	0	4	25	29	2007	ZAB	4/15/15	
1951	Shattuck	C-DMU	0	0	0	0	0	156	156	2019	ZAB	12/27/19	1181
2190	Shattuck	C-DMU		0	0	0	0	274	274	2019	Council	12/19/19	
2352	Shattuck	C-DMU	0	14	0	0	14	190	204	2019	ZAB	12/20/19	
2556	Telegraph	C-T					0	24	24	2018	ZAB	12/19/18	
1717	University	C-1		3	0	0	3	12	15	2017	ZAB	1/17/20	
		Totals:	78	149	105	6	338	1,452	1,790				
	Projects over 2 years old and no BP submitted												
	Change to unit count since 2019 report												
	New project added												
	Projects moved from Table 1												
For SB 35 projects, issuance of a compliance letter will be the equivalent of a discretionary approval													

Table 3 – Approved projects with more than 5 units: Building permit issued.												
#	Street Name	Zoning	VLI 31%-50% AMI	LI 51%-80% AMI	MOD 81-120% AMI	BMR Total	Above MOD	Total Units	Entitlement Year	By:	Building Permit Issued	Est. Completion Date
1950	Addison	C-DMU	4	0	0	4	103	107	2016	ZAB	6/2/17	2019
2072	Addison	C-DMU	0	0	0	0	66	66	2018	ZAB	1/29/20	??
3051	Adeline	C-SA	0	0	0	0	11	11	2016	ZAB	11/12/19	
2580	Bancroft	C-T	11	0	0	11	111	122	2018	ZAB	7/24/19	2020
2035	Blake	C-SA	4	0	0	4	80	84	2016	Council	8/10/17	2020
739	Channing	MU-R	0	0	0	0	10	10	2018	ZAB	5/30/19	Unknown
2510	Channing	C-T	3	0	0	3	37	40	2018	ZAB	1/27/20	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
2628	Shattuck	C-SA	0	0	0	0	78	78	2019	ZAB	5/5/20	??
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	6/20/17	2020
2067	University	C-DMU	4	0	0	4	46	50	2016	ZAB	10/10/18	2020
2111	University	C-DMU	6	0	0	3	65	68	2013	ZAB	6/27/18	2020
2131	University	C-DMU	2	0	0	1	20	21	2013	ZAB	6/27/18	2020
2145	University	C-DMU	0	0	0	0	36	36	2013	ZAB	6/27/18	2020
1922	Walnut	C-DMU	2	0	0	2	78	80	2013	ZAB	6/27/18	2020
		Totals:	56	0	0	52	993	1,045				
	Projects moved from Table 2											
	Numbers changed since 2019 report											
	Dates changed since 2019 report											

Table 4 – Approved projects with more than 5 units: Building Permit Issued after 2014 and Project Completed												
#	Street Name	Zoning	VLI 31%-50% AMI	LI 51%-80% AMI	MOD 81-120% AMI	BMR Total	Above MOD	Total Units	Entitlement Year	By:	Building Permit Issued	Complete 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
2126	Bancroft	C-DMU	5	0	0	5	45	50	2016	ZAB	11/6/17	11/15/19
2024	Durant	C-DMU	0	0	0	0	79	79	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	2/16/16	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
2747	San Pablo	C-W	3	3	0	6	35	41	2007	ZAB	4/13/17	4/24/20
2748	San Pablo	C-W	23	0	0	23	0	23	2014	ZAB	12/12/17	10/23/19
3015	San Pablo	C-W	8	7	0	15	83	98	2007	Council	3/19/14	2/16/16
2013	Second	MU-LI	0	0	0	0	19	19	2015	ZAB	11/22/16	1/31/19
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	22	22	2016	ZAB	9/6/17	11/18/18
2539	Telegraph	C-T	6	0	0	6	64	70	2016	ZAB	7/12/17	9/30/19
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	0*	0	0	0	46	46	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
		Totals:	105	66	0	171	1,180	1351				
	New project added											
	Projects moved from Table 3											
	Change to unit count or BP issued date since 2019 report											
	Building permit partially finalized											

Table 5 – Status of Regional Housing Needs Allocation - All Housing Types.

Progress towards 2014-2022 RHNA: Approved Building Permits

January 1, 2014 – December 31, 2019

	RHNA Allocation	2014	2015	2016	2017	2018	2019	Total Units to Date	Percent of Goal Achieved	Remaining RHNA
VLI (<50% AMI)	532	15	59	16	10	1	11	112	21%	420
LI (51%-80% AMI)	442	0	17					17	4%	425
MOD (81-120% AMI)	584	5	132					137	23%	447
BMR Total	1558	20	208	16	10	1	11			
Above MOD	1401	258	326	212	262	329	403	1790	128%	-389
Total	2959	278	534	228	272	330	414			



Office of the City Manager

ACTION CALENDAR
 September 15, 2020
(Continued from July 28, 2020)

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Liam Garland, Director, Department of Public Works
 Subject: Contract 9274A Amendment: Ascentis Corporation 9274A for Biometric Time Card Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9730A with Ascentis Corporation for biometric time card services to extend the contract term by one year to June 30, 2022, and increase the contract amount by \$25,000 for a total contract amount not to exceed \$75,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the Fund 127 State Transportation Tax, Fund 130 Measure B Local Streets and Roads, Fund 601 Zero Waste, Fund 611 Sanitary Sewer, Fund 672 Equipment Maintenance, Fund 673 Building Maintenance, Fund 616 Clean Storm Water, Fund 631 Parking Meter Fund FY 2021 budget. FY 2022 funding is subject to appropriation.

CURRENT SITUATION AND ITS EFFECTS

The authorized spending limit for Contract No. 9274A has almost been reached. Failure to obtain Council approval for the recommended action will interrupt the ongoing provision of biometric time card services at the City's Corporation Yard and Solid Waste Management and Transfer Station (Transfer Station).

BACKGROUND

Biometric time card services have been provided by Ascentis Corporation since 2013. City staff will need to continue to utilize these services until the City's new Tyler Munis - Executime payroll accounting system has been fully implemented.

ENVIRONMENTAL SUSTAINABILITY

None.

RATIONALE FOR RECOMMENDATION

In order to ensure the uninterrupted provision of bio metric time card services at the City's Corporation Yard and Transfer Station, staff recommends that Council authorize execution of an amendment to Contract No. 9274A with Ascentis Corporation to increase the contract amount.

ALTERNATIVE ACTIONS CONSIDERED

None, continuation of biometric time card services are necessary until the City's new Executime payroll account system has been fully implemented.

CONTACT PERSON

Greg Ellington, Superintendent, (510) 981-6459

Attachments:

1: Resolution

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

CONTRACT NO. 9274A AMENDMENT - ASCENTIS CORPORATION FOR BIOMETRIC TIME CARD SERVICES AT CITY'S CORPORATION YARD AND TRANSFER STATION

WHEREAS, Ascentis Corporation has provided biometric time card services since 2013; and

WHEREAS, biometric time card services are needed until the City's Executive payroll accounting system has been fully implemented; and

WHEREAS, funding is available in Fund 127 State Transportation Tax, Fund 130 Measure B Local Streets and Roads, Fund 601 Zero Waste, Fund 611 Sanitary Sewer, Fund 672 Equipment Maintenance, Fund 673 Building Maintenance, Fund 616 Clean Storm Water, Fund 631 Parking Meter Fund FY 2021 budget. FY 2022 funding is subject to appropriation.

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. 9274A with Ascentis Corporation for biometric time card services at the City's Corporation Yard and Transfer Station, extending the contract term by one year to June 30, 2022, and increasing the contract amount by \$25,000 for a total contract amount not to exceed \$75,000. A record signature copy of said contract amendment to be on file in the Office of the City Clerk.



Cheryl Davila
Councilmember
District 2

ACTION CALENDAR

September 15, 2020

(Continued from July 28, 2020)

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila and Councilmember Ben Bartlett

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

RECOMMENDATION

1. Adopt an urgency ordinance amending Berkeley Municipal Code 13.110, Title 13, "The COVID-19 Emergency Response Ordinance," to enhance emergency tenant protections consistent with recently adopted Alameda County laws, action in other jurisdictions, and consultation with community stakeholders.
2. Adopt a resolution requesting the University of California at Berkeley voluntarily comply with local eviction moratoriums, and rent suspension ordinances, and ordinances empowering tenants to terminate their leases without penalty.

BACKGROUND

A. Berkeley's COVID-19 Emergency Response Ordinance

On March 17, 2020, the Berkeley City Council adopted an emergency ordinance prohibiting evictions of residential and commercial tenants unable to pay their rent due to COVID-19. Subsequently, on April 21, 2020, the Council further amended the City's ordinance to enhance eviction protections for commercial tenants, namely a prohibition on unreasonable rent increases for impacted businesses and nonprofits. Again on May 26, 2020, the Council further amended the city's ordinance to enhance eviction protections for residential tenants and homeowners, including banning most residential evictions through the end of the local state of emergency. Subsequently, on June 30, 2020 the Council further amended the city's ordinance to clarify and enhance the ability of residential tenants to terminate a lease. Since the enactment of these protections, other jurisdictions in California, including neighboring jurisdictions and the Alameda County Board of Supervisors have enacted a number of additional protections that are either complimentary to, or more stringent than, Berkeley's ordinance. The item updates BMC 13.110 to include best practices and to align with newly adopted countywide protections.

B. Alameda County's Urgency Ordinances

On March 24, 2020, the Alameda Board of Supervisors passed an urgency ordinance creating a temporary moratorium on evictions for renters and homeowners in the Unincorporated County (Ordinance No. 2020-14).

On March 31, 2020, the Board extended protections to the entire County. Similar to our BMC 13.110, the ordinances applied a moratorium on evictions to tenants, homeowners or mobile home owners who can provide documentation that they cannot pay their rent or mortgage due to a substantial loss of income, substantial out-of-pocket medical expenses, or extraordinary childcare needs caused by COVID-19.

On April 21, 2020, the Board considered and adopted additional amendments,¹ after finding that the pandemic and shelter in place orders created severe new and exacerbated existing socioeconomic impacts. Accordingly, the County deemed any eviction, regardless of cause, a public health threat. Giving cities this option provides baseline protections for residents of cities without moratoria, but allows cities to make determinations in the best interest of their residents.

On June 30, 2020, the Board considered and adopted additional amendments following unrelenting lobbying from the county's landlords. Unfortunately, these amendments weakened the county's ordinance, such as by reducing administrative penalties for violating the ordinance to such an extent that they are now just "the cost of doing business." Additionally, the language regarding city ordinances changed: Instead of stronger protections in a city ordinance automatically applying, now "the city must duly affirm or declare in writing its intent to opt out of the County ordinance. The writing must enumerate the specific provisions of the County's ordinance from which the city intends to opt out and must include a finding that the city ordinance is stronger."

The California Attorney General has opined that when a county has declared a local emergency within its jurisdictional boundaries in an area that includes both unincorporated and incorporated territory, the county may adopt emergency rules and regulations pursuant to Government Code section 8634 that will be effective in both unincorporated and incorporated areas (62 Ops. Cal. Atty. Gen. 701 (1979)). However, questions have been raised as to whether this power of counties always covers charter cities, such as Berkeley; for example, in early June, many members of the Council questioned whether the county-wide curfew issued by the county sheriff was legally valid within Berkeley city limits.

C. Updates to The Covid-19 Emergency Response Ordinance

Unreasonable evictions are directly at odds with local, state and federal measures to recover from the pandemic.

Housing stability is a prerequisite for flattening the COVID-19 infection curve. Loss of housing presents significant health risks for those directly affected and the population at large, through disruption of shelter in place orders, social distancing measures and increased homelessness. Testing, quarantine, and physical distancing measures are bolstered by housing security.

In recognition of developments at the Alameda County level, action in other jurisdictions, and consultation with community stakeholders, the item proposes the following additional key amendments to BMC 13.110:

¹ Amend Countywide Temporary Moratorium on Residential Evictions, Alameda County Community Development Agency, April 21, 2020, https://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_04_21_20/GENERAL%20ADMINISTRATION/Regular%20Calendar/CDA_294956.pdf, Amendments were crafted and presented by the Alameda County's Community Development Agency and the Housing and Community Development Department (HCD), in coordination with County Counsel, Public Health, all cities countywide, Resources for Community Development, and legal agencies including Bay Area Legal Aid, Centro Legal de la Raza, East Bay Community Law Center, and Housing and Economic Rights Advocates

1. *Expansion of Moratorium Scope:*

Consistent with numerous jurisdictions (including the Cities of Los Angeles, Santa Monica, and Inglewood) these amendments would prohibit Ellis Act evictions.² Additionally, minor amendments are made to the exception for health and safety threats to bring it in line with the language of the County ordinance; this is important to ensure there are no evictions prohibited by the County ordinance but ostensibly allowed under the City ordinance, thereby minimizing the risk of legal confusion.

2. *Extended Duration of Protections*

Currently, many protections under the Berkeley ordinance lapse either upon the expiration of the local state emergency or thirty days thereafter. This period is not as long as in other jurisdictions. For example, the City of Los Angeles's ordinance protects tenants from Ellis Act evictions for sixty (60) days after the expiration of the local state of emergency. These amendments would extend various protections to ninety (90) days after the expiration of the local state emergency. This would provide relief for many residents who will likely face difficulty finding sufficient employment for an extended period of time even following the expiration of the local state of emergency due to significantly depressed aggregate demand (i.e. a continuing economic recession or depression). By continuing to keep residents housed for a "buffer period," it would also reduce the risk of unintentionally causing an additional outbreak following the expiration of the state of emergency. These amendments would also allow the Council to extend this period by resolution (instead of an ordinance), allowing the Council to swiftly act by majority vote to protect public health and safety and keep residents housed if the local situation necessitates immediate action.

3. *Authorize Tenants To Self-Attest Financial Hardship*

Some tenants may have difficulty providing sufficient documentation that proves their COVID-related financial hardship. In order to ensure that no tenant is left behind, these amendments would authorize tenants to self-attest their COVID-related financial hardship. Given that landlords are ultimately allowed to recover back rent, there would ultimately be no barrier to their ability to ultimately be made financially "whole."

4. *Clarifies Covered Reasons for Delayed Payment*

Due to Berkeley's status as a "college town" and the transition of UC Berkeley (and other local institutions of higher education) to many online and/or hybrid-format classes in response to the ongoing COVID pandemic many segments of Berkeley's rental market have seen a significant drop in demand. While this reduced demand may benefit many tenants entering new rental agreements, continuing tenants are largely not receiving this benefit, and ironically some may be in a worse position even if their own financial situation remains unchanged. Many tenants, especially those who live with students, may have had one or more roommates move-out, and planned to replace them with a new roommate(s) who would pay the same share of the rent. However, many landlords required their tenants to sign lease renewals before the severity of the COVID crisis became clear. As a result, those tenants were not in a position to bargain for a rent reduction, and with reduced demand for housing may be unable to find a replacement roommate willing and able to pay the same share of the rent as an outgoing roommate. The remaining tenants can be left with an unwinnable choice: Delaying taking on a new roommate(s) in the hope of finding someone who can pay the same share of the rent (while having to pay the full share of the rent until they find a replacement), or take on a higher share of the rent in order to immediately have a new roommate. While previous versions of the ordinance were clearly intended to cover this

² aagla.org/wp-content/uploads/2020/07/7120-Updated-Temporary-Eviction-Moratorium-Chart-002.pdf

situation, the failure to explicitly mention them creates a perpetual risk that the courts will interpret them otherwise. These amendments make clear that such scenarios are covered reasons for nonpayment, eliminating the risk of judicial misinterpretation.

Additionally, the amendments also remove self-contradicting language referencing group living arrangements; this ensures that all tenants are properly covered by that potential reason for delaying payment.

5. *Extends Additional Protections to Homeowners and Penalties to Lenders*

The County Ordinance extends evictions protections afforded to tenants and related requirements to homeowners; similarly, the county ordinance makes explicit that lenders (e.g. a bank that holds the property's mortgage) and their agents have the same obligations (e.g. providing residents notice of their rights under the ordinance) and penalties for noncompliance as landlords. These amendments extend that tenant-homeowner parity to the City ordinance.

6. *Extends the Repayment Period for Back Rent*

Under the existing ordinance, tenants have twelve (12) months to repay back rent before landlords may sue. However, community stakeholders have raised significant concerns that this is much too short a period. For instance, if a tenant normally spends 50% or more of their income on rent (an obscene yet common scenario) and is unemployed due to COVID for 12 months, they would be mathematically unable to repay their back rent over 12 months even if they income immediately fully recovered (unlikely) and the the landlord waited until 12 months *after the tenant re-gained employment* (which is not required of the landlord).

Outside of the unlawful detainer process (which imposes a 12-month window), landlords have 48 months to collect back rent owed under a written agreement (Civ. Proc. §337.2) and 24 months to collect back rent owed under an oral agreement (Civ. Proc. §339.5). In recognition of these limits, these amendments extend the repayment period to forty-seven (47) months for written leases and twenty-three (23) months for oral rental agreements. This significantly increases the ability of a tenant to repay all their back rent, without conflicting with the legal right of landlords under state law to collect back rent.

7. *Provides Additional Examples of Prohibited Retaliation*

The ordinance prohibits retaliation against tenants for exercising their rights under it, and explicitly names shutting off utilities and reducing services as examples of prohibited retaliation. These amendments add additional examples of prohibited retaliation.

8. *Improves Civil Remedies for Violations*

These amendments make various changes that bring civil remedies (including authorizing administrative fines and offering protections for tenants who act in good faith but do not prevail in court) in line with the County ordinance. Additionally, it makes clear that the City Attorney, Rent Stabilization Board, or another person or entity may sue to enforce the ordinance.

