



**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING**

MONDAY, SEPTEMBER 9, 2019

2:30 P.M.

2180 Milvia Street, 6th Floor – Redwood Room

Committee Members:

Mayor Jesse Arreguin, Councilmembers Kate Harrison and Susan Wengraf

AGENDA

Roll Call

Announcement: Brown Act Participation Rules

Public Comment

Review of Agendas

- 1. Approval of Minutes: August 26, 2019**
- 2. Review and Approve Draft Agendas:**
 - a. 9/24/19 – 6:00 p.m. Regular City Council Meeting
- 3. Selection of Item for the Berkeley Considers Online Engagement Portal**
- 4. Adjournments In Memory**

Scheduling

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

Referred Items for Review

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

8. Discussion and Direction Regarding Revisions to the City Council Rules of Procedure and Order

From: City Manager

Contact: Mark Numainville, City Clerk

Items for Future Agendas

- **Discussion of items to be added to future agendas**

Adjournment – Next Meeting Tuesday, October 1, 2019

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

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

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

*The City Clerk shall bring any reports submitted as Time Critical to the meeting of the Agenda Committee. If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.*

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

*Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee prior to the meeting. After the deadline for submission, residents must provide 10 copies of written communications to the City Clerk at the time of the meeting.*

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



#### **COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

\* \* \*

I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on September 5, 2019.

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville, City Clerk

## **Communications**

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA.*



# BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

**MONDAY, AUGUST 26, 2019**

**2:30 P.M.**

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

Committee Members:

Mayor Jesse Arreguin, Councilmembers Kate Harrison and Susan Wengraf

**Roll Call:** 2:32 p.m. Present: Harrison, Arreguin; Absent: Wengraf

**Announcement: Brown Act Participation Rules:** Announcement made

**Public Comment** – 4 speakers

## Review of Agendas

### 1. Approval of Minutes: July 15, 2019

**Action:** M/S/C (Harrison/Arreguin) to approve the minutes of 7/15/19 revised to correct the motion on approval of the minutes.

**Vote:** Ayes – Harrison, Arreguin; Noes – None; Abstain – None; Absent - Wengraf

### 2. Review and Approve Draft Agendas:

#### a. 9/10/19 – 6:00 p.m. Regular City Council Meeting

**Action:** M/S/C (Harrison/Arreguin) to request amendments from the author on Item 62 to change the referral to the Public Works Commission.

**Vote:** Ayes – Harrison, Arreguin; Noes – None; Abstain – None; Absent – Wengraf

**Action:** M/S/C (Harrison/Arreguin) to request amendments from the author on Items 64 and 65 to change the referral to the November 2019 AAO Budget process.

**Vote:** Ayes – Harrison, Arreguin; Noes – None; Abstain – None; Absent – Wengraf

**Action:** M/S/C (Harrison/Arreguin) to approve the agenda of 9/10/19 with the amendments listed below.

**Vote:** Ayes – Harrison, Arreguin; Noes – None; Abstain – None; Absent – Wengraf

- *Ceremonial Items: Recognition of Dr. Rev. Robert L. McKnight; Recognition of the Berkeley Film Foundation*
- *Item Added: Emergency Prep Fair (Hahn)*
- *Item 22 Contract: Rincon Consultants (City Manager) – revised recommendation*
- *Item 39 Support AB 18 (Arreguin) – Councilmembers Harrison and Robinson added as a co-sponsor*
- *Item 40 Sierra Club (Arreguin) – Councilmember Hahn added as a co-sponsor*

- *Item 43 Support HR 429 (Harrison) – Councilmembers Bartlett, Hahn, and Robinson added as co-sponsors; item revised to add attachment*
- *Item 56 Traffic Circles (Task Force) – Item held over to October 15, 2019*
- *Item 58 Entheogenic Plants (Robinson) – Moved to Consent Calendar*
- *Item 59 Sister City Visit (Arreguin) – Moved to Consent Calendar*
- *Item 60 Waiver of Fees (Bartlett) – Item held over to September 24, 2019*
- *Item 61 People’s Bazaar (Bartlett) – Item removed by author*
- *Item 62 Derby Street (Bartlett) – Revision requested and scheduled for Consent Calendar*
- *Item 63 Ground Lights (Bartlett) – Item removed by author*
- *Item 64 Pedestrian Signal (Bartlett) – Revision requested and scheduled for Consent Calendar*
- *Item 65 Crossing Signal (Bartlett) – Revision requested and scheduled for Consent Calendar*
- *Item 66 Streetlight (Bartlett) – Revision requested and scheduled for Consent Calendar*
- *Item 67 Traffic Mitigations (Bartlett) – Scheduled for Consent Calendar*
- *Item 68 Gas Shut Off Valves (Harrison) – Referred to Facilities Policy Committee; Councilmember Bartlett added as a co-sponsor*
- *Item 69 United Nations (Harrison) – Scheduled for Consent Calendar; Councilmember Bartlett added a co-sponsor*
- *Item 70 Game Day Parking (Droste) – Scheduled for Consent Calendar*
- *Item 71 (City Manager) Mobile Showers – Moved to Action Calendar*

Action Calendar Order

- Item 46 Public Hearing BRIDGE
- Item 47 Public Hearing HOPE
- Item 48 Public Hearing RPP
- Item 49 RPP Update
- Item 51 Street Rehabilitation
- Item 52a/b Health Study
- Item 53a/b Inclusionary Housing
- Item 54a/b 1281 University
- Item 55a/b Adeline Corridor
- Item 57 Open Doors Initiative
- Item 71 Mobile Showers
- Item 50 Wage Theft

**3. Selection of Item for the Berkeley Considers Online Engagement Portal**

- Selected Item 57 Open Doors Initiative

**4. Adjournments In Memory**

- Bill Wilkins, Executive Director of Berkeley Housing Authority
- Nicki Spillane, Former City Employee

**Scheduling**

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

## Referred Items for Review

*Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.*

### 8. Discussion and Direction Regarding Revisions to the City Council Rules of Procedure and Order

**From: City Manager**

Contact: **Mark Numainville, City Clerk**

**Action:** Item held over to September 9, 2019

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

**Vote:** Ayes – Harrison, Arreguin; Noes – None; Abstain – None; Absent – Wengraf

### Items for Future Agendas

- None

### Adjournment

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

**Vote:** Ayes – Harrison, Arreguin; Noes – None; Abstain – None; Absent – Wengraf

Adjourned at 3:25 p.m.

I hereby certify that this is a true and correct record of the Agenda & Rules Committee meeting of August 26, 2019.

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Mark Numainville, City Clerk





# DRAFT AGENDA

02a



## BERKELEY CITY COUNCIL MEETING

**Tuesday, September 24, 2019  
6:00 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

### Preliminary Matters

#### Roll Call:

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

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

**Public Comment on Non-Agenda Matters:** *Persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.*

## Consent Calendar

*The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".*

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

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

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

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

## Consent Calendar

- 1. Contract No. 9900 Amendment: NetFile for Online Campaign Report, Form 700, and Lobbyist Registration Filing and Tracking**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment with Westcoast Online Information Systems, Inc. dba NetFile, to increase the not-to-exceed amount by \$19,200 for a total not-to-exceed amount of \$133,200, to pay for regular annual maintenance costs for online campaign report and Form 700 filing and tracking, to add to the capacity of online filers by 350 to allow for the addition of commissioner Form 700 e-filing, and to add the services related to the new lobbyist registration filing system through May 31, 2023.  
**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 2. Contract: NV5 for Web Content Copywriting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with NV5 to develop content for the City's website. The contract would be for a one year period, starting September 25, 2019, for a total contract amount not to exceed \$150,000.  
**Financial Implications:** General Funds - \$150,000  
Contact: Matthai Chakko, City Manager's Office, (510) 981-7000

## Consent Calendar

- 3. IKE Smart City Kiosk Locations, Phase One**  
**From: City Manager**  
**Recommendation:** Approve the locations for the first phase of deployment of 15 IKE Smart City Kiosks in the Downtown, Telegraph and Lorin commercial districts pursuant to Ordinance No. 7,626-N.S. granting the Franchise Agreement with IKE Smart City, LLC.  
**Financial Implications:** See report  
Contact: Jordan Klein, Economic Development, (510) 981-7530
- 4. Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses**  
**From: City Manager**  
**Recommendation:** Refer to the Planning Commission modifications to the Zoning Ordinance that are designed to streamline the zoning review process for new or expanding small businesses in Berkeley  
**Financial Implications:** See report  
Contact: Jordan Klein, Economic Development, (510) 981-7530
- 5. Revisions to the Berkeley Revolving Loan Fund Administrative Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the revised Administrative Plan for the Berkeley Revolving Loan Fund (RLF).  
**Financial Implications:** See report  
Contact: Jordan Klein, Economic Development, (510) 981-7530
- 6. Contract No. 31900273 Amendment: Bay Area Community Services (BACS) to Add Funds for Housing Problem-Solving**  
**From: City Manager**  
**Recommendation:** Adopt a resolution authorizing the City Manager to execute a contract amendment to add \$300,000 to the existing four year (FY20-23) contract with Bay Area Community Services (BACS) for Coordinated Entry System operations, for a revised total contract amount not to exceed \$6,880,149. These funds will be used as flexible funding for people experiencing homelessness and presenting at the North County Housing Resource Center.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400

## Consent Calendar

- 7. Operating Funding for Community Housing Development Organizations**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving operating funding in the amount of \$28,115 each for FY 2020 for Community Housing Development Organizations (CHDOs) Resources for Community Development and Satellite Affordable Housing Associates; and 2. Authorizing the City Manager to execute all original or amended documents or agreements to effectuate this action.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
- 8. Settlement Authority of City Manager for Workers' Compensation Claims**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution to establish and grant authority to the City Manager to settle workers' compensation claims up to \$75,000 per employee claim.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
- 9. Contract: Ghilotti Construction Company for John Hinkel Park Improvement Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for John Hinkel Park Improvement Project, Specification No. 19-11321-C; and 2. 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 Ghilotti Construction Company, for the John Hinkel Park Improvement Project at 41 Somerset Avenue, Berkeley, CA 94704, in an amount not to exceed \$790,306, which includes a contract amount of \$658,588 and a 20% contingency in the amount of \$131,718.  
**Financial Implications:** Measure WW Parks Bond Fund (Fund 345) and Parks Tax Fund (Fund 138) - \$790,306  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 10. Grant Application for Technical Assistance to Develop a Proposal for Challenge Grant for Housing Protection and Preservation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application in the amount of \$7,000 to The San Francisco Foundation, in order to receive technical assistance from SEEDs Collaborative to help develop a competitive Partnership for the Bay's Future Challenge Grant proposal, and to accept grant funds and execute a resulting grant agreement.  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400