9. *Extends Criminal Penalties to non-Commercial Violations*

Currently, the city ordinance only imposes criminal penalties for violations relating to commercial properties. These amendments extend criminal penalties to any violations by a landlord or lender, using verbatim language from the County ordinance. In addition to providing legal certainty that violations also covered by the County ordinance can be criminally prosecuted, these amendments are necessary to allow criminal prosecution for

violating residential property provisions not covered by the County ordinance (e.g. conducting an ostensible Ellis Act eviction).

10. *Liberal Construction*

States that the ordinance should be liberally construed so as to fully achieve its purpose and provide the greatest possible protections to tenants.

Consistent with the actions of Alameda County, neighboring jurisdictions, and other jurisdictions throughout California, and the ongoing shelter-in-place order and associated emergency activities in response to the global pandemic, it is in the public interest to clarify and amend the COVID-19 Emergency Response Ordinance.

D. Resolution Calling on UC Berkeley to Voluntarily Comply with Local Ordinances

As a state agency, UC Berkeley (and the entire University of California system) is most likely exempt from ordinances protecting tenants during the ongoing COVID-19 pandemic. However, UC Berkeley's failure to comply with this has created significant problems for many students, and community stakeholders have raised alarms about the situation. The attached resolution calls on UC Berkeley to voluntarily comply with all local ordinances restricting evictions, delaying rent payments, and/or allowing tenants to terminate a lease without a penalty, regardless of legal obligation for UC Berkeley to do so.

FINANCIAL IMPLICATIONS

Preventing evictions can result in significant savings to the City in the short, medium, and long-term, by reducing homeless, infections, and social services spending. Additionally, bringing protections for tenants and other residents under Berkeley law to at least those of the County ordinance could result in savings from potential litigation by landlords or lenders seeking to nullify the County ordinance within Berkeley city limits (especially if such litigation names the City as a real party in interest). Preventing evictions will prevent the spread of COVID 19.

ENVIRONMENTAL SUSTAINABILITY

Protecting our communities during this climate and health crisis is an act of environmental sustainability.

CONTACT PERSONS

Cheryl Davila
Councilmember District 2
510.981.7120
cdavila@cityofberkeley.info

ATTACHMENTS:

1. Urgency Ordinance
2. Resolution

ORDINANCE NO. -N.S.

URGENCY ORDINANCE AMENDING CHAPTER 13.110 OF THE BERKELEY MUNICIPAL CODE, THE COVID-19 EMERGENCY RESPONSE ORDINANCE

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

Section 1. The Berkeley Municipal Code Chapter 13.110 is amended to read as follows:

**Chapter 13.110
COVID-19 EMERGENCY RESPONSE ORDINANCE**

Sections:

- 13.110.010 Findings and Purpose**
- 13.110.020 Prohibited Conduct**
- 13.110.030 Definitions**
- 13.110.040 Collection of Back Rent and Late Fees**
- 13.110.050 Application**
- 13. 110.060 Implementing Regulations**
- 13.110.070 Waiver**
- 13.110.080 Remedies**
- 13.110.090 Severability**
- 13.110.100 Liberal Construction**

13.110.010 Findings and Purposes

International, national, state and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2." And the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"). In response to this emergency, on March 3, 2020, the City Manager acting as the Director of Emergency Services declared a local State of Emergency based on COVID-19 (hereinafter referred to as "the State of Emergency"), which the City Council subsequently ratified on March 10, 2020. On April 21, 2020, the council ratified an extension of the local state of emergency through June 21, 2020. In addition, on March 4, 2020, the Governor declared a state of emergency in California and the President of the United States declared a national state of emergency on March 13, 2020 regarding the novel coronavirus and COVID-19.

On March 16, 2020, the City of Berkeley Public Health Officer, along with several other neighboring jurisdictions issued a Shelter in Place Order directing all individuals living in the City of Berkeley to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities, and prohibiting non-essential gatherings and ordering cessation of non-essential travel.

On March 31, this Shelter in Place Order was extended to May 3, 2020, and restricted activities further. This Shelter in Place Order was subsequently extended again.

Furthermore, on March 16, 2020, the Governor issued Executive Order N-28-20, specifically authorizing local governments to halt evictions for commercial tenants, residential tenants, and homeowners who have been affected by COVID-19, emphasizing that the economic impacts of COVID-19 have been significant and could threaten to undermine housing security as many people are experiencing material income loss as a result of business closures, the loss of hours or wages or layoffs related to COVID-19, hindering their ability to keep up with rents, mortgages and utility bills.

The Order also stated that because homelessness can exacerbate vulnerability to COVID-19, Californians must take measures to preserve and increase housing security for Californians to protect public health and specifically stated that local jurisdictions may take measures to promote housing security beyond what the state law would otherwise allow.

On April 6, 2020, the Judicial Council of California issued emergency rules suspending court proceedings for unlawful detainer and judicial foreclosures until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted. However, the Judicial Council could revoke this decision at essentially any time, thereby immediately placing tenants not covered by an eviction moratorium ordinance at immediate risk.

On April 21, 2020, Alameda County enacted an urgency ordinance prohibiting eviction for any reason other than withdrawal of rental property under the Ellis Act or court-ordered eviction for public safety. Even if the Alameda County ordinance did not have effect within the incorporated area of Berkeley, it would be ~~Although the Alameda County ordinance does not have effect within the incorporated area of Berkeley, it is~~ desirable to ensure that Berkeley residents have at least the same level of protection as the residents of unincorporated Alameda County.

During this State of Emergency, and in the interests of protecting the public health and preventing transmission of the COVID-19, it is essential to avoid unnecessary displacement and homelessness. It is the intent of this Ordinance to fully implement the suspension of the statutory bases for eviction for nonpayment of rent and for default in the payment of a mortgage as authorized by Executive Order N-28-20.

At the same time, the Governor, as well as, the Berkeley Health Officer, and those of other jurisdictions ordered the closure of businesses, except those deemed essential. Many businesses, such as restaurants, are open only for take-out or pick up services and face a critical loss of business.

~~-----~~The City Council is aware that some landlords of commercial properties are seeking significant rent increases during the period when many commercial tenants are closed or are experiencing substantial and catastrophic reductions in their business and income. Such rent increases force tenants who are closed or have substantially reduced revenues face the choice of accepting a significant rent increase, moving at a time when it is virtually impossible, or closing altogether. Accepting a rent increase while closed or in a reduced state of operations means that the commercial tenants face even more debt to the landlord when the emergency is

over, and may face a substantially increased rent when the tenant returns to normal operations, if ever.

Landlords of commercial property that unreasonably increases rents on tenants of commercial property during the COVID-19 emergency significantly impacts vulnerable small businesses, nonprofits, and artists who form a large part of the backbone of Berkeley's economy, revenue sources, and employment opportunities. These rent increases are coming at a time when the commercial rents are likely falling due to business closures and potential loss of businesses at the end of the emergency. Thus, these rent increases appear as a way of evading the Governor's and Berkeley's commercial tenant eviction moratorium by forcing tenants to agree to rent increases or leave. Such conduct constitutes constructive evictions in contravention of the eviction moratorium. Furthermore, such rent increases may affect businesses providing goods and essential services, resulting in increases in those costs of essential goods and services contravening the intent of anti-price gouging laws.

On expiration of leases when the emergency order is in place, unreasonable rent increases have already forced the closure of businesses and will result in closing of additional business causing loss of income for the business owners, loss of employment for the employees and of revenue to the city, and an increase in homelessness. To reduce the spread of COVID-19, it is essential to avoid unnecessary displacement and homelessness. Because of the emergency restrictions, businesses forced out due to increased rents will be unable to move to new locations and new businesses will be unable to open during this emergency period. During a state of emergency cities have extraordinary powers and jurisdiction to create legislation in order to counteract the effects of the emergency situation on its people and businesses. Protecting tenants from excessive rent increases will prevent additional loss of employment and essential services for Berkeley residents. In order to effectively implement an eviction moratorium, the City Council finds it imperative to prevent constructive eviction through unreasonable rent increases.

Multiple jurisdictions have banned Ellis Act evictions. In Los Angeles County alone, the cities of Los Angeles, Inglewood, and Santa Monica (and possibly others have banned) Ellis Act evictions. For example, Los Angeles's ordinance bans Ellis Act evictions through 60 days after the expiration of the local state of emergency.

Accordingly, the City of Berkeley adopts the following amendments to Berkeley Municipal Code Chapter 13.110.

13.110.020 Prohibited Conduct

A. During the Covered Period-local State of Emergency, no landlord or lander-other entity shall evict or attempt to evict an occupant of real property unless necessary to stop an imminent threat to-for the health and safety of residents. For purposes of this Ordinance, the basis for an exception to this Ordinance cannot be the Resident's COVID-19 illness or exposure to COVID-19, whether actual or suspected.

B. Residential Eviction Moratorium. It shall be a complete defense to any action for unlawful detainer that the notice upon which the action is based was served or expired, or that the complaint was filed or served, during the Covered Period local State of Emergency.

C. No landlord of an Impacted Business or Nonprofit may upon expiration of a lease increase rent for an Impacted Business or Nonprofit in an amount greater than ten (10) percent over the rent in effect at the commencement of the local state of emergency declared by the Director of Emergency Services. For purposes of this section, rent means all consideration for the use and enjoyment of the rented premises, including base rent and any additional rent or other charges for costs such as utilities, maintenance, cleaning, trash removal, repairs and any other charges to the tenant required under the rental agreement. This section 13.110.020 C. shall expire on May 31, 2020, concurrent with Executive Order N-28-20; provided, however, that this section shall be automatically extended if Executive Order N-28-20 is extended or the tenant protections therein are extended pursuant to another Governor's Executive Order.

13.110.030 Definitions

A. "Covered Reason for Delayed Payment" means:

- (1) the basis for the eviction is nonpayment of rent, arising out of a material decrease in household, business, or other rental unit occupant(s)'s income (including, but not limited to, a material decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or to caregiving responsibilities, or a material decrease in business income caused by a reduction in opening hours or consumer demand), or material out-of-pocket medical expenses, ~~or, in a group living arrangement wherein all tenants are collectively responsible for payment of the rent to the landlord,~~ a reduction in the number of tenants living in the unit (including due to difficulty finding new tenants and/or subtenants willing and able to cover a sufficient share of the rent) which reduces the ability of the remaining tenants to pay the rent, a change in the tenants which reduces the ability of the collective tenants to pay the rent, or a rent increase that exceeds the Annual General Adjustment for the current year; and
- (2) the decrease in household, business, or other rental unit occupant's income or the expenses or reduction in number of tenants described in subparagraph (1) was caused by the impacts of COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

B. "Covered Period" means the period of time beginning with the effective date of this Chapter and concluding 90 days after the expiration of the local state of emergency. However, the City Council may vote by resolution to extend the duration of the Covered Period.

~~C. B.~~ "Delayed Rent Payment Agreement" means a mutual agreement between a landlord and tenant regarding the timing and amount of payments for rent that is delayed by a Covered Reason for Delayed Payment.

~~D. C.~~ "Impacted Business or Nonprofit" means a business or nonprofit organization that had a business license in 2019 or 2020 in the City of Berkeley or is a registered nonprofit in either or both of those years and:

1. whose operation has been shut down due to the COVID-19 emergency, or
2. that is unable to accept customers at its location and is open for limited virtual, take-out or pickup services only, or
3. who suffered a material loss of income.

E. D. "Landlord" includes owners, lessors, or sublessors of either residential or commercial rental property, and the agent, representative, or successor of any of the foregoing.

F. "Lender" means the mortgagee of a purchase money or similar mortgage, or the holder or beneficiary of a loan secured by one or more Units, which person has the right to mortgage or similar payments from the owner as mortgagor, including a loan servicer, and the agent, representative, or successor of any of the foregoing.

G. E. "Tenant" includes a tenant, subtenant, lessee, sublessee, or any other person entitled by written or oral rental agreement to use or occupancy a renter of either residential or commercial property.

13.110.040 Collection of Back Rent and Late Fees

A. Nothing in this Chapter shall relieve the tenant of liability for unpaid rent, which the landlord may seek after expiration of the local State of Emergency. Notwithstanding any lease provision to the contrary, a landlord may not charge or collect a late fee, fine, or interest for rent that is delayed by a Covered Reason for Delayed Payment. The City will develop standards or guidelines for tenants to repay unpaid rent accrued during the Covered Period course of the local State of Emergency. Landlords are encouraged to work with local agencies that will be making rental assistance available for qualifying tenants.

B. Tenants shall have up to forty-seven (47) ~~twelve (12)~~ months to pay rent that accrued during the Covered Period, except that in the case of an oral rental agreement this period shall be ~~twenty-three (23) months, was delayed by a Covered Reason for Delayed Payment~~ unless the landlord and tenant come to a mutual repayment agreement ("Delayed Rent Payment Agreement"). Notwithstanding any lease provision to the contrary, a landlord may not charge or collect a late fee, fine, or interest for rent that is delayed by a Covered Reason for Delayed Payment.

C. A Tenant is not required to provide documentation to the Landlord in advance to qualify for the delayed repayment of rent over the 12 months. However, upon the request of a Landlord, a Tenant shall provide such documentation to the Landlord within forty-five (45) days after the request or within thirty (30) days after the local State of Emergency is ended, whichever is later; the tenant may self-attest as a form of documentation. In the case of nonpayment of rent, the failure of a Tenant to notify the landlord in advance of being delinquent in the payment of rent prior to being served with a notice pursuant to Code of Civil Procedure section 1161(2) does not waive the Tenant's right to claim this Chapter as a complete defense to nonpayment of rent in an unlawful detainer action.

D. Any medical or financial information provided to the landlord shall be held in confidence, and shall not be disclosed to other entities unless such disclosure is permitted or required by the law, or unless the tenant authorizes the disclosure of the information in writing.

E. Any relief from the City of Berkeley either directly to a property owner on their own application or as a pass through for City relief payments to the tenant shall directly reduce the amount of any rent that was delayed by a Covered Reason for Delayed Payment. This requirement shall be applied into any Delayed Rent Payment Agreement, regardless of the terms of that agreement.

13.110.050 Application

A. This Chapter applies to eviction notices and unlawful detainer actions based on notices served, filed, or which expire ~~during the Covered Period on or after the effective date of this Chapter through the end of the local State of Emergency.~~ It does not apply ~~to withdrawal of accommodations from the rental market pursuant to Government Code 7060 et seq. (“Ellis Act”) or~~ to units ordered by the City to be vacated for the preservation of public health, including where the City deems necessary to control the spread of COVID-19.

B. With respect to delayed payment ~~accrued during the Covered Period covered by this Ordinance,~~ a landlord may seek such rent after the ~~Covered Period expiration of the local State of Emergency,~~ pursuant to Section 13.110.040, but may not file an action pursuant to Code of Civil Procedure sections 1161(2) *et seq.* or otherwise seek to recover possession of a rental unit based on the failure to pay rent that accrued during the ~~Covered Period local State of Emergency.~~ In any action to evict based on alleged nonpayment of rent, it shall be a complete defense to such action if any part of the rent in dispute accrued at any time ~~during the Covered Period. from the effective date of this Chapter the expiration of the local State of Emergency.~~

C. A Landlord ~~or Lender~~ shall not retaliate against a Tenant ~~or other resident~~ for exercising their rights under this Ordinance, including but not limited to shutting off any utilities, ~~or~~ reducing services or amenities to which the Tenant ~~or other resident~~ would otherwise be entitled, ~~refusing to offer a new rental agreement upon expiration of a prior rental agreement where the new rental agreement contains provisions that are substantially identical to the prior rental agreement, or taking actions or inaction which hurts the tenant’s or other resident credit rating or causes other landlords to not offer them a rental agreement or to offer them a rental agreement on less favourable terms than they would otherwise offer.~~

D. In addition to the affirmative defenses set forth above, in any action to recover possession of a rental unit filed under Berkeley Municipal Code section 13.76.130(A)(1), it shall be a complete defense that the landlord impeded the tenant’s effort to pay rent by refusing to accept rent paid on behalf of the tenant from a third party, or refusing to provide a W-9 form or other necessary documentation for the tenant to receive rental assistance from a government agency, non-profit organization, or other third party. Acceptance of rental payments made on behalf of the tenant by a third party shall not create a tenancy between the landlord and the third party.

13.110.060 Implementing Regulations

The City Manager may promulgate implementing regulations and develop forms to effectuate this Ordinance. This includes the option of requiring landlords and lenders to give a notice to Tenants and other residents informing them of this Chapter and the right to seek the benefits of this Chapter.

13.110.080 Remedies

A. In the event of a violation of this Ordinance by a landlord or lender, an aggrieved tenant or other resident, any person or entity who will fairly and adequately represent the interests of tenants, or the City ~~In the event of a violation of this Ordinance, an aggrieved tenant~~ may institute a civil proceeding for injunctive relief, and money actual damages as specified below, and whatever other relief the court deems appropriate. No proof of knowledge, intent, or other mental state is required to establish a violation. Money damages shall only be awarded if the trier of fact finds that the landlord acted in knowing violation of or in reckless disregard of this Ordinance. A prevailing landlord or lender shall be entitled to an award of attorneys' fees only if it is determined by the Court the action was wholly without merit or frivolous. ~~The prevailing party shall be entitled to reasonable attorney's fees and costs pursuant to order of the court. The remedy available under this section shall be in addition to any other existing remedies which may be available to the tenant under local, state or federal law.~~ In addition, this Ordinance grants a defense to eviction in the event that an unlawful detainer action is commenced in violation of this Ordinance.

B. The protections provided by this ordinance shall be available to all tenants, regardless of any agreement wherein a tenant waives or purports to waive their rights under this Ordinance, with any such agreement deemed void as contrary to public policy.

~~C. A. Violations of Section 13.110.020(C) – (Commercial rent restrictions:).~~

1. Violations of this Chapter by a landlord or lender ~~Section 13.110.020(C)~~ may be enforced by an administrative fine of up to \$1,000 pursuant to Chapter 1.28. Each day ~~a commercial property landlord or lender violates this chapter demands rent in excess of the amount permitted pursuant to Section 13.110.020(C)~~ is a separate violation. Each and every day of violation includes each day on which a failure to comply with this ordinance continues. The City may also charge the costs of investigating and issuing any notices of violations, and any hearings or appeals of such notices.