## Consent Calendar

- 11. Contract No. 31900106 Amendment: Coastland Civil Engineering for On-Call Civil Engineering Services for the Sanitary Sewer Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900106 with Coastland Civil Engineering (Coastland) for On-Call Civil Engineering Services for the Sanitary Sewer Program, increasing the contract by \$500,000, for a total amount no to exceed \$900,000, and extending the term of the contract from June 30, 2021 to June 30, 2022.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300
- 12. Contract No. 10485 Amendment: Fehr & Peers, Inc. for On-Call Transportation Planning Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10485 with Fehr & Peers, Inc. for On-Call Transportation Planning Services, increasing the contract by \$225,000, for a total amount not to exceed \$725,000.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300

## Council Consent Items

- 13. Support H.R. 2809 – The Improving Access to Nutrition Act of 2019**  
**From: Mayor Arreguin and Councilmember Robinson**  
**Recommendation:** Adopt a Resolution in support of H.R. 2809 – The Improving Access to Nutrition Act of 2019. Send a copy of the Resolution to Congressperson Barbara Lee, Senators Dianne Feinstein and Kamala Harris, and President Donald Trump.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 14. United Against Hate Week 2019**  
**From: Mayor Arreguin**  
**Recommendation:** Adopt a Resolution approving the D-13 expenditure of \$1,000 in an amount not to exceed \$250 per Councilmember, to Not in Our Town for United Against Hate Week scheduled for November 17-23, 2019.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Council Consent Items

- 15. Letter in Support of AB 342, Prohibiting the Use of Public Lands for Oil and Gas Production**  
**From: Councilmembers Davila, Harrison, and Hahn**  
**Recommendation:** Send a Letter to Governor Gavin Newsom In Support of AB 342 by State Assemblymember Al Muratsuchi, prohibiting the State of California from authorizing new construction of oil and gas infrastructure upon public lands and direct the city clerk or designee to send a letter to our state representatives.  
**Financial Implications:** None  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
- 16. Letter in Support of SB 210, Implementing a Comprehensive Heavy Duty Vehicle Inspection and Maintenance Program**  
**From: Councilmembers Davila, Harrison, and Hahn**  
**Recommendation:** Send a Letter to Governor Gavin Newsom In Support of SB 210 by Senator Connie Leyva, authorizing the California Air Resources Board (CARB) to develop and implement a comprehensive heavy duty vehicle inspection and maintenance program, similar to Smog Check requirements for other vehicles, and direct the city clerk or designee to send a letter to our state representatives.  
**Financial Implications:** None  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
- 17. Support for ACA - 8: Elections: Voter Qualifications**  
**From: Councilmember Robinson**  
**Recommendation:** Adopt a resolution supporting ACA - 8, which would lower California's voting age to 17.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 18. Budget Referral: RFP for a Freestanding Public Restroom Facility**  
**From: Councilmember Robinson**  
**Recommendation:** Refer to the budget process to set aside up to \$100,000 to issue an RFP for a freestanding, 24/7 public restroom facility in the Telegraph Business Improvement District.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 19. Russell St. Halloween Celebration: Relinquishment of Council Funds and Sponsorship**  
**From: Councilmember Droste**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount up to \$870 for the 2019 Russell St. Halloween Celebration with funds relinquished for this purpose from the discretionary Council Office Budget of Councilmember Droste and any other Councilmembers who would like to contribute. The Claremont Elmwood Neighborhood Association is the fiscal sponsor of the event.  
**Financial Implications:** See report  
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.*

### 20. **ZAB Appeal: 2325 Sixth Street, Use Permit #ZP2017-0146**

#### **From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2017-0146 to alter a 6,000 sq. ft. parcel at 2325 Sixth Street by 1) raising the existing one-story, 1,348 sq. ft. single-family residence with an average height of 12 feet - 7 inches, to create a new, 3,330 sq. ft. two-story duplex, with an average height of 22 feet, 2) increasing the total number of bedrooms on the parcel from three to seven, and 4) constructing a two-story, 472 sq. ft. accessory building with an average height of 19 feet - 3 inches, located 1 foot - 6 inches from the rear and side yard property line to the south, that would consist of a two-car garage on the ground floor and a workshop on the second floor.

**Financial Implications:** None

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

## Action Calendar – Old Business

21. **Referral Response: Issue a Request for Information to Explore Grant Writing Services from Specialized Municipal Grant-Writing Firms, and Report Back to Council** *(Continued from May 14, 2019)*  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, 981-7300
22. **Referral Response: Tenant Opportunity to Purchase Act (TOPA) Ordinance** *(Continued from June 11, 2019)*  
**From: City Manager**  
Contact: Kelly Wallace, Housing and Community Services, 981-5400

## Action Calendar – New Business

23. **Resolution for the Allowance of 3404 King Street to Operate a Shelter for Homeless Youth**  
**From: City Manager**  
**Recommendation:** Adopt a resolution that:
1. Authorizes the City Manager to negotiate a lease with Covenant House, for \$1 per year, for the purposes of becoming a lessee at 3404 King Street and establishing a public facility open to the homeless at that property.
  2. Authorizes the City Manager to negotiate a management agreement with Covenant House for said facility; and
  3. Authorizes the City Manager to amend Contract No. 31900239 with Covenant House to include the operation of a 12-bed transitional housing program and to increase the not-to-exceed amount of the contract by \$357,020 (the amount currently awarded to Fred Finch Youth Center for the Turning Point transitional housing program) to a new total of \$1,630,572.
- Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400

## Action Calendar – Policy Committee Track Items

24. **Clean Air Day 2019**  
**From: Mayor Arreguin**  
**Recommendation:** Adopt a Resolution declaring October 2nd, 2019 as Clean Air Day.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100



## Action Calendar – Policy Committee Track Items

### 25. Waiver of Fees for South Berkeley Plaza and Public Art Pilot Program

**From: Councilmember Bartlett**

**Recommendation:** Adopt a resolution waiving the Minor Encroachment Permit application and permit fees and the Miscellaneous Permit to Construct fees required by Local Artists Berkeley for the installation of their streetside vehicle impact-rated raised planters, demolition, and removal of unkempt planter, beautification, and planting by Parks and Recreations and Waterfronts, and one integrated temporary public art site.

**Financial Implications:** \$2,021

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

### 26. Pollinators and Habitat

**From: Councilmember Harrison**

**Recommendation:** Adopt three referrals that will deepen Berkeley's commitment to protecting pollinator plants and establishing habitats that will protect pollinators and our environment:

1. Refer to City Manager to establish a City Liaison to the Bee City USA program.
2. Refer to Public Works Commission and Parks and Waterfront Commission consideration of how to incorporate pollinators and habitat into the Adopt-A-Spot initiative referred on April 2, 2019.
3. Refer to the City Manager to transition the City's medians to non-turf green infrastructure, including pollinator gardens when appropriate.

**Financial Implications:** See report

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

### 27. Amending Chapter 19.32 of the Berkeley Municipal Code to Require Kitchen Exhaust Ventilation in all Residential and Condominium Units Undergoing Renovations and Prior to Execution of a Contract for Sale or Close of Escrow

**From: Councilmember Harrison**

**Recommendation:**

1. Adopt an ordinance amending Berkeley Municipal Code (BMC) 19.32 to require kitchen exhaust ventilation in residential and condominium units undergoing renovations and in all existing residential buildings prior to execution of a contract for sale or close of escrow.
2. Refer to the City Manager to draft a resolution establishing appropriate local climatic, geological or topographical findings as required by the California Building Standards Commission.

**Financial Implications:** See report

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

## Action Calendar – Policy Committee Track Items

**28. Naming Berkeley Paths for Women Founders of the Berkeley Path Wanderers Association**

**From: Councilmember Hahn, Mayor Arreguin, and Councilmember Wengraf**

**Recommendation:** Pursuant to Berkeley’s Policy for Naming and Renaming Public Facilities, refer to the City Manager and Public Works Commission to consider and return to the City Council a recommendation regarding the naming and renaming of four Berkeley Paths, as identified on the map at Attachment A, in honor of the four women founders of the Berkeley Path Wanderers:

(a) Rename a path off of Keith Avenue near Shasta Road, currently named Eleanor Path, to “Eleanor Hall Gibson Path,” after founder Eleanor Hall Gibson, who passed away in 2016;

(b) Name the following paths, subject to a 2/3 vote of the City Council as provided at Section 2(B) of the Policy, as follows: (i) The extension connector of Walnut Street through the UC complex between Hearst and Berkeley Way to be named “Ruth Armstrong Path” in honor of Ruth Armstrong (Moskovitz); (ii) The path parallel to the top of Solano Avenue running along Los Angeles Avenue up the tunnel slope towards the Marin Circle, to be named “Jacque Ensign Way” in honor of Jacque Ensign; and (iii) The path [TBD] to be named “Pat DeVito Path” in honor of Pat DeVito.

**Financial Implications:** See report

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

## Action Calendar – Policy Committee Track Items

**29. Referral: Develop a Bicycle Lane and Pedestrian Street Improvements Policy  
From: Councilmembers Robinson and Droste**

**Recommendation:** Refer to the City Manager to develop a comprehensive ordinance governing a Bicycle Lane and Pedestrian Street Improvements Policy that would: 1. Allow quick-build projects under \$1 million to go through a streamlined approval process, without City Council approval required. “Quick-build” is defined as projects that a) require non-permanent features such as bollards/paint/bus boarding islands, b) make up less than 25 percent of the total repaving cost for that street segment, and c) can be a component of a Complete Street Corridor Study that includes evaluation after installation 2. Require simultaneous implementation of recommendations in the City’s Bicycle and Pedestrian Plans when City streets are repaved, if one or more of the following conditions are met: (a) Bicycle Plan recommendations can be implemented using quick-build strategies that accommodate transit operations. (b) Pedestrian Plan recommendations can be implemented using quick-build strategies that accommodate transit operations. (c) The Bicycle Plan recommends studying protected bike lanes as part of a Complete Street Corridor Study in the Tier 1 Priority list. (d) Improvements are necessary to comply with the Americans with Disabilities Act. 2. Amend the City’s Complete Streets Policy to clarify that the presence of an existing or planned bikeway parallel to an arterial does not exempt projects along said arterial from bicycle and micromobility improvements under the Policy. 3. Prioritize bikeways and Vision Zero high-fatality, high-collision streets under the five-year Paving Plan by requiring that 50 percent of the repaving budget go towards such streets until they meet a minimum surface standard established with input from the Public Works and Transportation Commissions. 4. Require staff to report progress back to Council every two years.

**Financial Implications:** Staff time

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

**30. Referral: Telegraph Crosswalk Art Installations**

**From: Councilmember Robinson**

**Recommendation:** Refer to the Civic Arts Commission to develop and return to Council with a plan to:

1. Create a public contest to design new crosswalk art on Telegraph at the intersections of Bancroft, Durant, Channing, Haste, and Dwight Streets.
2. Build the winning design on the intersections.

**Financial Implications:** See report

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

## Information Reports

31. **City Council Short Term Referral Process – Monthly Update**  
**From: City Manager**  
Contact: Mark Numainville, City Clerk, (510) 981-6900
32. **Deaccession of Berkeley Big People**  
**From: City Manager**  
Contact: Jordan Klein, Economic Development, (510) 981-7530
33. **Pathways STAIR Center: First Year Data Evaluation and Results-Based Accountability Dashboard**  
**From: City Manager**  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
34. **2019 Housing Advisory Commission Work Plan**  
**From: Housing Advisory Commission**  
Contact: Mike Uberti, Commission Secretary, (510) 981-7400
35. **Planning Commission Workplan 2019-2020**  
**From: Planning Commission**  
Contact: Alene Pearson, Commission Secretary, (510) 981-7400

## Public Comment – Items Not Listed on the Agenda

## Adjournment

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

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# Communications

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <http://www.cityofberkeley.info>.

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

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

## COMMUNICATION ACCESS INFORMATION:

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Office of the Mayor

CONSENT CALENDAR
September 24, 2019

To: Honorable Members of the City Council
 From: Mayor Jesse Arreguín, Councilmember Rigel Robinson
 Subject: Support H.R. 2809 – The Improving Access to Nutrition Act of 2019

RECOMMENDATION

Adopt a Resolution in support of H.R. 2809 – The Improving Access to Nutrition Act of 2019. Send a copy of the Resolution to Congressperson Barbara Lee, Senators Dianne Feinstein and Kamala Harris, and President Donald Trump.

BACKGROUND

In 2017, an estimated 1 in 8 Americans, or 40 million people, were food insecure. Food insecurity, according to the US Department of Agriculture, is defined as a lack of consistent access to enough food for an active, healthy life. This is caused by a lack of available financial resources for food. Climate change is expected to increase the cost of food in the coming decades as crop failures become more frequent. This will place further strain on the most vulnerable communities who are already struggling to pay for food.

Currently, adults without children between the ages of 18-49 and do not have a documented disability are limited to three months of Supplemental Nutrition Assistance Program (SNAP) benefits if they are not working at least 80 hours a month. This places millions of people who are unable to find stable employment at risk of being unable to have adequate access to food. H.R. 2809, the Improving Access to Nutrition Act of 2019, introduced by Congressperson Barbara Lee, removes the three month limit to SNAP benefits.

Many of the people who are limited to the current three month restriction for SNAP benefits are students. A 2017 report from the UC Global Food Initiative revealed that 44% of undergraduates and 26% of graduate students throughout the UC system were food insecure. Students that are transfer students, former foster care youth, low socioeconomic status, independent, LGBTQ, and/or a part of an underrepresented minority are more likely to be disproportionately represented as food insecure. The UC Berkeley Food Pantry has seen a ten-fold increase in traffic between 2016-2018. According to the UC Undergraduate Experience Survey, 1 in 5 UC Berkeley students have reported skipping meals due to financial reasons. While some financial aid and food programs help fill in some of the gaps student faces, it is clear that reforming the SNAP program will provide much needed support to food insecure students.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Councilmember Rigel Robinson 510-981-7170

Attachments:

1: Resolution

2: Text of H.R. 2809

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

IN SUPPORT OF H.R. 2809 – THE IMPROVING ACCESS TO NUTRITION ACT OF 2019

WHEREAS, food insecurity, defined as a lack of consistent access to enough food for an active, healthy life, impacts an estimated 1 in 8 Americans, equating to 40 million people; and

WHEREAS, with food prices expected to rise in the coming years and decades in part due to climate change's impact on food crops, it is expected that food insecurity will become a bigger issue, disproportionately impacting the most vulnerable populations; and

WHEREAS, many students are impacted by food insecurity, with a 2017 report from the UC Global Food Initiative revealing that 44% of undergraduates and 26% of graduate students across the UC system are food insecure; and

WHEREAS, students that are transfer students, former foster care youth, low socioeconomic status, independent, LGBTQ, and/or a part of an underrepresented minority are more likely to be disproportionately represented as food insecure; and

WHEREAS, at UC Berkeley, 1 in 5 students have reported skipping meals due to financial reasons; and

WHEREAS, currently, adults without children between the ages of 18-49 and do not have a documented disability are limited to three months of Supplemental Nutrition Assistance Program (SNAP) benefits if they are not working at least 80 hours a month; and

WHEREAS, these restrictions disproportionately impact students and adults without stable employment; and

WHEREAS, H.R. 2809, the Improving Access to Nutrition Act of 2019, introduced by Congressperson Barbara Lee, removes the three month limit to SNAP benefits.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports H.R. 2809 – the Improving Access to Nutrition Act of 2019.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Congressperson Barbara Lee, Senators Dianne Feinstein and Kamala Harris, and President Donald Trump.

116TH CONGRESS
1ST SESSION

H. R. 2809

To amend the Food and Nutrition Act of 2008 to repeal the particular work requirement that disqualifies able-bodied adults for eligibility to participate in the supplemental nutrition assistance program.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2019

Ms. LEE of California (for herself, Ms. MOORE, Ms. ADAMS, Mrs. KIRKPATRICK, Mr. GRIJALVA, Mr. RUSH, Ms. NORTON, Ms. WILSON of Florida, Ms. OMAR, Mr. KHANNA, Mrs. NAPOLITANO, Mr. DESAULNIER, Mr. ESPAILLAT, Ms. PRESSLEY, Mrs. WATSON COLEMAN, Mr. ENGEL, Mr. BLUMENAUER, Ms. HAALAND, Ms. ESHOO, Mr. PAYNE, Mr. CÁRDENAS, Mr. HUFFMAN, Mr. COHEN, and Mr. CORREA) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Food and Nutrition Act of 2008 to repeal the particular work requirement that disqualifies able-bodied adults for eligibility to participate in the supplemental nutrition assistance program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improving Access to
5 Nutrition Act of 2019”.

1 **SEC. 2. AMENDMENTS.**

2 (a) WORK REQUIREMENT.—Section 6 of the Food
3 and Nutrition Act of 2008 (7 U.S.C. 2015) is amended—

4 (1) in subsections (d)(4)(B)(ii)(I)(bb),
5 (d)(4)(N)(iii)(I)(bb), (d)(4)(N)(iv)(II), and
6 (d)(4)(N)(v)(IV) by striking “or subsection (o)”, and
7 (2) by striking subsection (o).

8 (b) ADDITIONAL ALLOCATIONS FOR STATES THAT
9 ENSURE AVAILABILITY OF WORK OPPORTUNITIES.—Sec-
10 tion 16(h)(1) of the Food and Nutrition Act of 2008 (7
11 U.S.C. 2025(h)(1)) is amended by striking subparagraph
12 (E).

13 (c) TECHNICAL AMENDMENTS.—

14 (1) Section 7(i)(1) of the Food and Nutrition
15 Act of 2008 (7 U.S.C. 2016(i)(1)) is amended by
16 striking “section 6(o)(2) of this Act or”.

17 (2) Section 16(h) of the Food and Nutrition
18 Act of 2008 (7 U.S.C. 2025(h)) is amended—

19 (A) in paragraph (1)—

20 (i) in subparagraph (B)—

21 (I) by striking “that—” and all
22 that follows through “(i)”, and

23 (II) by striking “; and” and all
24 that follows through “6(o)”, and

25 (ii) in subparagraph
26 (F)(ii)(III)(ee)(AA) by striking “, individ-

1 uals subject to the requirements under sec-
2 tion 6(o)”, and

3 (B) in paragraph (5)(C)—

4 (i) in clause (ii) by inserting “and” at
5 the end, and

6 (ii) in clause (iii) by striking “; and”
7 and all that follows through “appropriate”.

8 **SEC. 3. CONFORMING AMENDMENTS.**

9 (a) INTERNAL REVENUE CODE.—Section
10 51(d)(8)(A)(ii) of the Internal Revenue Code of 1986 (26
11 U.S.C. 51(d)(8)(A)(ii)) is amended—

12 (1) by striking “family—” and all that follows
13 through “(I)” and inserting “family”, and

14 (2) by striking “, or” and all that follows
15 through “of 2008”.

16 (b) WORKFORCE INNOVATION AND OPPORTUNITY
17 ACT.—The Workforce Innovation and Opportunity Act
18 (29 U.S.C. 3101 et seq.) is amended—

19 (1) in section 103(a)(2) by striking subpara-
20 graph (D), and

21 (2) in section 121(b)(2)(B) by striking clause
22 (iv).

23 **SEC. 4. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

24 (a) EFFECTIVE DATE.—Except as provided in sub-
25 section (b), this Act and the amendments made by this

4

1 Act shall take effect 180 days after the date of enactment
2 of this Act.

3 (b) APPLICATION OF AMENDMENTS.—

4 (1) The amendments made by section 2 shall
5 not apply with respect to an allotment issued under
6 the Food and Nutrition Act of 2008 (7 U.S.C. 2011
7 et seq.) before the effective date of this Act.

8 (2) The amendments made by section 3(a) shall
9 not apply to individuals hired before the expiration
10 of the 90-day period that begins on the effective
11 date of this Act.

○



Office of the Mayor

CONSENT CALENDAR
September 24, 2019

To: Honorable Members of the City Council
 From: Mayor Jesse Arreguín
 Subject: United Against Hate Week 2019

RECOMMENDATION

Adopt a Resolution approving the D-13 expenditure of \$1,000 in an amount not to exceed \$250 per Councilmember, to Not in Our Town for United Against Hate Week scheduled for November 17-23, 2019.

BACKGROUND

Starting in Berkeley in 2017 in response to far-right rallies, United Against Hate was originally a poster campaign that has since transformed into an annual event. The goal for United Against Hate Week is to provide communities with the tools, resources, and support they need to create locally driven actions to stand united against growing intolerance. This annual week of activities and follow up events are designed to not just raise awareness about the dangers of hate and the need for respect and civil discourse, but to help community members build stronger connections with civic leaders, businesses, and schools, so that deeper engagement can continue year-round.