2. Any landlord or lender violating any of the provisions of this ordinance is guilty of a misdemeanor. Each person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ordinance is committed, continued or allowed in conjunction with the Landlord's or Lender's activities with respect to the Unit and is punishable accordingly. Each and every day of violation includes each day on which a failure to comply with this ordinance continues. No proof of knowledge, intent, or other mental state is required to establish a violation. The City Attorney may refer those landlords and lenders in ~~violation-violators~~ of this Chapter ~~Section 13.110.020(C)~~ to the Alameda County District Attorney

for redress as a violation of this Chapter and/or Business and Professions Code section 17200, et seq. or, if granted permission by the District Attorney, may bring an action pursuant to this Chapter and/or Business and Professions Code section 17200, et seq.

D. The remedies provided by this ordinance are cumulative and in addition to any other remedies available at law or in equity.

13.110.100 Liberal Construction

The provisions of this Chapter shall be liberally construed so as to fully achieve its purpose and provide the greatest possible protections to tenants.

Section 2. Vote Required, Immediately Effective

Based on the findings and evidence in Section 13.110.010 of this Urgency Ordinance, the Council determines that this Ordinance is necessary for the immediate preservation of the public health, peace and safety in accordance with Article XIV Section 93 of the Charter of the City of Berkeley and must therefore go into effect immediately. This Ordinance shall go into effect immediately upon a seven-ninths vote of the City Council, in satisfaction of the Charter of the City of Berkeley.

RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BERKELEY CALLING ON UC BERKELEY TO VOLUNTARILY COMPLY WITH ORDINANCES RESTRICTING EVICTIONS, DELAYING RENT PAYMENTS, AND/OR ALLOWING TENANTS TO TERMINATE A LEASE WITHOUT A PENALTY, REGARDLESS OF LEGAL OBLIGATION TO DO SO

WHEREAS, in the wake of the ongoing COVID-19 public health crisis and ensuing economic devastation, multiple jurisdictions; including the City of Berkeley, the City of Albany, and Alameda County; have passed ordinances restricting evictions and delaying rent payments; and

WHEREAS, in the wake of the ongoing COVID-19 public health crisis and ensuing economic devastation, the City of Berkeley has passed an ordinance empowering many tenants (including, de facto, all students) to terminate their leases without penalty with thirty (30) days' notice; and

WHEREAS, as a state agency, UC Berkeley (and the entire University of California system) is most likely exempt from such ordinances; and

WHEREAS, students in University housing still need such protections. For example, residents of the University Village family housing complex have been organizing due to UC Berkeley not giving them protections equivalent to that of tenants in private housing. Furthermore, UC Berkeley has allowed what little protections it did offer to expire prematurely; and

WHEREAS, this failure by UC Berkeley threatens to force students to drop out of school, disruption their children's education (in the case of student parents), become homeless, and more; and

WHEREAS, community stakeholders have raised alarms about this situation; and

WHEREAS, there is precedent for the University of California voluntarily complying (at least on paper) with local ordinances;³ and

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Berkeley calls upon UC Berkeley to voluntarily and indefinitely comply with all local ordinances restricting evictions, delaying rent payments, and/or allowing tenants to terminate a lease without a penalty, regardless of legal obligation for UC Berkeley to do so; and

BE IT FURTHER RESOLVED that copies of this resolution shall be sent to the Chancellor; Assistant Vice Chancellor and Chief Operating Officer for the Division of Student Affairs; and the

³ University of California Policy PPSM-30: Compensation. policy.ucop.edu/doc/4010400/PPSM-30. "In consultation with the Office of the President, the Executive Officer will establish local salary ranges for salary grades and jobs without salary grades at their location at a level at least consistent with federal, state, and local minimum wage provisions in the communities where the Executive Officer is located."

Executive Director, Housing, Events, & Facilities Services of UC Berkeley, the Regents of University of California (including and the Regents-Designate), and the President and President-Designate of the University of California; and

BE IT FURTHER RESOLVED that copies of this resolution shall be sent to the President, External Affairs Vice President, and Housing Commission of the Associated Students of the University of California; the President, External Affairs Vice President, and Basic Needs Project Director of the UC Berkeley Graduate Assembly; the UC Berkeley Village Residents Association; the UC Berkeley Residence Hall Assembly; and the Daily Californian.



Cheryl Davila
Councilmember
District 2

ACTION CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Vote of No Confidence in the Police Chief

RECOMMENDATION

Adopt a resolution taking a Vote of No Confidence in the Police Chief.

BACKGROUND

On June 9, 2020, Berkeley Police Chief Andrew Greenwood made comments to the Berkeley City Council advocating for shooting protestors of police violence, saying, "We can shoot people", when asked about an alternative to tear gas.

During this time of national recognition of the reckoning of police violence and racial justice, the Chief's comments were not merely a gaffe but an inexcusable declaration of police violence and the violation of the most basic rights guaranteed in the United States Constitution, which he is sworn to protect.

Berkeley is considered one of the most progressive cities in the country and should be leading the nation in police transformation. We must be working to find ways to respond to harms in our communities that do not put marginalized groups in constant danger. Chief Greenwood's comments directly contradict this objective.

A Center for Policing Equity report in 2018 demonstrated the disparate treatment to African American and people of color. Unfortunately, during the pandemic, disparities have only increased. Analysis of the Berkeley Police Department's Open Data Portal shows that disparities between the number of Black and White civilians the department stops *doubled during the COVID-19 pandemic*.

According to the police department's data conducted by independent analysis report "Racial Disparities in Berkeley Policing Update on Pandemic Period, March 15 to June 2020" released on June 19, 2020, the following conclusions can be drawn from the data representing the first 13 weeks of the pandemic shutdown, from March 15 through June 12:

1. Predictably, the number of police stops for all racial groups is down due to the stay-home order. The total number of stops, 608, is about a fourth of an average 13-week quarter in 2008.
2. *The disparity between stops of African American and White civilians has skyrocketed*, as is evident from the raw numbers: African American stops are exactly 50% of total 608 stops at **304**, with White stops at **143** for 23.52% of all stops. This compares to percentages of 3,083 and 2,706, or 28% and 32% respectively in the year 2018.
3. Taking into account the *low number of African Americans* residing in Berkeley, the *disparities come into sharp relief*. African American stops are about 42.7 per 1,000 of their population, where White stops are about 2.9 per 1,000, a disparity of **14.5 to 1**. This compares to a disparity of 7.6 to 1 in 2018, meaning that **the racial disparity in stops has almost doubled** between 2018 and the pandemic period.

The citations per stop are down by about two-thirds compared to that of 2018. While that might sound like good news, that is not necessarily the case. A reduced rate of writing citations likely means that civilians of all races are being stopped without the required reasonable suspicion of criminal activity. What's more, **the citation rate for African American civilian stops is 7.57% and for Whites, 15.38%, a disparity of over two to one**. That disparity indicates that only half as many African American stops as White stops are conducted with valid suspicion of a criminal act. The citation rate of 7.5% for African Americans raises questions about why the other 92.5% were stopped.

The BPD did not report the stop data for a period of August 2019 through early June 2020 with the excuse that "For a period we had someone who was part of the processing of the data, and that position was eliminated due to staffing shortages." Competent leadership should ensure a prioritized process should always have repeatability, and an automation built into it. That means the system will not fall due to the departure of an individual.

BPD continues to demonstrate disparate treatment of people of color, Chief Greenwood's comments and actions are cause for a Vote of No Confidence. The community is demanding change. For example, at the July 14, 2020 City Council meeting with over three hundred attendees, the majority stating they had no confidence in the Chief of Police as well as demanding defunding the police. Now is the time to step up and listen to the demands of our beloved community.

FINANCIAL IMPLICATIONS

To be determined, there could be cost savings and efficiencies in policies, procedures, processes, by eliminating the disparate treatment of African Americans and People of Color in our community.

ENVIRONMENTAL SUSTAINABILITY

Protecting our communities during this climate and health crisis is an act of environmental sustainability.

CONTACT PERSONS

Cheryl Davila
Councilmember District 2
510.981.7120
cdavila@cityofberkeley.info

ATTACHMENTS:

1. Resolution
2. Racial Disparities in Berkeley Policing Update on Pandemic Period, March 15 to June 2020

REFERENCES:

Article: Marchers in Berkeley demand resignation of police chief
<https://www.berkeleyside.com/2020/06/13/marchers-in-berkeley-demand-resignation-of-police-chief>

Center for Policing Equity Report on the Berkeley Police Department (05/09/18)
https://www.cityofberkeley.info/uploadedFiles/Police_Review_Commission/Commissions/2018/Berkeley%20Report%20-%20May%202018.pdf

City Auditor's Office Dispatcher Audit (04/25/19): <http://bit.ly/2DvbCpv>
https://www.cityofberkeley.info/uploadedFiles/Auditor/Level_3_-_General/Dispatch%20Workload_Fiscal%20Year%202018.pdf

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY, CALIFORNIA,
TAKING A VOTE OF NO CONFIDENCE IN THE POLICE CHIEF

WHEREAS, On June 9, 2020, Berkeley Police Chief Andrew Greenwood made comments to the Berkeley City Council advocating for shooting protestors of police violence, saying, "We can shoot people", when asked about an alternative to tear gas; and

WHEREAS, During this time of national recognition of the reckoning of police violence and racial justice, the Chief's comments were not merely a gaffe but an inexcusable declaration of police violence and the violation of the most basic rights guaranteed in the United States Constitution, which he is sworn to protect; and

WHEREAS, Berkeley is considered one of the most progressive cities in the country and should be leading the nation in police transformation. We must be working to find ways to respond to harms in our communities that do not put marginalized groups in constant danger. Chief Greenwood's comments directly contradict this objective; and

WHEREAS, A Center for Policing Equity report in 2018 demonstrated the disparate treatment to African American and people of color. Unfortunately, during the pandemic, disparities have only increased. Analysis of the Berkeley Police Department's Open Data Portal shows that disparities between the number of Black and White civilians the department stops *doubled during the COVID-19 pandemic; and*

WHEREAS, According to the police department's data conducted by independent analysis titled "Racial Disparities in Berkeley Policing Update on Pandemic Period, March 15 to June 2020" released on June 19, 2020, the following conclusions can be drawn from the data representing the first 13 weeks of the pandemic shutdown, from March 15 through June 12:

4. Predictably, the number of police stops for all racial groups is down due to the stay-home order. The total number of stops, 608, is about a fourth of an average 13-week quarter in 2008.
5. *The disparity between stops of African American and White civilians has skyrocketed, as is evident from the raw numbers: African American stops are exactly 50% of total 608 stops at **304**, with White stops at **143** for 23.52% of all stops. This compares to percentages of 3,083 and 2,706, or 28% and 32% respectively in the year 2018.*
6. Taking into account the *low number of African Americans* residing in Berkeley, the *disparities come into sharp relief*. African American stops are about 42.7 per 1,000 of their population, where White stops are about 2.9 per 1,000, a disparity of **14.5 to 1**. This compares to a disparity of 7.6 to 1 in 2018, meaning that **the racial disparity in stops has almost doubled** between 2018 and the pandemic period.

WHEREAS, The citations per stop are down by about two-thirds compared to that of 2018. While that might sound like good news, that is not necessarily the case. A reduced rate of

writing citations likely means that civilians of all races are being stopped without the required reasonable suspicion of criminal activity. What's more, **the citation rate for African American civilian stops is 7.57% and for Whites, 15.38%, a disparity of over two to one.** That disparity indicates that only half as many African American stops as White stops are conducted with valid suspicion of a criminal act. The citation rate of 7.5% for African Americans raises questions about why the other 92.5% were stopped; and

WHEREAS, The BPD did not report the stop data for a period of August 2019 through early June 2020 with the excuse that "For a period we had someone who was part of the processing of the data, and that position was eliminated due to staffing shortages." Competent leadership should ensure a prioritized process should always have repeatability, and an automation built into it. That means the system will not fall due to the departure of an individual; and

WHEREAS, BPD continues to demonstrate disparate treatment of people of color, Chief Greenwood's comments and actions are cause for a Vote of No Confidence. The community is demanding change. For example, at the July 14, 2020 City Council meeting with over three hundred attendees, the majority stating they had no confidence in the Chief of Police as well as demanding defunding the police. Now is the time to step up and listen to the demands of our beloved community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley hereby take a Vote of No Confidence in the Police Chief.

Racial Disparities in Berkeley Policing
Update on Pandemic Period, March 15 to June 12, 2020
George Lippman
June 19, 2020

As of June 12, the BPD resumed publication of demographic stop data to the online open portal, after a break since July 31, 2019. See:
<https://data.cityofberkeley.info/Public-Safety/Berkeley-PD-Stop-Data-NEW-/4tbf-3yt8>

The following conclusions can be drawn from the data representing the first 13 weeks of the pandemic shutdown, from March 15 through June 12.

1. Predictably, the number of police stops for all racial groups is down due to the stay-home order. The total number of stops, 608, is about a fourth of an average 13-week quarter in 2008.
2. *The disparity between stops of African American and White civilians has skyrocketed*, as is evident from the raw numbers: African American stops are exactly 50% of total 608 stops at **304**, with White stops at **143** for 23.52% of all stops. This compares to percentages of 3,083 and 2,706, or 28% and 32% respectively in the year 2018.
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4. The citations per stop are down by about two-thirds compared to that of 2018. While that might sound like good news, that is not necessarily the case. A reduced rate of writing citations likely means that civilians of all races are being stopped without the required reasonable suspicion of criminal activity. What's more, **the citation rate for African American civilian stops is 7.57% and for Whites, 15.38%, a disparity of over two to one**. That disparity indicates that only half as many African American stops as White stops are conducted with valid suspicion of a criminal act. The citation rate of 7.5% for African Americans raises questions about why the other 92.5% were stopped.

An overall risk in this pandemic is that the social and legal emergency undermines democratic norms such as transparency, civilian oversight, and adherence to constitutional principle and established process. The doubling of the already high disparity of Black and White stop rates is an indicator that equal treatment under the law (Fourteenth Amendment) has been shelved in practice.

Suspension of oversight bodies such as the PRC and the Fair and Impartial Policing Working Group--and proposals to permanently defund city commissions--and the failure to publish the required stop data, all while residents are not allowed to freely travel outdoors in the city, are also troubling; they bar the community from utilizing the "disinfectant effects of sunshine."

In the attached spreadsheet, see the first tab, or sheet (“BPD Raw Data_3-16 to 6-12-20”) for the full listing of police encounters in that period. At the bottom of this tab please find a chart summarizing the calculations on numbers and percentages of stops, and numbers, percentages, and racial disparities in enforcement outcomes (citations and arrests). Contact me directly for calculations used to quantify disparities in stops based on the population by race in Berkeley.

Ethnicity	Stopped	% of total	Cited	% of stops resultin g in citation	Arrest	% of stops resultin g in arrest
Asian	29	4.77%	6	20.69%	0	0.00%
Black	304	50.00%	23	7.57%	8	2.63%
Hispanic/Latino	88	14.47%	9	10.23%	4	4.55%
White	143	23.52%	22	15.38%	7	4.90%
Bad data	1	0.16%	0	0.00%	0	0.00%
Other	43	7.07%	11	25.58%	0	0.00%
TOTALS:	608	100.00%	71	11.68%	19	3.13%

George Lippman
geolippman.pjc@earthlink.net

For context on the citation rate disparities, I refer to my presentation to the Mayor’s Fair and Impartial Policing Working Group from January 2020, “Key things to understand about the BPD stop data.” That presentation refers to data from the year 2012-2018.

The citation rate discrepancies are stable over the years studied. They are critical because they show the chances of civilians of different ethnic groups to be stopped by police in Berkeley with no ensuing need for enforcement action. The citation rate metric removes the need for consideration of residency. It also removes any need for consideration of the demographics of crime. Those who argue for allowing police officers to put more weight on a civilian’s race in their decision to stop them, contend that people of color commit crime at higher rates than White people. But this disparity in post-stop enforcement shows that Black people are twice more likely than Whites to be stopped where there either was no reasonable suspicion, or that suspicion was unfounded.

These numbers are not the end of the discussion, but the beginning. Particularly the stop and the citation rate disparities require us to delve deeper. The City government should investigate how the decision to make a stop is made. Are the disparate stops being made by a subset of the street officers or across the board? Do stops that are officer-initiated versus dispatched result in different levels of disparity? Are there certain officers who make proportionately more stops of African Americans and Latinos than other officers do? How can those outlier officers be identified?

Answers to these questions will give the Working Group and the department the tools to ensure that policing is conducted fairly and impartially.

*

In conclusion, the data described above compel the Working Group to develop an action plan that will achieve the following goals:

- Identify officers that are outliers in their practice of stopping, searching, and citation-writing, and appropriately train and manage them.
- We cannot make poorly performing officers take the entire responsibility for the disparities. We have to also look at who their commanders are, what direction the officers are getting from those commanders, and what action these commanders are taking to address the performance of these officers.
- Adopt programs such as precision-based policing and intelligence-led stops to heavily reduce stops, particularly of African Americans and Latinos.
- Reduce racial disparities in citation rates as defined in this paper as close to zero as possible.
- Ensure that all use of force is reported.



Office of the City Manager

INFORMATION CALENDAR
September 15, 2020

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 – Quarterly Update

INTRODUCTION

This report is a quarterly 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.

The January 21, 2020 Council consent item changed the reporting frequency from monthly to quarterly. Providing a quarterly 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 Referrals
- 2: Completed Short Term Referrals

Meeting Date	Agenda Item Project Name Number	Recommendations	Referral by	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Additional comments	
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	2018-11-27 17:00:00	2019-11-26 14:11:56 - Melissa McDonough (Additional comments) Continuing to monitor status of outstanding lawsuits against other cities re: scooters. 2019-08-07 11:03:01 - Nancy Melendez (Additional comments) City issued an RFP for Franchise applications due back by 1/25/19. A panel consisting of staff reps from Public Works, Police, 311, Economic Development and UC Berkeley scored the applications. A draft Council report was prepared to recommend the top 3 scorers when staff learned that the City of San Diego was being sued by Disability Rights California over accessibility impacts of permitted scooter sharing operations. City of Berkeley staff is reevaluating the scooter applications with an eye toward requirements informed by the lawsuit. The approval of 3 Scooter Franchises is expected to go to Council in Oct 2019. 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 each.
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.	Commission			2019-01-31 17:00:00	City Attorney	Pending	2019-01-31 17:00:00	2019-12-16 10:27:45 - Christopher Jensen (Additional comments) City Attorney's Office is coordinating with Human Resources. 2019-09-17 11:24:26 - Christopher Jensen (Additional comments) City Attorney's Office to coordinate with Human Resources
2020-02-11	2	Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F	2) direct the Berkeley Public Health Department to review the issue of flavored cannabis products for combustion or inhalation, and cannabis products whose names imply that they are flavored, and review any additional ingredients that may be hazardous, whether natural or artificial, including vitamin E acetate in inhalation products, and make recommendations for action.	Councilmembers			2020-07-20 17:00:00	Health, Housing and Community Services	Pending	2020-07-20 17:00:00	
2020-03-10	26	Disposition of City-Owned, Former Redevelopment Agency Property at 1631 Fifth Street	Refer the item to the City Manager to explore City uses of the property for housing and homelessness services and needs, or other uses, and review the remediation needs of the property.	Councilmembers			2020-07-20 17:00:00	HEALTH, HSG & COMMUNITY SVC	Pending	2020-07-20 17:00:00	
2020-01-28	12	Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F	2) analyze the impacts of artificial flavorings/additives and advise if any further regulations are necessary	Councilmembers			2020-07-20 17:00:00	Health, Housing and Community Services	Pending	2020-07-20 17:00:00	
2019-09-10	48	Request for Information Regarding Current Status and Progress on Traffic Mitigations at Dwight Way and California Street	Refer to the City Manager a request for information regarding the current status and progress on traffic mitigations and pedestrian safety improvements at the intersection of Dwight Way and California Street.	Council member	Ben Bartlett		2019-09-16 17:00:00	Public Works	On Hold	2019-09-16 17:00:00	2020-03-19 10:31:47 - Nancy Melendez (Additional comments) Engineering Design work is commencing now, construction expected in Spring 2021 2019-11-26 14:16:26 - Melissa McDonough (Additional comments) Off agenda memo pending

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Additional comments
2019-09-10	55	Game Day Parking - Minor Update to include RPP area K	Refer to the City Manager the modification of parking restrictions in specified RPP Zones on UC Berkeley home football game days as follows: establish "Enhanced Fine Areas" to prohibit parking without a valid RPP permit to include RPP Zone K; and install new RPP signs in zone K to clearly indicate UC Berkeley home football game day parking prohibitions.	Council member	Lori Droste, Jesse Arreguin		2019-09-16 17:00:00	Public Works	Not Started	2019-09-16 17:00:00	2020-06-30 15:27:04 - Nancy Melendez (Additional comments) There is no known plan for Cal Football this fall. So the program is not expected to occur this year. Work to include area K has not started. 2019-11-26 14:14:38 - Melissa McDonough (Additional comments) Scheduled for Council action spring 2020.
2019-11-12	18	Request for Information: Police Dispatch	Refer to the City Manager a request for information clarifying: 1. when non-emergency phone calls to the police are directed to the Berkeley Police Department and when to the California Highway Patrol or other outside agencies, and 2. what staffing or technological changes would be needed to direct more calls to Berkeley dispatch.	Councilmembers	Kate Harrison		2019-11-20 17:00:00	Police	Not Started	2019-11-20 17:00:00	2020-08-05 09:43:23 - Melissa McDonough (Additional comments) Completion pending submittal of memo to Council documenting work.
2020-01-28	12	Cannabis Ordinance Revisions;Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F	1) determine if the City can require businesses to post notices on their website	Councilmembers			2020-01-30 17:00:00	City Attorney	Not Started	2020-01-30 17:00:00	
2020-02-11	2	Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F	1) determine if the City can require businesses to post notices on their website	Councilmembers			2020-02-17 17:00:00	City Attorney	Not Started	2020-02-17 17:00:00	
2020-06-16	0	Urgency Item: Safety for All: The George Floyd Community Safety Act - City Attorney and Manager Analysis of Contractual and Legal Barriers to Public Safety Reform	Direct the City Manager and City Attorney to analyze contractual and legal barriers to public safety reform including police union contracts, vendor contracts, state and federal laws, to determine barriers to accountability and substantive reform. In addition, direct the City Manager and City Attorney to evaluate elements in the proposed police review commission charter amendment, that can be implemented by the City Council.	Councilmembers	Ben Bartlett, Jesse Arreguin, Kate Harrison		2020-06-24 17:00:00	CITY MANAGER'S OFFICE	Not Started	2020-06-24 17:00:00	
2020-07-28	30	Providing our Unhoused Community in the City of Berkeley with Menstrual Products	3. Direct the City Manager to use existing homeless services funding to develop and deploy a program to provide a broad spectrum of menstrual products, including but not limited to, feminine hygiene, pads, tampons, underwear, and other related products, both through the City's outreach direct services, as well as through the community based homeless services providers. Additionally, require some elements of this program be deployed immediately, with a full program deployment within six months.	Councilmembers	Cheryl Davila, Ben Bartlett, Lori Droste		2020-07-31 17:00:00	HEALTH, HSG & COMMUNITY SVC	Not Started	2020-07-31 17:00:00	
2020-06-16	24	Lessons Learned in Organizational Management During Crisis	Refer to the City Manager to include insights and reflections on organizational management in any comprehensive report regarding the City response to the COVID-19 Emergency. Information should include but not limited to: an overview of how the City was structured and functioned differently during activation of the Emergency Operations Center, the benefits and challenges with cross departmental collaborations, and strategies or structures worth instituting and incorporating into future day-to-day departmental actions and interactions.	Councilmembers	Jesse Arreguin, Kate Harrison, Sophie Hahn, Susan Wengraf		2021-01-15 17:00:00	CITY MANAGER'S OFFICE	Not Started	2021-01-15 17:00:00	2020-07-14 14:04:25 - Melissa McDonough (Additional comments) The report on our emergency response will be provided culminating a year of activities.
2019-09-10	53	Voluntary Time Off on Statewide Election Days for City Employees	Refer to the City Manager to designate Statewide Election Days as VTO days, and refer to the 2x2 Committee to discuss coordinating City and District policy on holidays, in particular Election Day.	Council member	Rigel Robinson, Cheryl Davila, Sophie Hahn, Lori Droste		2019-09-16 17:00:00	Human Resources	Work in Progress	2019-09-16 17:00:00	2020-04-28 09:58:54 - Melissa McDonough (Additional comments) item went to council and approved. Delayed due to COVID-19 2019-11-06 15:47:09 - Wilhelmina Parker (Additional comments) Referred to the budget committee to provide analysis on the cost. It is also slated to be a part of labor negotiations in 2020 as it subject to meet and confer.

Meeting Date	Agenda Item Project Name Number	Recommendations	Referral by	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned 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	Work in Progress	2019-10-01 17:00:00	2020-06-30 15:29:22 - Nancy Melendez (Additional comments) PW waiting for a response from Berkeley Electric to confirm project and when they can start. 2019-11-26 14:28:34 - Melissa McDonough (Additional comments) Project is out to bid and completion is expected by end of fiscal year. 2019-11-26 14:19:08 - Melissa McDonough (Additional comments) Alternatives identified, final selection and implementation pending.
2019-09-24	36	Companion Report: Health Study to be Conducted by the Public Health Division to Gather Data on Health Conditions, Health Disparities and Mortality Rates of Berkeley's homeless	Send a letter to Alameda County requesting data on deaths of identified homeless individuals. Contact Alameda County request that they explore the feasibility of recording homelessness as a data point in death records and/or making investments to begin tracking this information locally.	Councilmembers		2019-10-31 17:00:00	Health, Housing and Community Services	Work in Progress	2019-11-29 17:00:00	2019-12-02 14:10:47 - Melissa McDonough (Additional comments) Disregard previous comment. Mistake. 2019-12-02 14:06:36 - Melissa McDonough (Additional comments) RFP issued, due date for responses 12/12/19
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	2019-11-29 17:00:00	City Attorney	Work in Progress	2020-01-31 17:00:00	2019-12-16 10:28:22 - Christopher Jensen (Additional comments) City Attorney's Office is coordinating with Human Resources. 2019-09-17 10:59:00 - Christopher Jensen (Additional comments) A draft opinion is under review in the City Attorney's office. 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.
2020-02-11	15	Recommendations Related to Code Enforcement and Receivership Actions	On November 25, 2019, the Health, Life Enrichment, Equity & Community Committee took action to send an item to Council with a positive recommendation that for purposes of understanding the issues and identifying potential changes to the City's codes, policies, and procedures the committee recommends the following: a. That the City Manager provide an information session to the City Council regarding the various ways in which code enforcement issues have been brought to the attention of the City over the last 5 years; b. How various code enforcement issues at residential properties are currently handled; c. Timeframe and mechanisms for achieving code compliance at residential properties; d. Any existing assistance programs available to support property owners found to have code violations; e. Specific learnings/changes in City practices resulting from the Leonard Powell receivership case; f. Other information deemed relevant and appropriate to understand the City's current code enforcement practices for residential properties Additionally, the Policy Committee requests that the Mayor call a special meeting of the City Council for purposes of a forum based on the recommendations provided by Councilmember Bartlett as the draft plan for a public meeting on receivership. And third, the Committee requests from the City Manager a specific reply on creating a mechanism to provide legal and technical assistance by an independent third party for individuals who are facing City of Berkeley initiated receivership, and that the reply also include a process for the individual to pick legal and technical representatives of their choice. This response should also include a recommendation from the City Manager and a budget referral. Additional requests for information include: How many complaints were received and what type of violations? How long did it take for abatement? How many went to nuisance proceedings, court, or receivership? What does the code require? Under what circumstances does the City enforce? How can the City promote compliance and not be lenient but work with property owners who demonstrate good faith attempts? The third recommendation regarding creating a mechanism creating legal and technical assistance is	Councilmembers		2020-02-17 17:00:00	CITY MANAGER'S OFFICE	Work in Progress	2020-02-17 17:00:00	2020-07-20 10:49:42 - Melissa McDonough (Additional comments) Work on this project was delayed by the onset of the COVID pandemic. With the onboarding of a new Code Enforcement Supervisor, City staff has begun to compile this information.

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Additional comments
2019-07-16	9	Referral to the City Manager to Consider Amending the Language of the City's Wireless Telecommunications Ordinance and Aesthetic Guidelines	Request that the City Manager consider amending the language of the City's Wireless Telecommunications Ordinance (BMC 23C.17) and Aesthetic Guidelines (BMC 16.10 & Aesthetic Guidelines for PROW permits) and return to City Council for adoption as soon as possible.	Councilmembers	Susan Wengraf, Jesse Arreguin, Ben Bartlett, Kate Harrison		2019-07-22 17:00:00	City Attorney	Work in Progress	2020-02-28 17:00:00	2019-11-27 10:54:30 - Melissa McDonough (Additional comments) The City Attorney's Office, the City Manager's Office, Public Works, and Land Use Planning are in the process of revising an internal draft of administrative guidelines for implementing BMC 16.10 with respect to small cell wireless facilities. 2019-09-17 11:03:27 - Christopher Jensen (Additional comments) The City Manager's Office and City Attorney's Office are coordinating with other departments to update guidelines and procedures for wireless application submittals.
2020-04-14	0	Save Our Small (SOS) Business Loan Fund	Refer to the City Manager to rapidly explore and, if feasible, pursue the creation of a special structured financial recovery loan fund to provide a supplemental source of capital for Berkeley small businesses impacted by the COVID-19 emergency. Among other considerations, the City Manager is requested to consider whether the City of Berkeley should act as a sponsor of the fund, working with one or more financial institutions to pool capital from private investors and the City of Berkeley to lower the risk of the product and support low interest rates. The City Manager is also recommended to partner with the Haas Business School at UC Berkeley to design terms of the SOS business loan fund and build the viability assessment model on which loan decisions would depend. Amended to include that the City Manager incorporate equity measures and explore various methods to broaden outreach to all eligible businesses and disadvantaged businesses.	Councilmembers	Sophie Hahn, Jesse Arreguin, Susan Wengraf, Kate Harrison		2020-04-16 17:00:00	CITY MANAGER'S OFFICE	Work in Progress	2020-04-16 17:00:00	
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	2020-10-15 12:00:00	2020-04-15 11:32:41 - James Bondi (Additional comments) Planned end date moved back to Oct 2020, given delays to public processes and re-prioritization due to COVID response. 2019-11-06 09:58:01 - James Bondi (Additional comments) Planned end date changed to 3/24/2020. Cannabis actions coming to Council in Dec 2019 will NOT include the equity program as previously thought. Equity needs more time/coordination with out City departments, Commissions, and constituencies. 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.

Meeting Date	Agenda Item Project Name Number	Recommendations	Referral by	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Additional comments
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			2020-12-31 17:00:00	CITY MANAGER'S OFFICE	Past Due	2020-12-31 17:00:00	2020-07-20 10:51:47 - Melissa McDonough (Additional comments) Response to the referral has been delayed due to the COVID-19 pandemic and its impact on available staffing to support the draft policy. In response to the pandemic, the City has placed and maintains several additional portable toilets and handwashing stations throughout the City. 2019-08-05 09:47:54 - Melissa McDonough (Additional comments) Staff have prepared a memo which will be submitted to Council in Fall 2019. 2019-04-24 15:13:54 - Melissa McDonough (Additional comments) Still on hold as staff attention is on RV, TNC. 2019-04-12 15:41:24 - Melissa McDonough (Additional comments) Staff transition and priority put on TNC, RV policy, and Safe Clean Streets
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.	Council member	Ben Bartlett, Sophie Hahn, Cheryl Davila		2018-07-20 17:00:00	Finance	Pending Not On Schedule	2018-07-20 17:00:00	2020-04-16 10:57:58 - Melissa McDonough (Additional comments) October 2019 draft ordinance was sent to City Attorney for review. Remaining at 25% complete General Services Manager to commence follow up with City Attorney's Office following COVID-19 event and Emergency Operations Center deactivation. 2019-11-25 13:41:42 - Melissa McDonough (Additional comments) Draft ordinance sent to the City Attorney for review.
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			2020-12-31 15:28:36	CITY MANAGER'S OFFICE	Pending Not On Schedule	2020-12-31 15:28:36	2020-04-02 13:24:58 - Melissa McDonough (Additional comments) Multi-department staff resources are required and are not available to address this request right now. 2019-10-03 13:55:00 - Melissa McDonough (Additional comments) Completed matrix 2019-09-12 08:32:23 - Melissa McDonough (Additional comments) Convened all City divisions which touch issue (Public Health, Environmental Health, Toxics, Building & Safety, 311). Mapped existing processes. Preparing draft consolidation plan. 2019-08-07 15:33:54 - Melissa McDonough (Additional comments) In progress, drafting matrix of capacity across multiple city departments, next steps to develop an improved response framework and explore County funding options. Planned report back to Council in spring 2020.

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned 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			2020-06-12 17:00:00	Public Works	Pending On Schedule	2020-06-12 17:00:00	<p>2020-06-30 15:24:51 - Nancy Melendez (Additional comments) Due to the Shelter in Place order and temporary suspension of RPP, the schedule for this project is estimated to be delayed 6 to 12 months. The new planned end date is June 12, 2021</p> <p>2020-03-19 10:27:50 - Nancy Melendez (Additional comments) Consultant is beginning planning for public meetings</p> <p>2019-11-26 14:21:52 - Melissa McDonough (Additional comments) Item being incorporated into residential shared parking pilot, which is on 12/3/20 action calendar.</p> <p>2019-10-11 11:49:18 - Nancy Melendez (Additional comments) Status remains the same</p> <p>2019-09-25 09:09:40 - Melissa McDonough (Additional comments) This fall, City staff, with vendor support, will be collecting "existing conditions" data in the Southside and Elmwood pilot areas, including soliciting public input from a range of stakeholders who are parking in these areas. As part of this process, we will assess the need/demand for caregiver parking in the pilot areas.</p> <p>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.</p>

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	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	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			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	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	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 member	Kriss Worthington		2016-05-27 17:00:00	PLANNING & DEVELOPMENT	Completed	2016-05-30 08:00:00	2016-06-28 00:00:00	
2015-12-01	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.
		Google Translate Bar						Information Technology	Completed	2016-06-01 00:00:00	2016-06-01 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	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			2016-06-10 17:00:00	CITY MANAGER'S OFFICE	Completed	2016-06-13 08:00:00	2017-03-14 00:00:00	
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.
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	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	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.
2016-02-09	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	
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	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
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			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	
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.				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	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	
2016-09-20	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.
		Improved Emergency Notification System						Information Technology	Completed	2017-04-01 00:00:00	2017-06-05 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	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
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	
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	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
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	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 - http://www.cityofberkeley.info/Clerk/City_Council/2017/05_May/Documents/2017-05-30_Item_53_Eliminate_the_Required_-_Rev.aspx	Council member			2017-11-24 17:00:00	City Clerk	Completed	2017-11-27 08:00:00	2017-09-12 00:00:00	
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 17:13:07 - Melissa McDonough (Additional comments) New position approved by Personnel Board. Will bring to Council for adoption by November which will complete referral.
2017-10-03	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.	Council member	Sophie Hahn, Kate Harrison, Cheryl Davila, Ben Bartlett		2018-01-01 17:00:00	Finance	Completed	2018-01-01 17:00:00	2019-09-24 12:41:03	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.
2017-07-25	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.
2017-10-31	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	Completed	2018-01-29 17:00:00	2019-11-12 17:00:00	2019-09-25 08:55:09 - Melissa McDonough (Additional comments) Commission Recommendation and City Manager Companion report are under review and tentatively scheduled for council approval in Nov 2019 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.