Not in Our Town is a non-profit that serves communities across the country working to build safety, inclusion and equity for all. They are the facilitating organization for United Against Hate Week, and are requesting donations of \$1,000 from each jurisdiction participating in this year's event. Funds raised from these jurisdictions will be used for the printing of signs, communications, and promotion of the event and will leverage additional foundation and grant funding.

FINANCIAL IMPLICATIONS

\$250 from the Mayor's D-13 account and other Councilmembers who wish to contribute.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

United Against Hate Week 2019

CONSENT CALENDAR
September 24, 2019

Attachments:
1: Resolution

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

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE
EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR NOT IN
OUR TOWN'S UNITED AGAINST HATE WEEK

WHEREAS, Mayor Jesse Arreguin has surplus funds in his office expenditure account;
and

WHEREAS, a California non-profit tax exempt corporation Not in Our Town seeks funds
in the amount of \$1000 to provide the following public services: Promotion and
distribution of information relating to 2019's United Against Hate Week on November
17-23.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that
funds relinquished by the Mayor and Councilmembers from their Council Office Budget
up to \$250 per office shall be granted to Not in Our Town.



Cheryl Davila
Councilmember
District 2

CONSENT CALENDAR
September 24, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila, Councilmember Kate Harrison and Councilmember Sophie Hahn

Subject: Letter in Support of AB 342, Prohibiting the Use of Public Lands for Oil and Gas Production.

RECOMMENDATION

Send a Letter to Governor Gavin Newsom In Support of AB 342 by State Assemblymember Al Muratsuchi, prohibiting the State of California from authorizing new construction of oil and gas infrastructure upon public lands and direct the city clerk or designee to send a letter to our state representatives.

BACKGROUND

The United States Bureau of Land Management is currently proposing to open more than a million acres of public land and mineral estate in California to oil drilling and fracking, ending the federal moratorium on leasing California's federal public lands to oil companies that has been in effect for over 5 years. In 2018, the United States Bureau of Land Management authorized the drilling of a new well and the installation of a new pipeline inside the boundaries of the Carrizo Plain National Monument near San Luis Obispo. These are only a few examples of the current Administration's policy to open federal land to oil and gas exploration and production, at the expense of our environment, health, and wildlife.

Opening our beautiful and precious public lands to oil production would put our landscapes at risk. It threatens not only our public lands managed by the Bureau of Land Management, but risks polluting the air and water of other federal and state lands in the region, from the Sequoia National Forest to the Los Padres National Forest and California's beautiful coastlines.

The state of California has jurisdiction over the use of state lands, including leasing authority in those areas. If an oil or gas lease is authorized on federal land, the state should not facilitate fossil fuel production with additional supporting infrastructure on state lands.

AB 342 prohibits any state agency, department, commission, or local trustee, with leasing authority over public lands, from entering into any new lease authorizing the construction of oil- and gas-related infrastructure upon state lands to support oil and gas production on federally protected lands.

FISCAL IMPACTS OF RECOMMENDATION

There is no fiscal impact to send a letter.

ENVIRONMENTAL SUSTAINABILITY

Should AB 342 be signed into law by the Governor, it will protect our communities, health, wildlife and climate by prohibiting the state to authorize new construction of oil and gas infrastructure on public lands.

CONTACT PERSON

Cheryl Davila
Councilmember, District 2
510.981.7120
cdavila@cityofberkeley.info

ATTACHMENTS:

1. Letter.
2. Link to Text of AB 342:
http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB342

Governor Gavin Newsom
State Capitol, Suite 1173
Sacramento, CA 95814

To: Governor Gavin Newsom

Date: September 24, 2019

Re: AB 342 Public lands: leasing: oil and gas: prohibition – SUPPORT

Dear Governor Newsom:

The City of Berkeley supports for AB 342 by Assemblymember Al Muratsuchi, which would prohibit the state from authorizing new construction of oil and gas related infrastructure upon public lands to support new production of oil and natural gas from protected federal lands.

The US Bureau of Land Management is currently proposing to open more than a million acres of public land and mineral estate in California to oil drilling and fracking, ending the federal moratorium on leasing California's federal public lands to oil companies that has been in effect for over 5 years. In 2018, the Bureau of Land Management authorized the drilling of a new well and the installation of a new pipeline inside the boundaries of the Carrizo Plain National Monument near San Luis Obispo. These are only a few examples of the current administration's policy to open federal land to oil and gas exploration and production, at the expense of the nation's environment, health, and wildlife.

Opening California's beautiful and precious public lands to oil production would put the state's most iconic landscapes at risk. It threatens not only lands managed by the Bureau of Land Management, but risks polluting the air and water of other federal and private lands in the region, including the Sequoia National Forest, Los Padres National Forest and California's beautiful coastlines.

While federal land use determinations are largely outside of state control, California does have jurisdiction over the use of state lands, including leasing authority in those areas. If an oil or gas lease is authorized on federal land, the state should not facilitate fossil fuel production with additional supporting infrastructure on state lands.

AB 342 prohibits any state agency, department, commission, or local trustee, with leasing authority over public lands, from entering into any new lease authorizing the construction of oil- and gas-related infrastructure upon state lands to support oil and gas production on federally protected lands.

We respectfully ask that you will sign AB 342 into law when it comes before your desk for the protection of California's iconic public lands, our communities, health, wildlife and climate.

Best regards,

The Berkeley City Council

cc: Senator Nancy Skinner
Assemblymember Buffy Wicks



Cheryl Davila

Councilmember
District 2

CONSENT CALENDAR
September 24, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila, Councilmember Kate Harrison and Councilmember Sophie Hahn

Subject: Letter in Support of SB 210, Implementing a Comprehensive Heavy Duty Vehicle Inspection and Maintenance Program

RECOMMENDATION

Send a Letter to Governor Gavin Newsom In Support of SB 210 by Senator Connie Leyva, authorizing the California Air Resources Board (CARB) to develop and implement a comprehensive heavy duty vehicle inspection and maintenance program, similar to Smog Check requirements for other vehicles, and direct the city clerk or designee to send a letter to our state representatives.

BACKGROUND

Most Californians would be very surprised to find out that, while their passenger cars are subject to Smog Check, there is no similar requirement for diesel big rigs other than a minimal smoke test. SB 210 would improve air quality and public health in communities choked by smog, protect our changing climate from Super pollutants. These pollutants not only accelerate climate change but also are harmful to human health by irritating the eyes, nose, throat, and lungs and contributing to heart and lung diseases, asthma, cancer, and even premature death.

Air pollution has dire consequences on the health and safety of both people and the environment. According to the Centers for Disease Control and Prevention, nationwide 7.4% of adults and 8.6% of children have been diagnosed with asthma. In California, the numbers are significantly higher: 13.1% of adults and 12.5% of children have been diagnosed with asthma. Lower income and minority groups are disproportionately affected by asthma due to their increased exposure to air pollution.

Our neighborhoods are right next to Interstate 80, a major freeway corridor heavily used by diesel freight trucks daily traveling to and from the Port of Oakland. In addition, major rail lines traverse through West Berkeley Neighborhoods with diesel freight trains. West Berkeley neighborhoods have one of the highest asthma rates in Alameda County.

Diesel exhaust is produced when an engine burns diesel fuel. It is a complex mixture of thousands of gases and 40 toxic air contaminants. These include many known or suspected cancer-causing substances, such as benzene, arsenic and formaldehyde. It also contains other harmful pollutants, including nitrogen oxides.

SB 210 authorizes CARB to establish test procedures, require motor vehicles to pass the test procedures in order to register or operate in the state, and allow a streamlined process for the operators of fleets with established compliance histories. We believe this system would allow

the vast majority of trucks to pass without difficulty, while it would require improvements from the small fraction of vehicles that generate most of the pollution.

For the protection of our air, climate, and health, I respectfully ask for your support for SB 210.

FISCAL IMPACTS OF RECOMMENDATION

There is no fiscal impact to send a letter.

ENVIRONMENTAL SUSTAINABILITY

Should SB 210 be signed into law by the Governor, it will protect our communities, health, wildlife and climate.

CONTACT PERSON

Cheryl Davila,
Councilmember District 2
510.981.7120
cdavila@cityofberkeley.info

ATTACHMENTS:

1. Letter.
2. Link to Text of SB 210:
http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB210

Governor Gavin Newsom
State Capitol, Suite 1173
Sacramento, CA 95814

To: Governor Gavin Newsom

Date: September 24, 2019

Re: SB 210 Heavy Duty Vehicle Inspection and Maintenance Program – SUPPORT

Dear Governor Newsom:

The City of Berkeley supports SB 210 by Senator Connie Leyva, which would authorize the California Air Resources Board (CARB) to develop and implement a comprehensive heavy-duty vehicle inspection and maintenance program, similar to Smog Check requirements for light-duty vehicles which has been in place since 1984.

Most Californians would be very surprised to find out that, while their passenger cars are subject to Smog Check, there is no similar requirement for diesel big rigs other than a minimal smoke test. SB 210 would improve air quality and public health in communities choked by smog, protect our changing climate from black carbon – a powerful super pollutant – and create a level playing field for truckers who take the time and money to maintain their vehicles adequately.

Air pollution has dire consequences on the health and safety of both people and the environment. According to the Centers for Disease Control and Prevention, nationwide 7.4% of adults and 8.6% of children have been diagnosed with asthma. In California, the numbers are significantly higher: 13.1% of adults and 12.5% of children have been diagnosed with asthma. Lower income and minority groups are disproportionately affected by asthma due to their increased exposure to air pollution. These pollutants are preventing many of our communities – particularly in low-income communities of color – from breathing healthy air. Particulates not only accelerate climate change but also are harmful to human health by irritating the eyes, nose, throat, and lungs and contributing to heart and lung diseases, asthma, cancer, and even premature death.

Our neighborhoods are right next to Interstate 80, a major freeway corridor heavily used by diesel freight trucks daily traveling to and from the Port of Oakland. In addition, major rail lines traverse through West Berkeley Neighborhoods with diesel freight trains. West Berkeley neighborhoods has some of the highest asthma rates in Alameda County.

“Adoption of comprehensive heavy-duty vehicle inspection and maintenance program” is a proposed action of both the multi-agency California Sustainable Freight Action Plan of 2016 and CARB’s State Implementation Plan of 2017, the state’s strategy to attain health-based federal air quality standards. SB 210 would make this proposal a reality and allow Californians to breathe easier.