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
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	Cheryl Davila, Kate Harrison, Sophie Hahn		2018-03-09 17:00:00	City Clerk	Completed	2018-03-12 08:00:00	2017-11-08 00:00:00	
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	Cheryl Davila, Ben Bartlett		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	
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.	Council member			2018-06-01 17:00:00	City Clerk	Completed	2018-06-04 08:00:00	2018-01-30 00:00:00	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
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.	Council member	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.	Council member	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);				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.	Council member			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.	Council member	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	Referral by	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 502	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	
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	Completed	2018-10-19 17:00:00	2019-03-17 14:41:36	
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	
2018-07-31	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	Completed	2018-10-29 17:00:00	2019-01-19 15:21:35	2019-08-27 15:23:33 - Nancy Melendez (Additional comments) FJ/DP: Aside from the fact that Public Works is not actually involved in citations or citation payment plans or alternatives, this program exists and the FAQ at the link below was updated January 2019. https://www.cityofberkeley.info/uploadedFiles/City_Manager/Level_3_-_General/COMMUNITY%20SERVICE.pdf 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

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
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	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	
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	Completed	2018-12-11 17:00:00	2019-09-10 13:15:43	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	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	
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	Completed	2019-02-13 17:00:00	2019-09-17 10:57:38	2019-09-17 10:57:27 - Christopher Jensen (Additional comments) Referral response complete; Public Works is providing assistance on right-of-way issues. 2019-04-24 10:04:24 - Mark Numainville (Additional comments) City Attorney provided legal opinion to PRW. PRW to report to Council.
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		

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	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	Completed	2019-02-28 16:00:00	2019-02-28 16:00:00	2019-10-15 14:27:16 - Melissa McDonough (Additional comments) Staff has prepared an overview of the outcomes from the pilot implementation of the Shared Sidewalk Policy , and anticipates presenting its findings to Council in Fall 2019. The ongoing program is currently in place. 2019-08-07 14:46:28 - Melissa McDonough (Additional comments) Storage is done as is mobile showers and expansion of bathrooms, 14.48 re: sidewalks is done. 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.
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			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	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
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			2019-04-02 17:00:00	Public Works	Completed	2019-04-02 17:00:00	2019-08-01 15:29:17	2019-08-27 15:29:52 - Nancy Melendez (Additional comments) GH: Staff conducted an analysis of the parking in the Northside area in spring 2019, roughly six months after goBerkeley price and time limits went into effect on November 1, 2018. As summarized in the June 25, 2019 Information Report submitted to Council, the data showed that goBerkeley changes are working as intended to increase parking availability in the area. Two minor adjustments to prices and time limits in "Value" zones went into effect August 1, 2019 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
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	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).

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
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).
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.	Council member	Linda Maio, Susan Wengraf		2019-05-28 17:00:00	Public Works	Completed	2019-05-28 17:00:00	2019-05-28 11:39:27	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.
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)
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	Completed	2019-07-16 16:43:23	2019-07-23 11:40:57	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	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	Completed	2019-07-30 11:38:31	2019-07-30 11:38:31	<p>2019-12-25 20:59:26 - Jordan Klein (Additional comments) Info report to Council on January 21, 2020 (Referral Response: Small Business Retention Programs) includes a summary of the assistance provided to CSU / Berkeley Flea Market, and includes their new strategic plan as an attachment. OED will continue to provide support to the Flea Market, directly and through our partner organizations.</p> <p>2019-11-25 13:18:59 - Melissa McDonough (Additional comments) Community Services United (nonprofit that runs the flea market) submitted their strategic plan for the flea market to OED on November 15th. Communication from OED to Council pending.</p> <p>2019-09-24 11:03:09 - Melissa McDonough (Additional comments) Still waiting for the Flea Market's strategic plan, expected end of calendar year.</p> <p>2019-06-06 10:40:44 - Jordan Klein (Additional comments)</p>
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		2019-09-10 17:00:00	CITY MANAGER'S OFFICE	Completed	2019-09-10 17:00:00	2019-09-12 08:29:03	<p>2019-09-12 08:30:15 - Melissa McDonough (Additional comments) Report on Council agenda.</p> <p>2019-08-07 15:07:11 - Melissa McDonough (Additional comments) Sites and hook-ups have been established.</p>

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2019-07-16	14	Opportunity Zone Project Guidelines for the City Manager	Refer to the City Manager the priorities listed below for investment in Berkeley's Opportunity Zones for proactive outreach and marketing to investors or Opportunity Funds, and to guide any discussions or negotiations regarding development projects in Opportunity Zones. The priorities are: Construction of new Affordable Housing units or acquisition and preservation of affordable housing; Preservation of historic buildings; Cultural Institutions and Performing Arts Venues; Civic Uses (Government Offices, Libraries, Schools, Public Safety); Public Open Space and Recreation Facilities; Health Care Services; Transportation Demand Management features; and Job training or employment opportunities. The City Manager should further incorporate these guidelines into any relevant formal document relating to projects in Opportunity Zones. That City staff, working with non-profit organizations OR seeking technical assistance, develop a prospectus marketing community development projects in Berkeley's Opportunity Zones using the guidelines mentioned above, or any other tools to attract equitable investment in Opportunity Zones.	Councilmembers	Ben Bartlett, Kate Harrison, Jesse Arreguin, Cheryl Davila		2019-07-22 17:00:00	Office of Economic Development	Completed	2019-09-25 11:01:10	2020-01-24 10:52:16	2020-04-16 10:52:40 - Melissa McDonough (Additional comments) Off-agenda memo released on 1/24/20: https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Opportunity%20Zones%2012320.pdf 2019-11-25 13:28:38 - Melissa McDonough (Additional comments) Information report postponed pending further analysis. 2019-11-05 13:31:36 - Jordan Klein (Additional comments) Information report submitted for 12/3/19 Council Meeting 2019-09-24 07:59:59 - Melissa McDonough (Additional comments) Expect to send an info report/referral response to Council by Oct/Nov.
2019-09-10	35	1281 University Avenue Request for Proposals	Refer to the City Manager to issue a Request for Proposals (RFP) for residential development at the City-owned site at 1281 University Avenue with a requirement that 100% of the on-site units to be restricted to 80% AMI or below households with at least 10% at 50% AMI, with consideration given to accommodations that serve unhoused or homeless households, including nontraditional living arrangements such as tiny homes and that Council consider interim use for the site for housing purposes.	Commission		Housing Advisory Commission	2019-11-29 17:00:00	Health, Housing and Community Services	Completed	2019-11-29 17:00:00	2019-11-29 17:00:00	2019-12-02 14:11:54 - Melissa McDonough (Additional comments) RFP issued, responses due 12/12/19
2019-09-10	30	Referral Response: Proposed New BMC Ordinance Adding Chapter 9.26 Live Animal Sales – Disclosure Requirements	In lieu of approving the ordinance, encourage Berkeley live animal retailers to provide purchasers with information regarding the sourcing of their animals by utilizing one or two of the following designations describing the sourcing of the particular animal: 'captive bred;' 'hobby breeder' or 'licensed breeder;' 'rescue;' 'wild caught;' or 'imported.'	Commission		Animal Care Commission	2019-12-16 17:00:00	CITY MANAGER'S OFFICE	Completed	2019-12-16 17:00:00	2019-10-03 17:00:00	2019-10-15 14:28:21 - Melissa McDonough (Additional comments) Staff developed a set of standard terms and sent a letter to all animal retailers on 10/3/2019, encouraging them to use the designations. Staff has prepared and submitted a referral response via off-agenda memo.

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2020-03-10	23	Directing the City Manager to Lease Caltrans Property at University and West Frontage Road	<p>Direct the City Manager to:</p> <ol style="list-style-type: none"> Negotiate a lease agreement with the California Department of Transportation (Caltrans) for the leasing of state property at University Avenue and West Frontage Road as indicated in Attachment 1. The property will be used for a temporary outdoor shelter with restrooms, hand washing stations and garbage service. The City Manager should also inquire about whether additional Caltrans parcels adjacent to those being offered are also available for lease. The City Manager should utilize funding previously allocated for an Outdoor Shelter program from Measure P tax receipts. Concurrent with the lease negotiation, develop a plan and budget for the establishment and staffing of the Outdoor Emergency Shelter as further defined herein. Immediately provide toilet and handwashing stations on the north and south side of University Avenue and under the overpass at University Avenue. Immediately provide garbage receptacles and work with the residents to establish consistent weekly garbage collection on the north and south side of University Avenue and under the overpass at University Avenue. Immediately schedule ongoing outreach from service providers including, but not limited to, mental health, health, and Coordinated Entry. <p>Recommendations #1 and #2 amended to include providing a shower program, sharps containers, and recycle bins. Recommendations #3, #4, and #5 amended to include</p>	Councilmembers	Jesse Arreguin, Rigel Robinson, Kate Harrison, Sophie Hahn		2020-03-23 17:00:00	CITY MANAGER'S OFFICE	Completed	2020-03-23 17:00:00	2020-03-23 17:00:00	
2020-06-02	11	Berkeley Safe Open Air Dining	<ol style="list-style-type: none"> Refer to the City Manager to explore and identify, on an expedited basis, potential public locations throughout Berkeley, including but not limited to wide sidewalks, street medians, building curtilages, parking bays and strips, streets and portions of streets, parking lots, and parks, for the temporary placement of tables and chairs to be used, if and when safe and feasible, for open air dining to support restaurants, cafes, food shops, and other small businesses impacted by the COVID-19 emergency, and to increase capacity for pedestrians to use sidewalks for walking and queuing in commercial areas while maintaining social distancing. Refer to the City Manager to further consider: <ol style="list-style-type: none"> Creating dining areas for use by the general public and areas for use by a single or several adjacent establishments, managed by an establishment, a group of establishments, a Business Improvement District (BID), the City of Berkeley, or through shared arrangements. For parks, if any, only general public areas should be considered; Widening sidewalks in areas with concentrations of commercial activity and queuing by temporarily converting adjacent parking strips to pedestrian use, protecting widened areas with appropriate safety barriers; All necessary safety and accessibility measures, including but not limited to measures to ensure social distancing can be maintained, ADA compliance, maintenance of required paths of travel, and to eliminate the potential danger of vehicles entering areas 	Councilmembers	Sophie Hahn, Jesse Arreguin, Rigel Robinson, Kate Harrison		2020-06-10 17:00:00	CITY MANAGER'S OFFICE	Completed	2020-06-10 17:00:00	2020-06-10 17:00:00	

Meeting Date	Agenda Item Number	Project Name	Recommendations	Referral by	Sponsor	Referral Commission	Original end date	Lead City Department	State	Planned end date	Actual end date	Additional comments
2020-01-21	32	Short Term Referral to the City Manager:	Adopt the following amended actions with a positive recommendation from the Council Facilities, Infrastructure, Transportation, Environment and Sustainability (FITES) Committee: 1. Short Term Referral to the City Manager: to look at how to improve and increase External Community Engagement – including funding for regular on- going town halls or neighborhood assemblies for external community engagement and collaboration to engage the community and allow for input on new policies and programs which affect "marginalized and front-line communities." 2. Short Term Referral to the City Manager to report back and identify funding resources and funding needed to adequately implement number 1, including different organizational structure options; and recommendations for funding. 3. Implement and require all City Council items, and staff reports include Climate Impacts in addition to Environmental Sustainability	Councilmembers	Cheryl Davila, Ben Bartlett		2020-01-23 17:00:00	PLANNING & DEVELOPMENT	Completed	2020-07-31 17:00:00	2020-07-21 17:00:00	<p>2020-07-24 13:25:25 - James Bondi (Additional comments) Completed at Council 7/21/2020. Council action to accept report also created new long-term referral, to be tracked separately.</p> <p>2020-07-01 13:12:14 - James Bondi (Additional comments) Referral response scheduled for Council 7/21/20.</p> <p>2020-04-15 11:31:10 - James Bondi (Additional comments) Work has begun, draft report to Council prepared, but put on hold until budget recommendations can be considered in larger City budget context given COVID impacts.</p>



Office of the City Manager

INFORMATION CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Jennifer Lovvorn, Chief Cultural Affairs Officer
 Subject: FY 2021 Civic Arts Grant Awards

INTRODUCTION

This report is to inform the City Council of the Civic Arts Grant awards for Fiscal Year 2021.

CURRENT SITUATION AND ITS EFFECTS

The Fiscal Year 2021 Civic Arts Grant award amounts (see Attachment 1) as approved by the Civic Arts Commission include funding of \$459,513 for sixty one (61) arts organizations, \$40,011 for thirteen (13) individual artists, and \$79,969 for twenty (20) broadcast or on-line festivals. Most applicants that applied were awarded funding, although five (5) organizations, seven (7) individual artists, and two (2) festivals that applied were not awarded funds this year. There was one (1) festival award that was declined by the applicant due to an inability to pivot content to a broadcast or on-line format as required in response to COVID-19.

BACKGROUND

The Civic Arts Grant application period was from October 30, 2019 to January 16, 2020. This year the Civic Arts Program received 109 applications from nonprofit arts organizations, individual artists, and festival organizers for grant funding for the Fiscal Year (FY) 2021 cycle.

Civic Arts staff held two grant application workshops: 1. Application instruction workshop on November 18, 2019 at the Martin Luther King Jr. Civic Center Building, which provided organizations, individual artists and festival organizers with a review of grant application requirements and instruction on using the on-line grant application system; and 2. Cultural equity topic workshop on December 11, 2019 at the South Berkeley Branch Library which provided an overview of cultural equity and the various ways that organizations may initiate or continue their cultural equity work at a variety of levels from mission, programming and audience, to board and staff.

In November 2019, the Civic Arts Program issued an open call for potential grant application review panelists for the FY21 grant cycle and at their January 22, 2020 meeting, the Civic Arts Commission approved a slate of review panelists with

substantial background in arts and culture and a demonstrated commitment to cultural equity to serve on this year's application review panels.

Action: M/S/C (Anno/Passmore) to approve the Panelists for FY21 Arts Grants with adjustments by Staff.

Vote: Ayes—Anno, Blecher, Covarrubias, Ozol, Passmore, Slattery, Tamano; Nays—None; Abstain—None; Recused—Bullwinkel; Absent—Ross.

Between March 20 and April 20, 2020, the Civic Arts Program conducted five review panel meetings via Zoom where grant applications were reviewed by the panelists and scored relative to the grant application criteria.

After the conclusion of the grant review process, the compiled panel scores were presented to the Civic Arts Commission's Grants Subcommittee at a public Zoom meeting on July 8, 2020 where grant award recommendations were determined based upon panel scores and in accordance with the program guidelines and funding criteria. The grant award amounts as recommended the Grants Subcommittee were made public on July 10, 2020 and communicated to all applicants.

On July 15, 2020, the Civic Arts Commission approved the final FY21 Civic Arts Grant award amounts as follows:

i. FY21 Arts Organizations

Action: M/S/C (Slattery/Ozol) to approve the FY2021 Arts Organization Grant Awards.

Vote: Ayes—Anno, Blecher, Bullwinkel, Covarrubias, Ozol, Passmore, Slattery, Tamano; Nays—None; Abstain—None; Absent—None; Recused—Ross.

Public Comment: None

ii. FY21 Individual Artists

Action: M/S/C (Slattery/Anno) to approve the FY2021 Individual Artists Grant Awards with expansion of funding to add one additional artist by lowering award percentage per applicant.

Vote: Ayes—Anno, Blecher, Bullwinkel, Covarrubias, Ozol, Passmore, Ross, Slattery, Tamano; Nays—None; Abstain—None; Absent—None.

Public Comment: 1 speaker

iii. FY21 Festivals

Action: M/S/C (Tamano/Slattery) to approve the FY2021 Festival Grant Awards. Commission's Grants Committee to develop criteria for staff to use to evaluate plans for festivals to pivot their event to be on-line or broadcast.

Vote: Ayes—Anno, Blecher, Covarrubias, Ozol, Passmore, Slattery, Tamano; Nays—None; Abstain—None; Absent—None; Recused—Bullwinkel, Ross.

Public Comment: None

ENVIRONMENTAL SUSTAINABILITY

The Civic Arts Grants program is administered completely online. Applicants applied by filling out an online form hosted by Submittable, a web-based grant application management tool. Grant selection panelists reviewed and scored the applications using the same online tool.

POSSIBLE FUTURE ACTION

The Civic Arts Grants are awarded on an annual basis to Arts Organizations, Individual Artists, and Festivals. The Civic Arts Program plans implement an annual grant application and review process for FY 2022 beginning in fall 2021 with the resulting grant awards pending Civic Arts Commission approval and Council's adoption of the FY 2022 budget.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The City's annual budget typically includes a baseline amount of \$500,000 for Civic Arts Grants to Arts Organizations and Individual Artists and, prior to COVID-19, approximately \$156,000 for Festivals. Due to the impacts of COVID-19, the FY21 budget allocation for Festivals was \$80,000. Council may opt to continue to fund the Festival grants at a reduced level for FY22 should COVID-19 impacts still be a concern.

CONTACT PERSON

Jennifer Lovvorn, Chief Cultural Affairs Officer, 981-7533

Attachments:

1. FY 2021 Civic Arts Grants Awards

Berkeley Civic Arts Grants FY2020-2021: Grant Award Approved by the Civic Arts Commission on July 15, 2020	
Large Arts Organizations	Award Amount
Aurora Theatre Company	\$9,736
Bay Area Children's Theatre	\$9,208
Berkeley Music Group dba The UC Theatre	\$8,426
Berkeley Repertory Theatre	\$9,501
Berkeley Society for the Preservation of Traditional Music dba Freight & Salvage	\$9,833
Berkeley Symphony Orchestra	\$9,404
California Jazz Conservatory	\$8,290
Cazadero Performing Arts Camp	\$9,052
Crowden Music Center	\$8,407
Heyday	\$9,756
Julia Morgan Center for the Performing Arts dba Berkeley Playhouse	\$8,466
Kala Institute	\$10,029
Regents of the University of California/Cal Performances	\$8,407
Shawl-Anderson Modern Dance Center	\$11,319
Shotgun Players, Inc.	\$10,713
Small Press Distribution	\$10,870
UC Berkeley Art Museum and Pacific Film Archive (BAMPFA)	\$9,833
Subtotals	\$161,250
	Award Amount
Mid-Size Arts Organizations	
Ashkenaz Music & Dance Community Center	\$8,356
Bay Area Creative BAC	\$7,825
Berkeley Art Center	\$8,597
Berkeley Ballet Theater	\$7,390
Berkeley Community Chorus & Orchestra	\$7,487
Berkeley Community Media	\$6,907
Berkeley Film Foundation	\$7,406
Berkeley High School Jazz	\$7,035
Black Repertory Group	\$7,004
BrasArte The Damasceno Brazilian Cultural Exchange	\$8,822
California Institute for Community, Art & Nature	\$7,342
Capoeira Arts Foundation, Inc	\$8,952
Central Works	\$8,581
David Brower Center	\$6,521
East Bay Media Center	\$6,810
Gamelan Sekar Jaya	\$8,871
Jewish Community Center of the East Bay (JCC East Bay) dba JCC East Bay Arts Program	\$7,358
Kairos Music Academy	\$6,923
La Peña Cultural Center	\$8,967
Luna Kids Dance, Inc.	\$9,305

PLAYGROUND INC	\$7,535
Poetry Flash	\$8,243
Young People's Symphony Orchestra Association (DBA YPSO)	\$7,325
Youth Musical Theater Company	\$8,114
Youth Spirit Artworks	\$8,436
Subtotals	\$196,112
Small Arts Organizations	Award Amount
Actors Ensemble	\$5,163
Antons Well Theater Company	\$5,670
Bella Musica, Inc	\$5,003
Berkeley Chamber Performances	\$5,279
Berkeley Choro Ensemble	\$4,807
Chora Nova	\$4,899
Creative Residencies for Emerging Artists Teaching Empowerment (C.R.E.A.T.E.)	\$5,819
Indra's Net Theater	\$5,566
Inferno Theatre	\$4,749
Left Margin LIT	\$6,210
Milvia Street Art & Literary Journal	\$6,084
Mothership Hackermoms	\$4,876
New Space Studio	\$4,503
Pacific Edge Voices	\$5,819
Play Cafe, Inc.	\$5,463
Sacred & Profane, A Chamber Chorus	\$5,382
Theatre Lunatico	\$5,244
Those Women Productions	\$6,452
Young People's Chamber Orchestra (YPCO)	\$5,163
Subtotals	\$102,151
Individual Artists	Award Amount
Bruce Bierman	\$2,925
Chingchi Yu	\$3,133
Faye Carol	\$3,016
Irene Sazer	\$3,504
Joseph Warner	\$3,322
Lena Wolff	\$2,899
Lisa Mezzacappa	\$3,016
Michai Freeman	\$2,711
Molly Rose-Williams	\$3,003
Orin Rutchick	\$3,127
Paulina Berczynski	\$2,835
Sonia Gill	\$3,088
Susan (Suzi) Garner	\$3,432

Subtotals	\$40,011
Large Festivals	Award Amount
Bay Area Book Festival	\$5,189
Berkeley Kite Festival	\$4,161
California Indian Arts & Culture Festival (2nd Annual)	\$5,105
FREIGHT FEST	\$5,404
Subtotals	\$19,859
Mid-Size Festivals	Award Amount
28th Annual Berkeley Indigenous Peoples Day Powwow and Market	\$4,150
Berkeley Festival of Choro 2020: A Celebration of Women in Brazilian Music	\$3,866
BERKELEY JUNETEENTH FESTIVAL	\$4,335
Berkeley Old Time Music Convention	\$4,258
Berkeley Video and Film Festival	\$4,104
Chocolate & Chalk Art Festival	\$3,696
Comunidad de la Placita	\$3,850
Dia de Los muertos 2020 (DDL M)	\$4,004
Earth Day 2021	\$3,780
Grateful Day Festival	\$4,173
SF Bay Brazilian Day & Lavagem Festival 2020	\$4,473
Telegraph Avenue Holiday Street Fair	\$3,780
The Second Annual Queering Dance Festival	\$4,620
Watershed Environmental Poetry Festival	\$4,100
Subtotals	\$57,189
Small Festivals	Award Amount
Berkeley Poetry Festival	\$1,502
Inferno Theatre's annual Contemporary Diasporas Festival	\$1,419
Subtotals	\$2,921
Total Amount to Arts Orgs and Artists	\$499,524
Total Amount to Festivals	\$79,969
Total Civic Arts Grant Funding	\$579,493

INFORMATION CALENDAR

September 15, 2020

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor *zw*

Subject: Berkeley Public Library Uses Tax Funds by the Book, But More Internal Controls Needed

CURRENT SITUATION AND ITS EFFECTS

The Library's use of the tax fund for non-personnel expenditures was in line with the provisions of the tax measure during our audit period of fiscal year 2018. We did not find any indication of fraud, waste, or misuse of tax funds. However, we did find that some of the Library's internal controls can be improved to allow for better transparency in purchase approval, continued alignment with the tax measure, and fiscal accountability.

The Library does not have a policy specifying how and when the reserve can be used, or how it should be replenished after use. Without a reserve policy, there is a risk that the Library may not have enough reserve funds to be stable and functioning during periods of economic uncertainty.

While we did not find fraud or theft, the Tool Lending Library's internal controls system does pose a risk of misusing funds due to insufficient inventory controls and documentation of items added to and removed from the Library's collection catalog.

The Library has improved transparency about its collection management, but there are opportunities to increase public trust. Collection management is the process by which the Library ensures that their collections are relevant, engaging, and appealing by adding new items and removing items that are damaged or out-of-date. The Library has taken steps such as posting the collection management plan online and including updates on collection management in updates during public Board meetings.

Strategic planning and ongoing program evaluation are important tools in ensuring accountability for public funds. The Library currently does not have a strategic plan nor does it consistently evaluate its programs to measure progress towards its goals. Planning was on hold pending the hiring of a new library director and this position has recently been filled.

To mitigate the risks we found, we recommend the Library develop and implement a strong reserve policy and implement purchasing procedures with sufficient internal controls for the Tool Lending Library. To be transparent with the public about collection management using tax

funds, we recommend the Library incorporate it into the Library's developing outreach and communications strategies. We recommend the management and Board support the new director in developing a strategic plan, as well as develop and implement a program evaluation process.

At the meeting of the Board of Library Trustees (BOLT) on September 5, we recommended that the Board request that the Library Executive Director report back to BOLT by March 2021, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Library.

BACKGROUND

The Library's main source of funding is the Library Tax Fund, created in 1980 when Berkeley voters passed the Library Relief Act to support library operations through a special tax on the square footage of taxable improvements, or residential and commercial buildings and units built in the City of Berkeley. In 1988, voters passed an amendment to make the tax permanent. However, every four years, voters must reauthorize the City to spend the Library Tax Fund.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

It is important that the Library continues to align with the purpose of the Library Tax Fund so Berkeley voters will continue to authorize use of the tax. While the Berkeley community generally supports the Library, there is some risk that voters may not reauthorize the taxes if there are significant concerns about how the Library manages public funds. This could reduce or eliminate this funding stream and impact service delivery. These funds may also come under greater scrutiny as the City faces multi-year revenue shortages due to the COVID-19 pandemic.

CONTACT PERSON

Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

Attachment:

Audit Report: Berkeley Public Library Uses Tax Funds by the Book, But More Internal Controls Needed

Audit Report
August 27, 2020

Berkeley Public Library Uses Tax Funds by the Book, But More Internal Controls Needed



BERKELEY CITY AUDITOR



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

Report Highlights

August 27, 2020

Findings

1. The Library's transactions aligned with the purpose of the Library Tax Fund in fiscal year 2018. Additionally, we did not find indicators of fraud, waste, or misuse in our review of transactions.
2. Some of the Library's internal controls can be improved to allow for better transparency in purchase approval, continued alignment with the tax measure, and fiscal accountability.
3. The Library currently does not have a strategic plan, though the Library has set some goals and developed budget priorities. The Library also does not consistently evaluate its programs to measure progress towards goals.

Recommendations

To guide the Board of Library Trustees (Board) in authorizing use of the funding reserve, we recommend the Library develop and implement a reserve policy that clearly defines use of the reserve. To ensure the Board is informed about the budget in their governance role, we recommend the Library coordinate a public workshop on the Library budget. We also recommend the Library implement stronger controls to address control weaknesses in the Tool Lending Library's purchasing process. Finally, we recommend the Library formally adopt a practice of communicating with the public about how it uses the Library Tax Fund to develop its collection.

To address the need for strategic planning, we recommend the management and Board support the new permanent director in developing a strategic plan. To assess whether the Library's programs and activities meet community needs over time and align with its strategic plan, we recommend the Library develop and implement a program evaluation process.

Objectives

1. Does the Library use the Library Tax Fund appropriately?
2. Are there any internal control risks that could affect appropriate use of the Library Tax Fund?
3. To what extent does the Library plan and evaluate its use of the Library Tax Fund?

Why This Audit Is Important

Berkeley Public Library is a treasured public space and information resource for Berkeley's diverse community. We audited its use of the Library Tax Fund to ensure that the Library is spending its funding appropriately as it continues to meet evolving community needs. This audit is part of an effort to audit activities funded by special taxes. It is important to provide some assurance to the community that the Library is spending public funds in the manner Berkeley voters approved. Additionally, identifying recommendations for improvement can help the Library ensure it can weather financial uncertainty, be consistent in good internal control practices, plan how it will use the Library Tax Fund to meet community needs, and evaluate whether it has achieved those goals.



BERKELEY CITY AUDITOR

For the full report, visit:

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

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Introduction

Berkeley Public Library (Library) is a treasured public space and information resource for Berkeley's diverse community. About 110,100 people had library cards in 2018. In 2019, the Library was also one of only 13 California libraries to earn a 4-star rating from Library Journal for high rate of circulation, visits to the library, and patron use of internet and computers.¹ Public support of the Library is evident in voters' ongoing support for a special tax on the square footage on taxable improvements of residential and commercial property that generated over \$19 million in revenue in fiscal year 2018 to fund Library operations.

To ensure that the Library continues to be able to meet community needs as they evolve, we audited its use of the Library Tax Fund. This audit is part of an ongoing effort to audit activities funded by special taxes. We found that the Library's use of the Library Tax Fund was in line with the provisions of the tax measure. We also did not find any indication of fraud, waste, or misuse of the Library Tax Fund. However, we did identify some areas of risk that the Library should address to ensure it continues to align with the Library Tax Fund into the future.

We completed work for this audit just before the onset of the COVID-19 pandemic. We revised our report to reflect impacts of the pandemic on our findings and recommendations.

Objectives, Scope, and Methodology

The objectives of this audit were to address the following questions:

- 1. Does the Library use the Library Tax Fund appropriately?**
- 2. Are there any internal control risks that could affect appropriate use of the Library Tax Fund?**
- 3. To what extent does the Library plan and evaluate its use of the Library Tax Fund?**

¹ Library Journal is an American trade publication for librarians. The rating system ranks libraries into budget groups, and assigns up to a 5-star rating based on patron statistics including: circulation, e-circulation, in-person visits, program attendance, and public internet computer users.

We limited our evaluation of the Library's use of the Library Tax Fund to non-personnel expenditures in fiscal year 2018 (July 1, 2017 – June 30, 2018).

To address the objectives, we reviewed transactions for alignment with the provisions of the tax measure, and assessed the Library's internal controls for risk of fraud, waste, or misuse. We also interviewed Library management, staff, and the Board of Library Trustees. We reviewed the Library's evaluation activities. To understand how Berkeley Public Library compared to other libraries, we researched local and nationwide public library practices and trends. For more information on our methodology, see page 19.

This report contains some information about fiscal year 2020 and later because the City's response to the COVID-19 pandemic began shortly before our report was originally scheduled to be released. We did a high level assessment of the potential impacts of the pandemic on the Library's budget and operations, and updated our findings and recommendations to reflect any changes.

Background

Berkeley Public Library (Library) is a public library system with a central branch, four branch locations in different neighborhoods, and a Tool Lending Library. The highest staff leadership position in the Library is the director, who reports to the Board of Library Trustees (Board). City Council appoints members to the Board, which is a body of five volunteers from the community—one of whom is a City Council member—who are responsible for the management of the Library. It is the Board's responsibility to create and enforce the Library's policies, regulations, and bylaws.

The Library's main source of funding is the Library Tax Fund, created in 1980 when Berkeley voters passed the Library Relief Act to support library operations through a special tax on the square footage of taxable improvements, or residential and commercial buildings and units built in the City of Berkeley. In 1988, voters passed an amendment to make the tax permanent. Article XIII B of the California Constitution establishes a spending limitation on government agencies within California. This means that voters must reauthorize the City to spend tax proceeds in excess of certain spending limits every four years, including the Library Tax.

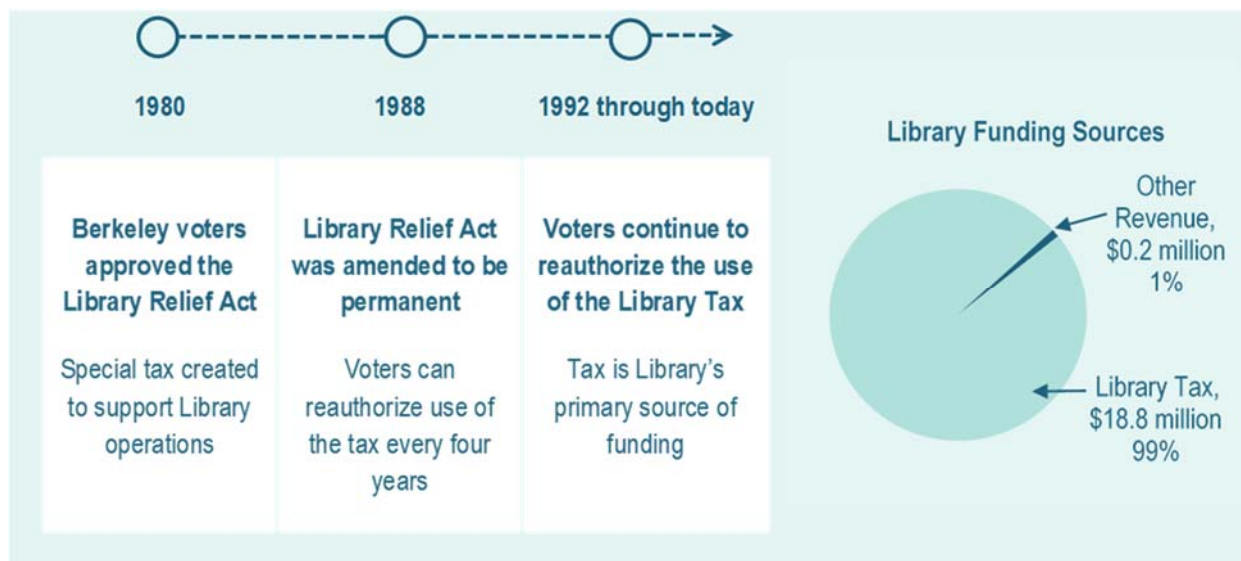
The Library Tax may be adjusted annually in proportion to either the Consumer Price Index for the immediate San Francisco Bay Area or the per capita Personal Income Growth factor in California, whichever is greater. In 2016, voters approved a single measure that reauthorized the City to spend all tax funds previously approved by voters, including the Library Tax Fund, through fiscal year 2020.

Today, the Library Tax is the Library's main source of funding and makes up 99 percent of its operating budget. Other sources of revenue make up less than one percent of the Library's funding and include some state funding as well as private funding from Berkeley Public Library Foundation and others (see Figure 1).

In Berkeley's municipal code, the Library Tax Fund is designated for maintaining the Library, and "paying all salaries and wages, and purchasing books, journals, periodicals and other supplies, and such other expenditures as are necessary to properly operate the libraries."

Provisions of the Library Tax allow exemptions for those with very low income. They also allow City Council to increase the tax rate based on cost of living in the immediate San Francisco Bay Area or personal income growth in California.

Figure 1. Overview of the Library Tax Fund



Sources: Library Relief Act ballot measures; City of Berkeley Fiscal Years 2018 & 2019 Adopted Biennial Budget

In March 2020, the COVID-19 pandemic began to cause devastating social and economic impacts in Berkeley and around the world. On March 16, the City’s Public Health Director issued an order for residents to shelter-in-place and many public spaces closed. Many Library staff were then assigned to the City’s Emergency Operations Center and assisted with contact tracing for COVID-19 testing locations among other essential duties. As of June 2020, Library management is anticipating that the pandemic will have the greatest impact on its ability to provide access to the community in the following areas:

- Physical spaces for studying, shelter, respite, quiet, etc.;
- Technology (free wireless, laptops, and public computers);
- Physical materials, especially reading materials for children;² and
- Public programming, particularly early literacy and adult literacy programs.

While assessing the full impacts from the pandemic fall outside the scope and timeframe of this audit, we acknowledge the significance of these impacts on the Library and the community as a whole. The recommendations in this audit promote internal controls and practices intended to strengthen the Library’s ability to navigate financial challenges and meet community needs during this difficult time and into the future.

The Library spent the Library Tax Fund by the book.