The bill would authorize CARB to establish test procedures, require motor vehicles to pass the test procedures in order to register or operate in the state, and allow a streamlined process for the operators of fleets with established compliance histories. We believe this system would allow the vast majority of truckers to pass without difficulty, while it would require improvements from the small fraction of vehicles that generate most of the pollution.

SB 210 is a very important measure that is good for our air, climate and health and levels the playing field for owners and operators who take the time and spend the money to keep their trucks in compliance with state emission regulations.

We respectfully ask that you will sign SB 210 into law that will be good for our air, climate and health.

Best regards,

The Berkeley City Council

cc: Senator Nancy Skinner

Assemblymember Buffy Wicks



CITY COUNCILMEMBER
RIGEL ROBINSON
 DISTRICT 7

CONSENT CALENDAR
 September 24, 2019

To: Honorable Mayor and Members of the City Council
 From: Councilmember Rigel Robinson
 Subject: Support for ACA - 8: Elections: Voter Qualifications

RECOMMENDATION

Adopt a resolution supporting ACA - 8, which would lower California's voting age to 17.

BACKGROUND

On February 11, 2019, Assemblymember Kevin Mullin introduced ACA - 8, which would give California residents who are 17 years of age the right to vote. This would help promote civic engagement among young people, and encourage students to take a more active role in democracy. Seventeen other states allow 17-year-olds to vote in primary elections if they will be 18 in the following general election, but California would be the first to give 17-year-olds a vote in federal elections.¹ ACA - 8 has received bipartisan support and has 35 co-authors.

17-year-olds deserve a say in government for several reasons. Most are seniors in high school, and if this bill is signed into law, would be the only voters who are currently students in the public education system. Public education is one of the most important issues in the State of California's jurisdiction, and the issue frequently comes up in ballot measures and candidate platforms. Additionally, many 17-year-olds work and pay taxes – more than one in four high school students have jobs.² Just like any other taxpayers, they deserve a say in how their dollars are spent. Furthermore, they rely heavily on government services such as public transportation and student loans, and should have input in how those services are run.

Another issue young people face in California is climate change. Youth will have to deal with the consequences of global warming their entire lives, and should have a voice in choosing the politicians that have to figure out how to combat it. Additionally, young people in the United States are faced with gun violence and have organized demonstrations on a national level to urge politicians to enact stricter gun laws.

¹ https://www.fairvote.org/primary_voting_at_age_17

² <https://oklahoman.com/article/3748886/1-in-4-high-school-students-work-us-census-finds-including-many-in-oklahoma-to-support-families>

Students need to have a voice in electing the politicians that will make those important decisions.

17-year-olds would be informed voters. Every high school student in California takes a United States history class in their junior year and most take a government class in their senior year. Youth in California have also demonstrated their political awareness through demonstrations and activism, most recently around climate change and gun reform.

Currently, voter turnout among young people in California is low. Only 27.5 percent of eligible voters aged 18 to 24 voted in the 2018 midterm elections. Lowering the voting age would allow people to vote earlier in life, instilling a life-long habit of voting. Research shows that 17 is a more effective age to instill that habit than 18.³ Lowering the voting age would increase overall voter turnout in the future and ensure that young people, who are disproportionately affected by many issues facing our state and country today, stay engaged.

The attached resolution states the City of Berkeley's endorsement of the bill and subsequent ballot measure. Copies of the resolution will be sent to Senator Nancy Skinner, Assemblymember Buffy Wicks, and Assemblymember Evan Low.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Rawan Mohsen, Intern for Councilmember Rigel Robinson
Rachel Alper, Intern for Councilmember Rigel Robinson

ATTACHMENTS

1. Resolution
2. The State of California Constitution section to be changed, with suggested amendments detailed.

³ <https://www.washingtonpost.com/news/monkey-cage/wp/2018/02/28/the-surprising-consequence-of-lowering-the-voting-age/?noredirect=on>

RESOLUTION IN SUPPORT OF ACA - 4

WHEREAS, many states currently allow 17-year-olds to vote in primary elections, but none allow it for general and federal elections; and

WHEREAS, Many 17-year-olds work, pay taxes, and use government services; and

WHEREAS, 17-year-olds would be informed voters, having taken United States history and government classes in high school; and

WHEREAS, voter turnout, both among young people and generally in California is low; and

WHEREAS, lowering the voting age would create a habit of voting, increasing voter turnout over time; and

WHEREAS, ACA - 8 would grant 17-year-olds the right to vote in California.

NOW THEREFORE, BE IT RESOLVED that the City of Berkeley hereby endorses and the ballot measure that will result from its passage; and

BE IT FURTHER RESOLVED that the City of Berkeley may be listed as a supporter of ACA - 4 said ballot measure by the official proponents of the measure; and

BE IT FURTHER RESOLVED that copies of this resolution will be sent to Senator Nancy Skinner, Assemblymember Buffy Wicks, and Assemblymember Evan Low.

ASSEMBLY CONSTITUTIONAL AMENDMENT

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of Article II thereof, relating to elections

That Section 2 of Article II thereof is amended to read:

SEC. 2. A United States citizen~~-18~~ *who is at least 17* years of age and resident in this State may vote.



CONSENT CALENDAR
September 24, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmember Rigel Robinson
Subject: Budget Referral: RFP for a Freestanding Public Restroom Facility

RECOMMENDATION

Refer to the budget process to set aside up to \$100,000 to issue an RFP for a freestanding, 24/7 public restroom facility in the Telegraph Business Improvement District.

BACKGROUND

Access to a public restroom is crucial for a livable, equitable city. A study by the National Coalition for the Homeless showed that 65 percent of unhoused individuals have been denied access to a restroom in a private business.¹ As homelessness continues to increase in Berkeley and throughout the Bay Area, cities must take action to protect the human dignity of their unhoused population.² Public restrooms also benefit those who are “restroom-challenged” as defined by the American Restroom Association, such as pregnant people, young children, and seniors.³

Furthermore, public restrooms serve as a boost for tourism and foot traffic. People are more likely to bike, walk, and explore a public space if they know that a restroom is available.⁴ Attracting visitors to Telegraph Avenue by providing restroom access is essential for supporting our small businesses and maintaining the vibrancy of our commercial districts.

Other cities are also recognizing the importance of 24/7 public restroom access. In April 2017, the Washington D.C. City Council passed the Public Restroom Facilities Installation and Promotion Act to identify up to ten sites for installing public restrooms.⁵ The City of Denver recently added two new mobile restroom facilities, which are used equally by tourists, downtown workers, and unhoused individuals, and have reduced complaints about human waste in the surrounding area.⁶ In August 2019, the San

¹ <https://pffcdc.org/wp-content/uploads/2016/04/DiscriminationReport2014.pdf>

² <https://www.berkeleyside.com/2019/07/23/berkeleys-homeless-population-jumped-13-in-past-two-years>

³ <https://pffcdc.org/wp-content/uploads/2017/03/The-restroom-challenged.pdf>

⁴ <https://consumerist.com/2017/09/05/the-future-of-tourism-is-public-toilets/>

⁵ <http://lms.dccouncil.us/Download/37807/B22-0223-Introduction.pdf>

⁶ https://www.huffpost.com/entry/cities-look-to-public-restrooms-to-clean-up-downtowns_b_59aea6b3e4b0c50640cd61d2

Francisco Department of Public Works rolled out a pilot program to keep three of their busiest public toilet locations open for 24/7 use.

One notable example of a public restroom is the Portland Loo, which was originally developed in partnership with Portland city officials, police, fire, and park staff. It is designed to address the problems cities encounter with such facilities, such as vandalism, drug use, and upkeep. Emeryville, Davis, Seattle, Salinas, Monterey, Charleston, and Waterloo are among the cities that have installed Portland Loos. The City of Berkeley should follow in these cities' footsteps in providing restroom access as a basic human right.

FINANCIAL IMPLICATIONS

The developer of the Enclave is contributing \$83,428 and a grant from the UC Berkeley Chancellor's office is contributing \$10,000, bringing total outside funding to \$93,428. This budget referral is intended to fund the remaining amount, including ongoing maintenance costs and staff time to create and review RFP applications.

ENVIRONMENTAL SUSTAINABILITY

Human waste can be a major environmental pollutant when it enters our waterways. Increasing the availability of public restrooms will reduce the volume of human waste that ends up in our watershed and eventually the Bay.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170



Lori Droste
Berkeley City Council District 8

CONSENT CALENDAR
September 24, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmember Lori Droste
Subject: Russell St. Halloween Celebration: Relinquishment of Council
Funds and Sponsorship

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount up to \$870 for the 2019 Russell St. Halloween Celebration with funds relinquished for this purpose from the discretionary Council Office Budget of Councilmember Droste and any other Councilmembers who would like to contribute. The Claremont Elmwood Neighborhood Association is the fiscal sponsor of the event.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact. Funds are available from Councilmember Droste's office budget discretionary account.

CONTACT PERSON

Lori Droste, Berkeley City Council, District 8, 510-981-7180

Attachments:

1. Resolution

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

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE OF EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS TO PROVIDE SPONSORSHIP AND A DONATION TO THE CLAREMONT ELMWOOD NEIGHBORHOOD ASSOCIATION FOR THE 2019 RUSSELL ST. HALLOWEEN EVENT

WHEREAS, Councilmember Lori Droste has surplus funds in her office expenditure account; and

WHEREAS, a California non-profit tax exempt organization, The Claremont Elmwood Neighborhood Association, seeks funds in the amount of \$870 to support the 2019 Russell St. Halloween Celebration; and

WHEREAS, the Russell St. Halloween Event is a longstanding neighborhood tradition; and

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$870 shall be granted to the Claremont Elmwood Neighborhood Association for the 2019 Russell St. Halloween Event.



Office of the Mayor

CONSENT CALENDAR
September 24, 2019

To: Honorable Members of the City Council
 From: Mayor Jesse Arreguín
 Subject: Clean Air Day 2019

RECOMMENDATION

Adopt a Resolution declaring October 2nd, 2019 as Clean Air Day.

BACKGROUND

Since the creation of the Spare the Air program in 1991, the Bay Area has seen an average of 11.3 Spare the Air Days a year. However, between 2016-2018, the average has been 19.3. Last year, air pollution in Berkeley became so extreme, as a result of the Camp Fire that destroyed the town of Paradise, that the City Manager ordered city staff who work outdoors to stay home unless they had an indoor work station.

Despite recent statewide efforts to mitigate pollutants, California has some of the most polluted regions in the United States, with seven of the country's ten most ozone polluted cities. Air pollution contributes to higher rates of cancer and heart and lung diseases, which adversely affect health.

Between 2000-2016, emissions in Berkeley have declined by 15%, despite an 18% increase in our population. Specifically, emissions from electricity are down 60% and natural gas 18%. However, emissions from transportation have gone up 8%, and now account for 60% of Berkeley's greenhouse gas emissions.

To help promote the reduction of air pollution, the Coalition for Clean Air is holding its second annual California Clean Air Day on October 2nd, 2019. It calls upon California residents and cities to take action on ways to reduce their carbon footprint, such as taking public transit instead of driving a car. While actions like these should be promoted every day, this event also serves to educate people on ways to create a cleaner environment and raise awareness of the consequences of air pollution. Given Berkeley's continued focus on environmental sustainability, it is important to express our support by joining other cities in passing a resolution in support of Clean Air Day.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

Clean Air Day promotes environmentally friendly actions such as reducing people's carbon footprint and reduction of greenhouse gases and pollutants.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

1: Resolution

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

DECLARING OCTOBER 2, 2019 AS CLEAN AIR DAY

WHEREAS, air pollution contributes to higher rates of cancer and heart and lung diseases, which adversely affect health; and

WHEREAS, California has some of the most polluted regions in the United States; and

WHEREAS, it is vital that we protect the health and well-being of our residents, visitors, and workforce; and

WHEREAS, emissions from vehicles, industry, and even household sources significantly affects the natural environment, air quality and well-being of residents, employees, and visitors of the City of Berkeley; and

WHEREAS, individual actions such as not idling vehicles, walking or biking to work and school, carpooling, and conserving energy can directly improve air quality in our region; and

WHEREAS, education about air quality can raise community awareness, encourage our community to develop better habits, and improve our community health; and

WHEREAS, Californians will be joining together across the state to clear the air on October 2, 2019; and

WHEREAS, the City of Berkeley is committed to the health of our residents, workforce, visitors, and community at large.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that October 2, 2019 be declared "Clean Air Day" in the City.

BE IT FURTHER RESOLVED that we encourage all City Department heads to determine how their employees can participate in Clean Air Day.

BE IT FINALLY RESOLVED that we encourage all residents, businesses, employees, and community members to participate in Clean Air Day and help clear the air for all Californians.



Councilmember Ben Bartlett

City of Berkeley, District
 2180 Milvia Street, 5th Floor
 Berkeley, CA 94704
 PHONE: 510-981-7130
 EMAIL: bbartlett@cityofberkeley.info

ACTION CALENDAR
 September 24, 2019

To: Honorable Mayor and Members of the City Council
 From: Councilmember Ben Bartlett
 Subject: Waiver of Fees for South Berkeley Plaza and Public Art Pilot Program

RECOMMENDATION

Adopt a resolution waiving the Minor Encroachment Permit application and permit fees and the Miscellaneous Permit to Construct fees required by Local Artists Berkeley for the installation of their streetside vehicle impact-rated raised planters, demolition, and removal of unkempt planter, beautification, and planting by Parks and Recreations and Waterfronts, and one integrated temporary public art site.

BACKGROUND

Local Artists Berkeley (a 501c3 non-profit) and Ohmdrone LLC (Berkeley contractor and co-master tenant at this property address) are cooperatively and currently in the process of redeveloping the dangerous frontage of their property and public right of way.

They have engineered and designed temporary yet secure structures designed to withstand a direct hit comparable to the DOT standards for “Jersey barriers” and “traffic bollards.” These raised planters are designed to help protect the business’s property and pedestrians from recent and frequent vehicle collisions that have fallen trees and totaled local residents parked vehicles while providing a more pleasing streetscape. Local Artists Berkeley will be co-drafting a call for art for the planters: painted or tiled with murals to add an artistic element to the project and increase the general beauty of the district.

Local Artists Berkeley will also be installing a temporary sculpture site integrated into this design, removal of a disheveled P&R&W planter, and creating a “micro plaza” that may allow for extended cafe seating for “Rasa Cafe”, and eventually “Smoke Berkeley” after the AUP is completed.

Because they are being constructed on city sidewalks, the planters and art site require a minor encroachment permit and a miscellaneous permit to construct. The Local Artists Berkeley and Ohmdrone LLC team are being assessed a \$454 application fee and a \$1,228 permit fee for the minor encroachment permit and a \$339.10 fee for the miscellaneous permit to construct, for a total between both projects of \$2021.10.

RATIONALE FOR RECOMMENDATION

The Local Artists Berkeley and Ohmdrone LLC team have requested that the city council waive these fees in order to ensure that the beautification and transportation safety project is financially viable. They are each using their own funds to design and build the “micro-plaza”, and are seeking the City’s support in removing this financial barrier. In reducing the impact of the disheveled planter on pedestrian foot traffic, increasing safety to property and pedestrians at this dangerous intersection, and providing beautification through public art, these planters and “micro plaza” provide a broad public benefit. The Council should , therefore, grant this waiver.

ENVIRONMENTAL SUSTAINABILITY

Consistent with the City’s environmental goals.

FISCAL IMPACTS

reduction in revenue to the Public Works Department by \$2,021.10

CONTACT PERSON

Councilmember Ben Bartlett:
James Chang

510-981-7130
jchang@cityofberkeley.info

FEE WAIVER FOR SOUTH BERKELEY PLAZA AND PUBLIC ART PILOT PROGRAM

WHEREAS, Local Artists Berkeley and Ohmdrone LLC are currently in the process of redeveloping the dangerous frontage of their property and public right of way.

WHEREAS, Local Artists Berkeley will remove a disheveled P&R&W planter and create a “micro plaza” that may extend cafe seating for “Rasa Cafe” and eventually “Smoke Berkeley” after the AUP is completed. They have engineered and designed temporary and secure structures that can withstand a direct hit comparable to the DOT standards for “Jersey barriers” and “traffic bollards.”

WHEREAS, Local Artists Berkeley will also be installing a temporary sculpture site integrated into the design, which will be constructed on city sidewalks. A minor encroachment permit and a miscellaneous permit is required.

WHEREAS, Local Artists Berkeley and Ohmdrone LLC team are being assessed a total of \$2021.10: \$454 for the application fee, \$1,228 permit fee for minor encroachment permit, and a \$339.10 fee for the miscellaneous permit to construct.

WHEREAS, the Local Artists Berkeley and Ohmdrone LLC team requested the city council to waive these fees to ensure the beautification and transportation safety project to be financially viable. They are using their own funds to design and build the “micro-plaza” and reduce the impact of disheveled planter on pedestrian foot traffic.

THEREFORE BE IT RESOLVED, that the City of Berkeley hereby waive the Minor Encroachment Permit application and permit fees and the Miscellaneous Permit to Construct fees required by Local Artists Berkeley for the South Berkeley Plaza and Public Art Pilot Program.



Kate Harrison
Councilmember District 4

ACTION CALENDAR
September 24, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmember Harrison
Subject: Pollinators and Habitat

RECOMMENDATION

Adopt three referrals that will deepen Berkeley’s commitment to protecting pollinator plants and establishing habitats that will protect pollinators and our environment:

1. Refer to City Manager to establish a City Liaison to the Bee City USA program.
2. Refer to Public Works Commission and Parks and Waterfront Commission consideration of how to incorporate pollinators and habitat into the Adopt-A-Spot initiative referred on April 2, 2019.
3. Refer to the City Manager to transition the City’s medians to non-turf green infrastructure, including pollinator gardens when appropriate.

BACKGROUND

At least 75% of all flowering plants require pollination assistance from birds, bats, bees, butterflies, or other pollinators.¹ These flowering plants bring us fruits and vegetables, represent half of the world’s oils and fibers, and prevent soil erosion. Unfortunately, pollinators have been under attack over the past several decades.² Agriculture and over-paving decrease physical space for pollinator habitats; commerce and globalization transfer parasites and diseases more rapidly; climate change affects flowering rates and plants become out of sync with their pollinators; pesticides kill pollinators or hamper their ability to navigate and forage.

The threats facing pollinators are wide and varied, but the solutions are remarkably simple. To protect pollinators,³ we need to maximize land conservation by creating pollinator gardens with native plants and no pesticides.

¹ <https://www.pollinator.org/pollinators#importance>

² <https://www.nps.gov/subjects/pollinators/pollinators-in-trouble.htm>

³ <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/plantsanimals/pollinate/gardeners/>

Joining Bee City USA

Bee City USA is a coalition of cities across the United States that have committed to creating sustainable habitats for pollinators.⁴ Bee City USA affiliates are accountable for achieving pollinator conservation results every year, and receive ongoing support from the program to achieve these goals. The purpose of Bee City USA is not to replace other conservation efforts, but to allow cities to become part of a larger network committed to these efforts and more.

On November 8, 2017, the Parks and Waterfront Commission⁵ established a subcommittee to explore becoming a Bee City USA affiliate. On October 11, 2018, the Community Environmental Advisory Commission⁶ created a subcommittee for the same purpose. Various city entities have spent years exploring this program, and have laid the foundation for Berkeley to officially become a Bee City USA affiliate.

Bee City USA requires every affiliate have a facilitation committee, a role which Transition Berkeley⁷ has generously agreed to play. The program must be housed in a local government department, such as Parks Waterfront and Recreation, and an employee thereof liaises with Bee City USA. In discussion with other Bee Cities, the role of liaison requires about 20 hours of work per year. After the facilitation committee and government liaison are chosen, the City Council can pass a resolution formally establishing that Berkeley is a Bee City.⁸ By choosing a staff liaison, the Parks Department allows pollinator activists to take the next step in a multiyear process of becoming an affiliate of Bee City USA.

Pollinators as Part of Adopt-A-Spot

Joining Bee City USA is only a first step in becoming a pollinator activist city. Berkeley should seriously consider how to convert public land into pollinator gardens and habitat, particularly our medians and other areas that are already public green space.