The Library's transactions align with the purpose of the Library Tax Fund. In Berkeley's municipal code, the Library Tax Fund is designated for maintaining the Library, and "paying all salaries and wages, and purchasing books, journals, periodicals and other supplies, and such other expenditures as are necessary to properly operate the libraries." We reviewed a statistically significant number of transactions across a range of spending categories, including books and media, the Tool Lending Library, contracted services, staff travel, and technology. All transactions we reviewed align with the purpose of the Library Tax measure. Further, we assessed whether those transactions followed the provisions of the Library's purchasing policies. Additionally, we did not find indicators of fraud, waste, or misuse in our review of transactions.

This is especially notable given that the Library has experienced instability in its leadership. Since 2014, there have been three directors who served for a year or less and three instances of members of library management serving as interim directors. As of July 2020, the current deputy director has served as both deputy director and interim director for almost three years. Additionally, City Council replaced two Board members in 2017. High turnover in oversight positions and management can create a risk that an organization may not have the leadership needed to stay on track to fulfill its purpose. However, the Library's appropriate use of the Library Tax Fund suggests that it has stayed on track during the past few years of transition.

It is important that the Library continues to align with the purpose of the Library Tax Fund so Berkeley voters will continue to authorize expenditures funded by the tax. The 1980 Library Relief Act authorized the City to impose a special tax to raise the revenue necessary to operate the Library. Though the tax is permanent, it requires voter authorization every four years for expenditures. While the Berkeley community generally supports the Library, there is some risk that voters may not reauthorize tax funded expenditures if there are significant concerns about how the Library manages public funds. This could reduce this funding stream and impact service delivery. These funds may also come under greater scrutiny as the City faces multi-year revenue shortages due to the COVID-19 pandemic.

The Library recently hired a new director scheduled to start September 21, 2020.

The Library Tax includes exemptions for low income property owners and non-profit organizations. City Council can increase the tax rate to reflect cost of living.

Internal control risks could affect the Library Tax Fund.

Some of the Library's internal controls can be improved to allow for better transparency in purchase approval, continued alignment with the tax measure, and fiscal accountability. First, the Library does not have a strong reserve policy at a time when the COVID-19 pandemic poses risks for Library revenues and the reserve. Second, there are some control risks in the Tool Lending Library purchasing process. Third, the Board needs more information about the budget. Fourth, though the Library has improved transparency about its collection management, there are opportunities to increase public trust. Finally, the Library could improve on a minor contract issue involving mixed funding.

The COVID-19 pandemic poses challenges for Library revenues and the reserve.

One main challenge due to the COVID-19 pandemic is that Library revenue will be somewhat reduced while some expenditures will increase in fiscal year 2021. In March 2020, the COVID-19 pandemic caused Bay Area businesses and schools to close. Unemployment rates spiked and many in the Berkeley community experienced financial stress. The Board took these financial hardships into account when it approved a resolution in June 2020 to recommend that City Council not increase the Library Tax rate for fiscal year 2021. Instead, the tax rate will remain unchanged from fiscal year 2020. By not adopting a tax rate increase of 3.73 percent—the current per capita Personal Income Growth factor in California—the Library's projected library tax receipts for fiscal year 2021 will be reduced by an estimated \$760,000. Additionally, costs for two critical in-progress construction projects will in large part be deferred until fiscal year 2021 because work was delayed due to Berkeley's shelter-in-place orders. According to the interim director, overruns and change orders related to these delays will increase overall project costs.

Another challenge, according to the Library's June 2020 budget update for fiscal year 2021, is that the Library projects that it will be necessary to tap into its reserve as soon as fiscal year 2023 should no material actions be taken to reduce the usual ongoing operational costs. The Library's revenue loss in fiscal year 2021 will be offset by a citywide hiring freeze and salary savings from resignations and retirements, as well as a carried over fund

The Library Tax is adjusted annually in proportion to either the Consumer Price Index for the immediate San Francisco Bay Area or the per capita Personal Income Growth factor in California, whichever is greater. This has resulted in a tax rate increase that averaged 3.08 percent annually between 2014 and 2018.

balance from fiscal year 2020. However, the economic downturn and decreased revenue from taxes is expected to continue for several years. Library management plans to address this issue during its upcoming biennial budget process beginning in late 2020.

The unexpected pandemic and the uncertainty of economic impacts and recovery over the next several years highlight the importance of having a reserve to help weather such economic uncertainty. In 2017, the Board approved the current reserve amount of \$1.5 million for unanticipated emergencies, which is the estimated amount needed to maintain Library operations for 30 days. The reserve is a portion of funds within the Library Tax Fund that the Library commits to not spend unless the Board explicitly authorizes it. However, the Library does not have a policy specifying how and when the reserve can be used, or how it should be replenished after use.

Without a reserve policy, there is a risk that the Library may not have enough reserve funds to be stable and functioning during periods of economic uncertainty. A strong reserve policy mitigates this risk by defining appropriate use of the reserve. It also guides decision makers as they consider authorizing withdrawals. We can look to the City of Berkeley's reserve policy to illustrate to some features of a strong policy that are missing from the Library's reserve fund. In 2020, City Council amended the City's reserve policy to allow for its use to enhance fiscal stability and address some of the financial impacts caused by the COVID-19 pandemic. The list below are features from the City's strong reserve policy.

- **Defined situations in which use of the reserve may be considered.** The City's reserve policy defines two separate funds that may be used in different situations, though they may be concurrent. The Stability Reserve is intended to help the City mitigate loss of service delivery and financial risks associated with unexpected revenue shortfalls. The Catastrophic Reserve is intended to sustain core operations in the case of a public emergency such as a natural disaster. These criteria set boundaries around when Council should consider tapping into the reserve.
- **Plan for how the reserve will be funded or replenished if used.** The City's reserve policy specifies how it will reach its reserve goals when initially building the reserve and replenish it after withdrawals are made. This helps ensure that the City is prepared to maintain fiscal stability and rebuild its reserve to prepare for future situations that may require use of the reserve.

- **Commitment by Council to specify the exact purpose and timeline for any use of reserve funds, with some flexibility as needed.** Stating the specific use for any withdrawal from the reserve and the timeline for use of those funds allows the City to carefully plan how it will use the funds before withdrawing. It also compels the City to not overly rely on reserve funds, but rather use them only as needed and alongside other cost saving and revenue generating strategies to mitigate financial impacts.
- **Allowable amount to withdraw per incident.** The City adopted language to limit how much it can withdraw per incident in response to the multi-year fiscal impact of the pandemic. While there may be too much uncertainty to establish a specific limit, some language about limiting the amount that may be used per incident and/or fiscal year can help ensure that the reserve fund has a balance in the unfortunate event that multiple emergencies occur, such as an earthquake that interrupts service after the onset of a pandemic.

The Library's need and use of reserve funds may be fundamentally different from the City's, but it is still important for the Library to strengthen its reserve policy to ensure that it can weather financial storms and avoid unnecessary interruption of the services it provides to the community.

Internal control weaknesses in the Tool Lending Library pose a risk of theft or misuse.

While we did not find fraud or theft, the Tool Lending Library's internal controls system does pose a risk of misusing funds. During fiscal year 2018, the tool lending specialists were assigned to receive newly purchased tools. They were also assigned to both add newly purchased tools to the Library's catalog system as well as delete damaged or worn out tools. While there is no indication that personal use took place during our review, this process created the risk that staff could either keep tools for personal use and not enter them into the catalog, or delete tools from the catalog for personal use. According to best practices of purchasing, the responsibility for purchasing tools and adding them to the catalog should be assigned to different staff. Separation of these duties is an important internal control to help prevent fraud, waste, and misuse.

Tool lending specialists work in the Tool Lending Library and provide tools, equipment, instructional manuals, and basic reference service regarding home maintenance and repair to patrons of the Berkeley Tool Lending Library. They also order, maintain, and repair tools and equipment.

After we learned about this risk, Library staff stated that they implemented a new catalog system and that Central Library staff, not Tool Lending staff, were now responsible for entering and deleting tool records from the catalog as needed. We have not been able to verify this at the time of this report. The Library still does not have a process to verify that staff enter new tools into the catalog or delete tools no longer in use. There is also no record for changes made to the catalog. As a result, there is still a risk that staff could remove tools from the collection for personal use.

It is important to note that the portion of the Tool Lending Library's expenditures funded by the Library Tax was in fiscal year 2018 was relatively low and makes up less 0.1 percent of the Library's total tax-funded expenditures of about \$19 million that year. Though the amount of Tool Lending Library funds at risk due to control weaknesses is relatively low, it is still good practice for the Library to maintain a consistent level of internal controls across all purchasing processes.

The Board of Library Trustees does not always have the information it needs to make decisions about the budget.

Some members of the Board do not think they have information to be fully prepared to make budget decisions. The Board needs sufficient information about the budget and contracts to strengthen its oversight and ensure the Library is planning to spend the Library Tax Fund appropriately. During the budget process, Library management develops a draft budget and discusses it with the Board during at least two Board meetings to prepare them to approve the final budget. Library management also offers the Board a public budget workshop intended to allow the Board and patrons to learn about and discuss the draft budget. Library management provides quarterly budget reports to the Board throughout the fiscal year.

There is a disconnect between the information library management provides and some Board members' preparedness to oversee the budget. Although Library management provides budget information and opportunities for the Board and patrons to have input and ask questions, some Board members reported that they have different levels of knowledge about organizational budgets in general. Some also stated that they or their peers do not have the information they need to oversee the budget. The Board is composed of volunteers from the community with varying levels of experience in local government finance and budgeting.

The Library has improved transparency about its collection management, but there are opportunities to increase public trust.

The Library has taken action to promote transparency regarding its collection management process. Collection management is the process by which the Library ensures that their collections are relevant, engaging, and appealing by adding new items and removing items that have excessive wear, are damaged, or contain outdated information in order to make room for new materials. Transparency in collection management can help inform the public about how the Library uses public funds and maintain public trust in the Library.

In past years, decisions about how the Library has managed its collection have caused concern among some Library staff and community members. That situation is beyond the scope of this audit and we therefore did not evaluate the specific processes and procedures associated with the Library's collection management plan or the extent to which librarians followed the plan. However, because the collection management plan influences the Library's use of the Library Tax Fund to purchase books and media, we did evaluate whether the Library is transparent about collection management.

We found that the Library has taken some steps to be more transparent about collection management. In 2017, the Library released a collection management plan which is posted on the Library's website. The plan was developed based on feedback from staff and the community as well as data on use of the collection. According to the plan, it is a "living document" intended to change as the Library identifies new strategies and opportunities to better respond to and serve the Berkeley community (see text box for more detail about the purpose of the plan).

An excerpt from the Library's collection management plan describes its purpose: "[This plan is] a comprehensive and flexible guide that informs and supports staff's collection management work, and clarifies how collection decisions are made. The plan presents an overarching description of what kind of content BPL will provide and how materials are selected, maintained, organized, and, when appropriate, removed. The plan details the role of staff; strategies for collaborative decision-making; selection guidelines; deselection criteria; and other operational elements, procedures, and practices related to collections and implementation of the Collection Management policy."

According to the interim director, in 2017, the Board updated its collection management policy to require the Library to create a plan for how it manages its collection with the goal of providing access to a collection that is relevant, engaging, and appealing.

In addition to publicly posting the collection management plan, Library staff have given presentations describing the collection management process at public Board meetings. The interim library director has also regularly reported to the Board at public meetings about collection management, such as describing new additions to the collection, e-book resources, and the process of purchasing high quality materials for collection areas in which the community has expressed an interest.

The Library also began including some information about the collections into its newsletter, website, and social media posts. Over the past year, the Library has begun emphasizing information about the collection in its newsletter. Examples include newsletters that highlighted electronic resources available and in high demand, LGBTQ-focused collections, and refreshed anti-racism materials in response to community interest and a nationwide anti-racism movement. The supervising librarian of collection services has begun an ongoing process to improve collection access through the catalog in various ways, including creating many more catalog records for electronic materials and organizing genres content. The Library has also updated its website to center electronic media in response to greater demand during the Library's closure during the COVID-19 pandemic. Additionally, the Library has recently made some effort to promote its collections through social media posts.

While these steps improve transparency, to strengthen public trust, it will be beneficial to continue to provide the public information about how the collection grows and changes over time to reflect community interests. One way to accomplish this is by formally incorporating collection management into the Library's policies or plans for public outreach and communications strategies.

The Library agreed to address a minor issue in contract transparency.

There is some risk in the Library's use of contracts with mixed funding sources. We found that a contract for a laptop borrowing kiosk paid for with funds from the Berkeley Public Library Foundation, a private funding source, did not specify that maintenance costs and other fees would be paid with the Library Tax Fund. Consequently, this contract did not go through the City's competitive contract process. We found that the Library would use the Library Tax Fund to pay almost \$23,000 for the kiosk's installation, maintenance, and license and service fees during the three-year contract term. Though this

contract did include a waiver of the requirement for competitive bidding due to the manufacturer's exclusive right to service maintenance in regards to preserving the product's warranty, it did not specify that the Library would use the Library Tax Fund to cover the \$23,000 in miscellaneous fees and other ongoing servicing costs. As a result, this contract was not completely transparent in identifying the use of the Library Tax Fund for these other costs. We determined that this did not demonstrate a significant risk to the Library because we only found one example of this. Management agreed to mitigate this risk by including information about multiple funding sources in future contracts.

Recommendations

- 2.1** To guide the Board of Library Trustees in authorizing use of the reserve, we recommend the Library develop and implement a reserve policy. We recommend that the policy:
- Define situations in which use of the reserve may be considered;
 - Include a plan for how the reserve will be funded or replenished if used;
 - Specify the exact purpose and timeline for any use of reserve funds, with some flexibility as needed; and
 - Specify the allowable amount to withdraw per incident and/or fiscal year.
- 2.2** To strengthen controls at the Tool Lending Library, we recommend the Library develop and implement purchasing procedures that require staff to:
- Document that all purchased items are entered into the catalog;
 - Document that all tools are removed from the catalog at the end of their useful life and are properly disposed of; and
 - Implement and document oversight of the new procedures.
- 2.3** To strengthen Board governance over the budget and ensure that they have a shared baseline of budget knowledge, we recommend Library management provide a public budget overview session that is separate from regular Board meetings or refer the Board to budget training opportunities hosted by another agency.
- 2.4** To be transparent with the public about collection management using the Library Tax Fund, we recommend the Library continue to proactively communicate about how the collection is growing and changing to meet community needs, and formally incorporate collection management into any outreach and communications policies and/or plans.

There are opportunities for the Library to develop a strategic plan and evaluate its progress in implementing the plan.

Strategic planning and ongoing program evaluation are important tools in ensuring accountability for public funds. The Library currently does not have a strategic plan, through which the Library could plan how to use the Library Tax Fund to achieve its goals. The Board has, however, recently developed priorities, and stated its intent to pursue development of a strategic plan once a permanent director was in place. The Library also does not consistently evaluate its programs.

The Library lacks a strategic plan.

Although a strategic plan could serve as an important internal control to help the Library continue to make budget decisions that align with the purpose of the Library Tax Fund, the Library does not have a current strategic plan. A strategic plan documents an organization's core priorities and strategic goals to fulfill its mission. When public service providers such as the Library align their budget priorities with their strategic plan, they demonstrate accountability to fulfill their mission and be transparent in how they use public funds. This can be especially beneficial for the Library because Berkeley's municipal code is relatively vague and open-ended about how the Library Tax Fund can be used. A strategic plan can help the Library define its purpose and be accountable to that purpose. To ensure that a strategic plan is flexible enough to allow the Library to pivot as needed to meet changing community needs, a strategic plan can also be adaptable and cover a time period that is most feasible to implement.

Without a strategic plan that sets priorities for how the Library should serve the community, there is some risk that the Library could potentially spend public funds in ways that do not align with the purpose. We determined that this risk is currently low, but could increase in the future due to changes in leadership or other unforeseen changes.

According to the interim director, the Library Board has postponed developing a strategic plan until a new permanent director was in place to lead the implementation. The Library had a three-year strategic plan that was expected to cover fiscal years 2016-2018, but the director at the time resigned

in late 2015 and interim directors after that did not continue implementing the plan. Since then, the position has either been filled on an interim basis or by someone who served for a year or less. At the time of writing, the Board recently hired a new director scheduled to start September 21.

The Library has taken steps to mitigate the risks of postponing the strategic planning process. One of those steps is that the Library developed strategic activities related to the City's strategic plan. A Library Council of roughly 25 Library staff in lead roles identified three key goals from the City's strategic plan that significantly relate to the Library's mission:

- Provide state-of-the art, well maintained infrastructure, amenities, and facilities;
- Champion and demonstrate social and racial equity; and
- Provide excellent, timely, easily-accessible services and information to the community.

In addition to these three goals, the Board has identified the priority of supporting community safety and wellness. The Library also added another goal to continually improve internal communications. These priorities have served as an interim guide for spending decisions in lieu of a more developed strategic plan.

In July 2020, the Board also approved a resolution to formally accept and adopt a mission and vision statement for the Library. Mission and vision statements document the aspirations of an organization and they serve as a foundation for a strategic plan. According to the interim director, engaging in this process before the new director was hired will help them "hit the ground running" in terms of developing a strategic plan for the Library.

Definitions

Mission statement: The reason an organization exists, the need it is meeting in the community. An effective mission statement is concise, realistic, operational, inspirational, motivational, informative, and even emotional. It is not too abstract. The mission reflects the values and clearly states the purpose of the organization.

Vision statement: What the future holds for the community if the organization succeeds at its mission. The vision inspires action: planning, fundraising, marketing, good governance, sound management. It stimulates organizational goals.

Source: BoardSource, <https://boardsource.org/mission-vs-vision-3/>

Library lead roles included supervisors, senior librarians, and managers.

Additionally, the Board has adopted budget priorities in the absence of a strategic plan. Since the Library's previous strategic plan, which expired at the end of 2018, the Board has approved budget priorities to inform the budget for fiscal years 2020 and 2021.