On April 2, 2018, the City Council unanimously voted to refer the creation of an Adopt-A-Spot program to the Parks Commission and to the Public Works Commission. Adopt-A-Spot is a city-run program that will utilize volunteer labor to clean, maintain, and beautify public spaces.⁹ Some projects include maintaining storm drains and other infrastructure, but many adoptable spots are parks, creeks, and even traffic circles, all of which are

⁴ <https://www.beecityusa.org/what-is-a-bee-city.html>

⁵

https://www.cityofberkeley.info/uploadedFiles/Parks_Rec_Waterfront/Commissions/PWC%20Agenda%20-%202011-08-2017.pdf

⁶

https://www.cityofberkeley.info/Planning_and_Development/Commissions/Commission_for_Community_Environmental_Advisory/20181011_CEAC_Agenda.aspx

⁷ <https://www.transitionberkeley.org/get-involved-1>

⁸ <https://www.beecityusa.org/application-city.html>

⁹ <http://www2.oaklandnet.com/government/o/PWA/o/FE/s/VO/index.htm>

possible locations for native plant pollinator gardens. In all cases, volunteers should consider the local ecological conditions of their “spot”; this referral is a request that as this program develops, we consider where such habitats may be appropriate, and how to incorporate native plants into ongoing projects.

Adding Pollinators to Medians

In addition, Berkeley has roughly nine miles of medians and islands in major roads across the City. Our medians provide important engineering and aesthetic benefits:¹⁰ they visually break down the right-of-way, create space for pedestrian refuges and traffic signs, and guide traffic for calming measures. However, the majority of medians in Berkeley are only, or primarily, grass. In Berkeley’s climate zone,¹¹ where an overwhelming majority of rain occurs in the four-months between December and March, grass dies in the summer and autumn, and grows faster than it can be maintained in the spring. Over the past several years, many Council offices have received complaints over the maintenance of our medians. Berkeley residents take great pride in the aesthetics of our City, and it is not possible to keep grass attractive year-round without sizeable increases to our Parks maintenance staff.

Under former Governor Brown’s Executive Order B-40-17¹², cities will be prohibited from watering grass medians starting in 2020. However, that prohibition does not extend to other plants. In light of this executive order and ongoing maintenance concerns, it is prudent to consider transitioning our city-owned green space away from grass quickly anyways, and we have an opportunity to add well-needed pollinator and habitat space in its stead.

FINANCIAL IMPLICATIONS

Staff time:

1. Bee City USA: average of two hours per month
2. Adopt-A-Spot: no additional staff time beyond original Adopt-A-Spot referral
3. Median upkeep: potential to significantly reduce staff time, as pollinator gardens do not require annual mowing and volunteers may be able to contribute to ongoing maintenance.

ENVIRONMENTAL SUSTAINABILITY

Pollinators and the flowering plants that they pollinate bring us fruits and vegetables, represent half of the world’s oils and fibers, and prevent soil erosion. Pollinator gardens require significantly less water than grass. Hardscape causes a heat-island effect and

¹⁰ <https://www.sfbetterstreets.org/find-project-types/pedestrian-safety-and-traffic-calming/traffic-calming-overview/medians-and-islands/>

¹¹

https://www.pge.com/includes/docs/pdfs/about/edusafety/training/pec/toolbox/arch/climate/california_climate_zone_03.pdf

¹² https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/executive_orders.html

causes water run-off, both of which are mitigated by open green space and healthy soil that can absorb water.

CONTACT PERSON

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

ATTACHMENTS

1: Item 12, April 2, 2018: "Adopt-A-Spot Initiative."



Lori Droste
Councilmember, District 8

Consent Calendar

April 2, 2019

To: Honorable Mayor and Members of City Council

From: Councilmember Lori Droste and Councilmember Rashi Kesarwani

Subject: Adopt a Spot Initiative

Recommendation

Refer to the Public Works Commission and Parks and Waterfront Commission to develop an Adopt A Spot initiative; specifically outlining potential environmental benefits, program costs, staffing.

Rationale:

- *Adopt a Spot programs enable a network of volunteer residents to assist in city maintenance and clean up efforts which have great impact using minimal City staff/funding.*
- *Vision 2050 will include stormwater and watershed management goals, both of which this program would support.*

Background

The City of Berkeley currently maintains an Adopt A Drain program. An Adopt A Spot program would utilize volunteers to assist with activities including, but not limited to, storm drain maintenance, street beautification, trash cleanup, gardening initiatives, etc.

The City of Oakland Adopt a Spot Program

The City of Oakland coordinates hundreds of volunteers to clean, green, maintain, and beautify public spaces (such as parks, libraries, creeks) and infrastructure (such as signs, storm drains, litter containers, utility boxes and poles, street tree wells, and

trees). Managed by the Environmental Stewardship Team within the Oakland Public Works Department, this volunteer program has been active throughout the city for over thirty years. The volunteer program supports community cleanups throughout the year, annual city-wide cleanups for Earth Day, Creek to Bay Day, MLK Day of Service, and “Adopt a Spot,” an ongoing volunteer stewardship program that includes a growing list of over 2,000 Oakland “spots.”

Volunteers contribute over 100,000 hours each year, contributing to a wide range of environmental sustainability impacts such as pollution cleanup and prevention; wildlife habitat protection, enhancement, and restoration; and stormwater management. Volunteerism also strengthens communities by connecting people to each other, to their neighborhoods, and to their environment. These benefits enhance Oakland’s economy, safety, and livability,

The City of Oakland Public Works’ *Adopt a Drain* program supports volunteer efforts to keep storm drain inlets clean and clear of trash and debris. Clear and clean inlets keep water flowing and ensure “only rain down the drain,” which is especially helpful during storm events when blocked storm drains can back up and cause flooding. Year-round storm drain maintenance helps intercept trash before it enters the storm drains and connecting creeks and water bodies.

The City of Oakland provides support for Adopt a Drain volunteers through instruction, tools and supplies, assistance with debris pickups, and notification of impending storm events.

Over 1,000 of Oakland’s approximately 12,000 storm drains have been adopted. The more than 800 Adopt a Drain volunteers greatly supplement the capacity of the twenty City staff servicing the storm drain system, with its more than 1,200 storm drains, 370 miles of drain pipe, seven pump stations and 40 miles of creeks. Volunteers can quickly and preemptively provide basic maintenance on drains and can have a far more extensive and immediate reach across the city than staff during storm and flooding emergencies.

Oakland uses a map interface at www.AdoptaDrainOakland.com for depicting the City’s storm drain inlets to the public for possible adoption. This easy to use interface has helped spur new volunteer registrations. Social media, word-of-mouth, and timely news coverage prior to and during storm events has also contributed to volunteer registrations. More information is available at www.oaklandadoptaspot.org.

Environmental Sustainability

Helps Berkeley fulfill Watershed and Stormwater Management Plan goals.

Financial Implications

Staff time to coordinate volunteers and provide technical assistance.

Contact

Councilmember Lori Droste 510-981-7180



Kate Harrison
Councilmember District 4

ACTION CALENDAR
September 24, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmember Harrison
Subject: Amending Chapter 19.32 of the Berkeley Municipal Code to Require Kitchen Exhaust Ventilation in all Residential and Condominium Units Undergoing Renovations and Prior to Execution of a Contract for Sale or Close of Escrow

RECOMMENDATION

1. Adopt an ordinance amending Berkeley Municipal Code (BMC) 19.32 to require kitchen exhaust ventilation in residential and condominium units undergoing renovations and in all existing residential buildings prior to execution of a contract for sale or close of escrow.
2. Refer to the City Manager to draft a resolution establishing appropriate local climatic, geological or topographical findings as required by the California Building Standards Commission.

POLICY COMMITTEE TRACK

Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee

BACKGROUND

The California Building Standards Code, or Title 24 of the California Code of Regulations, specifies the standards for buildings and other structures in California. Title 24 is intended to protect public health, safety, and general welfare building occupants, and is updated at the state level and adopted by local jurisdictions every three years. Municipalities are permitted to make local amendments to the Building Standards Code¹ as deemed necessary for general welfare, as long as they are submitted to the California Building Standards Commission with the necessary findings. The ideal time to

¹ “Local Amendments to Building Standards—Ordinances,” California Building Standards Commission, <https://www.dgs.ca.gov/BSC/Codes/Local-Jurisdictions-Code-Ordinances>.

update local buildings codes is before the next code cycle. Berkeley will adopt the 2019 code on January 1, 2020.

Cooktops contribute to toxic indoor air quality. A 2013 Lawrence Berkeley National Laboratory (LBNL) study found that “60 percent of homes in the state that cook at least once a week with a gas stove” produce toxic levels of nitrogen dioxide, formaldehyde and carbon monoxide exceeding federal standards for outdoor air quality.² A prior LBNL study found that the “aggregate health consequences of poor indoor air quality...are as significant as those from all traffic accidents or infectious diseases in the United States.”³ Even electric cooktops generate toxic particulate matter. Unfortunately, the Environmental Protection Agency does not currently regulate indoor air quality.

Researchers in the United States and Australia have begun to link the use of natural gas stoves with asthma attacks and associated hospitalizations.⁴ Asthma and its relationship to natural gas and other forms of cooking present profound questions about equity.⁵ Researchers from the University of California, Berkeley, and the University of California, San Francisco found that the highest asthma rates in Berkeley and Oakland tracked areas that were redlined pursuant to racist housing policies.⁶ This issue is compounded by state and regional efforts to boost home efficiency to trap air indoors.

The state currently requires kitchen exhaust ventilation systems in all new residential construction, but not for existing building renovations, nor at time of sale. Ventilation systems are designed to remove combustion and other cooktop byproducts from the residential unit to preserve air quality.

² “Pollution in the Home: Kitchens Can Produce Hazardous Levels of Indoor Pollutants,” Julie Chao, Lawrence Berkeley National Laboratory, July 23, 2013, <https://newscenter.lbl.gov/2013/07/23/kitchens-can-produce-hazardous-levels-of-indoor-pollutants/>.

³ *Id.*

⁴ Amy Mitchell-Whittington, “Cooking with gas, damp housing may cause childhood asthma: study,” Brisbane Times, April 15, 2018, <https://www.brisbanetimes.com.au/national/queensland/cooking-with-gas-damp-housing-may-cause-childhood-asthma-study-20180415-p4z9pz.html>; Nadia N. Hansel et al., “A Longitudinal Study of Indoor Nitrogen Dioxide Levels and Respiratory Symptoms in Inner-City Children with Asthma,” *Environmental Health Perspectives.*, October 2008, <https://pdfs.semanticscholar.org/e099/2f996c97844af8fbcf86b4824fbb7b1cf092.pdf>.