1. Provide excellent, timely, easily-accessible services and information to the community.
2. Champion and demonstrate social and racial equity.
3. Provide state-of-the-art, well maintained infrastructure, amenities, and facilities.
4. Develop and enhance policies, practices, services, and assignments that promote community wellness and the safety and comfort of staff and all library users.
5. Harmonize efforts of the board, management, and staff to improve library services by beginning the process of implementation of the recommendations of the November 2018 Organizational Evaluation report.
6. Maintain the stability of the operating budget and plan for future operational needs – including establishing/maintaining a balanced budget.

While these priorities serve a somewhat different purpose than the long-term organizational priorities stated in a strategic plan, we determined that they are a reasonable approach to maintain transparency and accountability during this transitional time.

The Library asks for community input about how best to meet their needs, but is not yet evaluating its progress towards goals.

Although the Library has surveyed patrons to learn about how it could better serve them, it does not have a practice of regularly evaluating whether it is making progress towards improvement goals over time. A recent organizational assessment by Moss Adams, a consulting firm, found that the Library lacks a consistent method to evaluate programs and ensure they adequately address community needs and priorities. As a result, the Library may miss opportunities to better meet community needs. Program evaluations would also provide opportunities for the Library to communicate to the public about how it has met or is meeting various recommendations

from community surveys. Program evaluation is especially important to determine if new service models introduced in response to the COVID-19 pandemic effectively meet community needs.

The Library has taken some steps to identify community needs and progress towards goals. The Library recently began using community surveys to identify how it could better serve community members. As an example, the Library used information from a 2019 survey of 4,000 respondents to shape future budgetary priorities and operational practices. Based on responses that expressed interest in expanded hours and collections at the Tool Lending Library, the Library expanded hours and will soon add culinary tools to the collection. The Library also gathers community input through public comment at Board meetings and other community meetings, one-on-one interactions with librarians, and an emailed newsletter. To continue building on the benefit of the community surveys, it is important that the Library continue this practice of regular community surveys and meetings. This is especially important if the way the community accesses Library services and spaces changes as a result of COVID-19.

To ensure the Library's services align with strategic goals, Moss Adams recommended that the Library adopt a formal program evaluation process. Once the Library develops a strategic plan, Library officials can also incorporate goals from the plan into evaluation. We concur with Moss Adams' assessment and recommendation as specified below.

“To support continuous program improvement, the Library should adopt a formal program evaluation process that combines anecdotal and qualitative evidence with data and other quantitative evidence. Program evaluation activities should integrate into the regular workflow for all programs and services by developing an evaluation framework that includes:

- **Program Logic Models:** *The Library is currently training staff on the use of logic models. They should continue this work to develop program logic models to clarify goals, resources, activities, outputs, and outcomes.*
- **Evaluation Measures:** *Identify and collect relevant output and outcome indicators for each program.*
- **Related Processes:** *Develop processes to support the evaluative work, including how data will be collected, managed, analyzed, shared, and acted upon.*

- **Success Standards:** *Determine which standards should be adopted to assess program success. For example, does a program need to serve a minimum number of patrons? Does the program need to have a specific cost to participant ratio? Does the program need to actively reduce inequity? A weighted assessment framework that takes multiple dimensions into account.”*

We recognize that there is a need to find a balance between implementing new programs and service delivery models and ensuring that they are effective, equitable, and accessible. The evaluation framework Moss Adams proposed is helpful to consider as a model for a program evaluation process.

Recommendations

- 3.1 To continue to develop the Library’s work on strategic priorities, we recommend Library management and the Board support the new director in developing a strategic plan.
- 3.2 To assess whether the Library’s programs and activities meet community needs over time and align with its strategic plan, we recommend the Library develop and implement a program evaluation process. We recommend that the Library make a reasonable effort to follow the guidance in the Moss Adams report to the extent feasible: program logic models, evaluation measures, related processes, and success standards. To the extent that existing program delivery models change in response to COVID-19, evaluate whether those changes result in programs that are equitable, accessible, and meet program goals.

Appendix I: Methodology and Statement of Compliance

Methodology

We audited Berkeley Public Library's non-personnel expenditures of the Library Tax Fund during fiscal year 2018 (July 1, 2017 – June 30, 2018). We focused on non-personnel expenditures as a result of a risk assessment that determined the highest risk was among those expenditures. Specifically, we examined accounts payable and contracts. We assessed the appropriateness of the transactions we examined by comparing them to the Berkeley Municipal Code defining the use of Library Tax revenue. We also assessed whether the purchasing process followed the Library's purchasing manual and applicable city Administrative Regulations. We communicated with Library management and staff to gain an understanding of the department's practices for processing, approving, and monitoring its expenditures of the Library Tax Fund. We performed a risk assessment of internal controls to identify potential weaknesses, including fraud risks, in relation to Library Tax, non-personnel expenditures. We reviewed:

- City of Berkeley Fiscal Year 2018 Adopted Biennial Budget
- Library Relief Act (Measure D) ballot language and results
- Berkeley Municipal Code Chapter 3.04 (section 3.04.060) and 7.56 (section 7.56.010)
- Berkeley Public Library's Purchasing Policy and Purchasing Manual Administrative Regulation 3.4 and Board of Library Trustees resolution R07-74
- Library Tax Fund expenditure data (non-personnel)
- Scope and services of 23 City expenditure contracts using the Library Tax in fiscal year 2018. We also included one contract from 2019 for a service that was relevant to the scope of our audit.
- Interviews with Library management and staff, as well as Board of Library Trustees
- Board of Library Trustees meeting agendas for fiscal year 2018
- Changes in budget projections and operations due to the COVID-19 pandemic

We reviewed the Library's collection management plan for the purpose of evaluating whether the Library is transparent about the plan as it relates to the Library's use of the Library Tax Fund to purchase books and media. We did not evaluate the specific processes and procedures associated with the Library's collection management plan or the extent to which librarians followed the plan.

Data Population and Sample Selection

We extracted expenditure data from the City's financial system, FUNDS. We separated the data into the main spending categories that include high risk expenditure types as well as expenditures related to the Library's core services: contracts, library materials, professional services, technology devices, tools for the Tool Lending Library, programming, and staff travel. We used a sample size calculator and input a confidence level of 95 percent and a confidence interval of 10 percent to determine a sample size for each subset. Then, we

judgmentally distributed the sample between the spending categories based on our perception of risk level and the most material impact related to our audit objective. We used the Excel random function to randomly select the transactions to review. In all, we examined 164 transactions totaling over \$881,000.

Data Reliability

We assessed the reliability of FUNDS data by tracing to source documents; interviewing Library personnel; and gaining an understanding of Finance's regular FUNDS access review process. We determined that the data were sufficiently reliable for the purposes of this report.

Statement of Compliance

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Recommendations and Management Response

We provided a draft of this report to Library management for review and comment. Library management provided comments, which are reproduced in full below.

Library management views on audit findings, conclusions, and recommendations:

It is with great interest that the Berkeley Public Library (BPL) receives and responds to the audit of the Library Tax Fund *Library Uses Tax Funds by the Book, But More Internal Controls Needed*. The Berkeley Public Library is an important and treasured local resource, is amongst the busiest libraries in the state of California, and has received accolades for its innovative policies and services. In 2020, Library Journal identified BPL as a Four Star Library due to its ability to provide access to Library resources widely and effectively. The Library welcomes recommendations from this audit that are intended to reinforce proper use of tax funds, develop improved internal controls, and ensure effective evaluation of services to sustain success and identify new opportunities for improved services and service models.

The report's findings reinforce and promote practices intended to support important Library initiatives and ensure their ongoing success through transparency and clarity. The findings focus upon a few sets of practices related to planning, budgeting, communications, public programming, and collection management. In each case, the Library can and will integrate the audit's recommendations into its practices. In many cases, those recommendations perfectly complement the Library's intended practices for the next year, including the need to institutionalize evaluative practices for public programming, develop a comprehensive strategic plan, communicate about its changing collection practices--including for those of the Tool Lending Library which will soon offer a culinary tools lending service, and continue to develop a responsive and effective social media plan.

2020 has been a difficult year for the country and the local community due to the Covid-19 pandemic, which has forced the Library to close its facilities to the public and develop new methods for service delivery. This spring, the Library nimbly transformed practices related to public communications and collections. This was made possible, in large part, due to a clear set of documented organizational priorities, as well as social media & collections plans that, although not explicitly written for pandemic conditions, defined guiding principles based upon community needs.

Although the Library has developed a rudimentary programming plan to guide evaluation and design of programs, developing a comprehensive plan will facilitate effective, community-driven programming practices both during and after the Covid-19 pandemic. In fact, doing so had been identified in the Library's 2020 priorities, and the audit reinforces the likely value of completing this work.

The Library is prepared to perform a strategic planning process and develop a strategic plan that defines operational goals and objectives. With a new Director coming aboard this fall and who can shepherd that process, the Library finds itself in a good position to take on this work.

Lastly, the recommendations related to developing a budget reserve policy and ensuring the board has sufficient background and knowledge to perform effective fiscal oversight are well timed for the development of the FY 2022/2023 budget which will take place this coming winter and spring.

2.1

To guide the Board of Library Trustees in authorizing use of the reserve, we recommend the Library develop and implement a reserve policy. We recommend that the policy:

- Define situations in which use of the reserve may be considered;
- Include a plan for how the reserve will be funded or replenished if used;
- Specify the exact purpose and timeline for any use of reserve funds, with some flexibility as needed; and
- Specify the allowable amount to withdraw per incident and/or fiscal year.

Management Response: Concur

Proposed Implementation Plan: Library Administration will develop and present a Reserve Policy to Board in 2021 (February/March/April) concurrent with the FY 2022/FY 2023 Biennial Budget process with the goal of adoption at time of Biennial Budget adoption.

Proposed Implementation Date: May/June, 2021, to run concurrent with FY 2022/FY 2023 Biennial Budget adoption.

2.2

To strengthen controls at the Tool Lending Library, we recommend the Library develop and implement purchasing procedures that require staff to:

- Document that all purchased items are entered into the catalog;
- Document that all tools are removed from the catalog at the end of their useful life and are properly disposed of; and
- Implement and document oversight of the new procedures.

Management Response: Concur

Proposed Implementation Plan: The Library's current practices with the purchase, cataloging, and deaccessioning of tools reflects the above recommendations. The Library is updating its Collection Management Plan and will update the Tool Lending Library element of the plan to document the Library's practices which are reflective of the recommendations.

Proposed Implementation Date: December 1, 2020

2.3 To strengthen Board governance over the budget and ensure that they have a shared baseline of budget knowledge, we recommend Library management provide a public budget overview session that is separate from regular Board meetings or refer the Board to budget training opportunities hosted by another agency.

Management Response: Concur

Proposed Implementation Plan: Library will identify and refer local agency training(s) on the topic of public agency budgeting and/or those that are presented by the City of Berkeley. Additionally, the Library Director and the Library's Fiscal Services Manager, will host one-on-one budget training overview sessions with each Trustee.

Proposed Implementation Date: February to April, 2021

2.4 To be transparent with the public about collection management using the Library Tax Fund, we recommend the Library continue to proactively communicate about how the collection is growing and changing to meet community needs, and formally incorporate collection management into any outreach and communications policies and/or plans.

Management Response: Concur

Proposed Implementation Plan: As indicated in the community response to the Library's 2019 community survey, access to the Library's collections is the primary reason patrons use the Library. The Library has devoted significant resources to improve patrons' experiences of the Library and to improve access to the collections via an equity-based approach with the removal of daily overdue fines and the liberalization of rules for obtaining library cards.

Communicating about the collections has been an important element of the Library's marketing and social media practices, including via monthly newsletters and social media posts that highlight newly arrived materials, and, especially since Covid-19, the Library's e-collections, such as Kanopy, Hoopla, Overdrive, and Enki.

To better institutionalize these practices, the Library's Social Media Plan will be updated to emphasize the need to consistently clarify and accentuate the Library's collection management practices and the value of an ever-changing and responsive collection. Secondly, the Collection Management Plan will be updated to include an area on the marketing of and communications about the Library's collections, focusing on the need to ensure adequate communications about new practices, resources, and collection management methods.

Proposed Implementation Date: December 1, 2020

3.1 To continue to develop the Library's work on strategic priorities, we recommend Library management and the Board support the new director in developing a strategic plan.

Management Response: Concur

Proposed Implementation Plan: To prepare for the launch of a new strategic plan, in early 2020 the Board of Library Trustees and Library staff underwent an inclusive mission and vision clarification process to develop a new mission and vision statement that was adopted by the Board by BOLT Resolution No.: R20-040 on July 1, 2020. To enhance the value and efficacy of a new strategic plan, the Library and Board will launch a comprehensive strategic planning initiative at the discretion of a new permanent Director.

Due to Covid-19 and the continuing emergency conditions confronting the City of Berkeley, the Library is faced with several challenges for developing a *longer* term plan; services in response to Covid-19 have required a radically different approach than under standard service conditions. It is unknown how long these conditions will last.

Lastly, strategic planning will likely require a solicitation of a Request for Proposals for an outside facilitator of the community input process, thus adding to the likely timeline.

Proposed Implementation Date: February, 2021

3.2 To assess whether the Library's programs and activities meet community needs over time and align with its strategic plan, we recommend the Library develop and implement a program evaluation process. We recommend that the Library make a reasonable effort to follow the guidance in the Moss Adams report to the extent feasible: program logic models, evaluation measures, related processes, and success standards. To the extent that existing program delivery models change in response to COVID-19, evaluate whether those changes result in programs that are equitable, accessible, and meet program goals.

Management Response: Concur

Proposed Implementation Plan: This recommendation aligns with the Library's operational goals and practices. The Library is developing a formal public programming plan to incorporate and institutionalize success standards, logic models, and the use of community surveys to ensure that public programming offerings are aligned around community needs. Due to Covid-19 and social distancing requirements, many new factors need to be incorporated into the plan.

Since FY 2019, the Library has devoted significant resources to support the effective evaluation of public programming with a focus upon designing programming around community and individual outcomes sought, including staff's use of logic models and evaluative surveys being conducted with a large percentage of programs. This has resulted in programming offerings that focus upon such community interests as developing DIY,

English language, and STEM skills. The Plan will document these current practices and will institutionalize evaluative practices and the setting of annual programming goals into the future.

Proposed Implementation Date: January 1, 2021

Mission Statement

Promoting transparency and accountability in Berkeley government.

Audit Team

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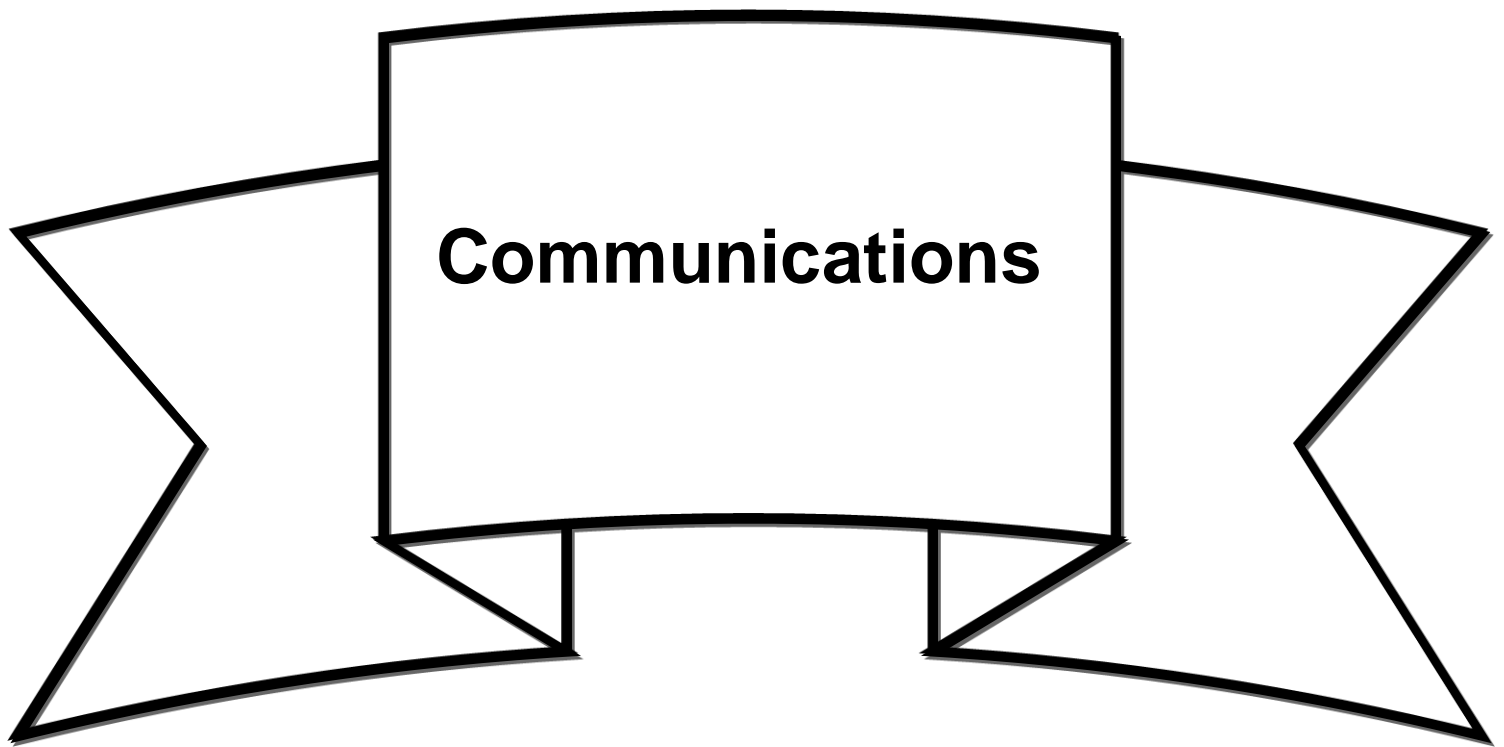
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Copies of our audit reports are available at
www.cityofberkeley.info/Auditor/Home/Audit_Reports.aspx



BERKELEY CITY 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