⁵ A 2017 California Public Health Department report found that asthma is 30% more prevalent for African Americans and 40% more prevalent for Asian Americans and Native Americans than whites. Gay/lesbian and bisexual men and women have 40-60% higher asthma prevalence than straight men and women. Hispanics and Asians born in the U.S. are more than twice as likely to have current or lifetime asthma than Hispanics and Asians born outside of the U.S. See California Department of Health, “Asthma Prevalence in California: A Surveillance Report,” January 2017, https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHIB/CPE/CDPH%20Document%20Library/Asthma_Surveillance_in_CA_Report_2017.pdf.

⁶ UC Berkeley Public Health, “Historically redlined communities face higher asthma rates” May 2019, <https://sph.berkeley.edu/historically-redlined-communities-face-higher-asthma-rates>.

This ordinance proposes requiring kitchen exhaust ventilation systems in any multifamily residential or condominium units subject to an addition, alteration or repair for which a building permit is issued and the valuation for the work exceeds \$10,000. The requirement would also apply prior to execution of a contract for sale or close of escrow.

The transfer of property currently triggers various state and local building code requirements. For example, at time of sale the state health and safety code requires that, gas water heaters are seismically braced, anchored, or strapped.⁷ Other local ordinances related to environment, such as the BMC 19.81: the Building Energy Saving Ordinance, require energy efficiency reports prior to time of sale. The intention of Section 403.7.4 is to ensure that all buildings and units therein that are sold in Berkeley include exhaust ventilation systems, therefore enhancing air quality and public safety across the existing building stock.

FINANCIAL IMPLICATIONS

Staff time to submit ordinance to the Building Standards Commission and to draft findings resolution. In addition, building inspector staff time will be necessary to compliance with new provisions.

ENVIRONMENTAL SUSTAINABILITY

Mandating kitchen exhaust ventilation systems in residential units undergoing renovation and all units at sale will enhance indoor air quality.

CONTACT PERSON

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

ATTACHMENTS

1: Ordinance

⁷ Health and Safety Code § 18031.7,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=18031.7.&lawCode=HSC

AMENDING CHAPTER 19.32 OF THE BERKELEY MUNICIPAL CODE TO REQUIRE
KITCHEN EXHAUST VENTILATION IN ALL RESIDENTIAL AND CONDOMINIUM
UNITS UNDERGOING RENOVATIONS AND PRIOR TO EXECUTION OF A
CONTRACT FOR SALE OR CLOSE OF ESCROW

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

Section 1. That Berkeley Municipal Code Section 19.32 is hereby amended to read
as follows:

Chapter 19.32

BERKELEY MECHANICAL CODE

Sections:

19.32.010 Adoption of the California Mechanical Code.

19.32.020 Title.

19.32.030 Administrative provisions.

19.32.040 Residential Kitchen Exhaust Ventilation.

19.32.040 Residential Kitchen Exhaust Ventilation.

Chapter 4 of the 2019 California Mechanical Code is adopted in its entirety subject to the modifications thereto which are set forth below.

403.7.3.0 General Requirements for Residential Kitchen Exhaust Ventilation.

Residential kitchen exhaust ventilation systems installed in compliance with this Section pursuant to a building permit issued on or after the effective date of this Section shall comply with all applicable requirements of the Berkeley Mechanical Code.

403.7.3.1 Existing Multifamily and Condominium Buildings.

Residential kitchen exhaust ventilation systems are required in any multifamily residential or condominium unit subject to an addition, alteration or repair for which a building permit is issued on or after the effective date of this Section and the valuation for the work exceeds \$10,000.

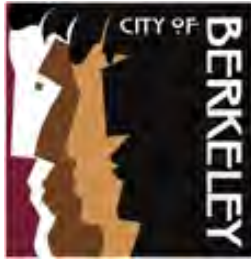
403.7.4 Sale of Existing Buildings.

The requirement to install kitchen exhaust ventilation systems in multifamily or condominium buildings shall apply prior to entering into a contract of sale, or prior to the close of escrow when an escrow agreement has been executed in connection with a sale as follows:

1. in any residential or condominium building or structure, applicable to all units therein; or
2. in an individual condominium unit.

Section 2. The effective date of this amendment shall be January 1, 2020, or the effective adoption date of the 2019 California Building Standards Code, whichever is sooner.

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.



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Berkeley, CA 94707
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CONSENT CALENDAR
 September 24, 2019

To: Honorable Members of the City Council
 From: Councilmember Sophie Hahn
 Mayor Jesse Arreguin, Councilmember Susan Wengraf
 Subject: Naming Berkeley Paths for Women Founders of
 the Berkeley Path Wanderers Association

RECOMMENDATION

1. Pursuant to Berkeley's Policy for Naming and Renaming Public Facilities, refer to the City Manager and Public Works Commission to consider and return to the City Council a recommendation regarding the naming and renaming of four Berkeley Paths, as identified on the map at Attachment A, in honor of the four women founders of the Berkeley Path Wanderers:
 - a. Rename a path off of Keith Avenue near Shasta Road, currently named Eleanor Path, to "Eleanor Hall Gibson Path," after founder Eleanor Hall Gibson, who passed away in 2016;
 - b. Name the following paths, subject to a $\frac{2}{3}$ vote of the City Council as provided at Section 2(B) of the Policy, as follows:
 - i. The extension connector of Walnut Street through the UC complex between Hearst and Berkeley Way to be named "Ruth Armstrong Path" in honor of Ruth Armstrong (Moskovitz);
 - ii. The path parallel to the top of Solano Avenue running along Los Angeles Avenue up the tunnel slope towards the Marin Circle, to be named "Jacque Ensign Way" in honor of Jacque Ensign; and
 - iii. The path [TBD] to be named "Pat DeVito Path" in honor of Pat DeVito.

SUMMARY STATEMENT

Throughout Berkeley's history, important community work has been initiated, championed, and performed by women of Berkeley. One of the many great examples of women's leadership in our City has been the Berkeley Path Wanderers, founded by

Jacque Ensign, Eleanor Hall Gibson, Ruth Armstrong (nee Moskovitz), and Pat DeVito. Since 1997, Berkeley Path Wanderers has played an essential role in preserving and restoring pathways throughout Berkeley.

Though women have long served Berkeley with distinction, most streets and other named facilities in our City have been named after men. Because some of the paths in Berkeley are unnamed or have generic names taken from adjoining streets, they present a meaningful opportunity to name and rename public facilities. Naming four paths in honor of the women founders of the Berkeley Path Wanderers Association serves the dual purposes of honoring individuals who have done important work for our community and helping to rectify the gender imbalance in Berkeley's place names.

BACKGROUND

Path Development in Berkeley Neighborhoods

Berkeley's population grew rapidly in the early part of the 20th century due primarily to the growth of the University of California, the extension of the Key System rail line and the influx of refugees following the 1906 San Francisco earthquake and fire. Large areas of undeveloped land, primarily in the hills to the north, northeast and south of the University campus were purchased, platted into residential lots and sold. These neighborhoods were developed before the automobile became a common mode of transportation. The Hillside Club, formed in 1898 by a group of local women, had urged the developers and the City planners to lay out streets to follow the contours of the Berkeley hills with "footpaths above and below (with) connecting steps for pedestrians." These roads and pathways were included by the tract developers to serve as pedestrian transportation routes, linking residents to rail lines, parks and schools, and as short cuts for neighborhood circulation.

History of the Berkeley Path Wanderers

During the Oakland firestorm of 1991, many pathways in the Berkeley hills were obstructed by vegetation and fences, making it difficult or impossible for firefighters to haul fire equipment up paths and blocking evacuation routes from hillside residences. After the fire, the City explored options for improving paths throughout Berkeley, but plans were not implemented.

In 1997, Ruth Armstrong (Moskovitz), a long-time parks activist who was instrumental in the formation of Berkeley Partners for Parks, posted a notice at the North Berkeley branch library seeking community members with an interest in Berkeley pathways. Jacque Ensign responded to the notice, leading to an initial meeting with Ms. Armstrong, Pat DeVito and Eleanor Hall Gibson. Thus began a collaborative effort among four avid path walkers to raise community awareness of pathway conditions and the need for action after years of neglect, and to restore Berkeley's paths.

In December 1997, the Berkeley Path Wanderers Association (BPWA) was established, with a mission “dedicated to the creation, preservation and restoration of public paths, steps and walkways in Berkeley for the use and enjoyment of all.” The group set short-term goals to develop maps of the paths, re-survey paths, replace or add missing signs, and sponsor free monthly walks to raise path awareness.

In May 1998, the BPWA held its first public meeting, attended by a standing room-only crowd. By the end of the year, BPWA had grown to more than 250 paid members, held four public meetings, hosted free, monthly Saturday morning path walks, formed an Adopt-a-Path committee, and secured \$5,000 in City funds earmarked to replace missing path signs.

In subsequent years, BPWA has played an essential role in creating, restoring, and protecting Berkeley’s paths. The organization has promoted stewardship by reporting hazards and encroachments or missing signs on paths to City staff for correction. It created a comprehensive guide to all known paths throughout Berkeley, resulting in the *Berkeley and Its Pathways* map, which has been published in multiple editions. In 2002, BPWA formed a committee to focus on restoring impassable or unbuilt paths; within three years, eleven newly improved paths, including two new paths, had been built.

BPWA continues to be a vital community resource in Berkeley, offering regular path walks led by volunteers, sponsoring events and talks on the history of Berkeley and the City’s environment, publishing a newsletter and maintaining a website.

Underrepresentation of Women in Public Spaces

Throughout California and across the Bay Area, women are underrepresented in public spaces. For example, as of 2018 only two of 87 public art sculptures in the City of San Francisco depicted real life women. In response, the San Francisco Board of Supervisors passed an ordinance requiring that women be depicted in at least 30% of city-sponsored artwork.¹

Women are also underrepresented in naming streets and other public thoroughfares. Though exact figures are not available for Berkeley, a 2007 study of seven cities worldwide, including San Francisco, found that only 27.5% of streets were named after women.²

¹ San Francisco Supervisor Catherine Stefani, *SF Supervisors Pass Legislation to Increase Women's Representation in Public Art*, Oct. 04, 2018, https://www.supervisorstefani.com/public_art.

² *Mapping the Sexism of City Street Names*, Linda Poon, CityLab, Nov. 4, 2015, <https://www.citylab.com/equity/2015/11/mapping-the-sexism-of-city-street-names/414094/>

Similarly in Berkeley, a significant proportion of the City's major streets are named after men. For example, Shattuck Avenue is named after Francis K. Shattuck, a male civic leader and city planner. Ashby Avenue is named after William Ashby, a Massachusetts man who came to California during the Gold Rush hoping to strike it rich. The City of Berkeley itself is named after George Berkeley.

Though a number of Berkeley paths are now named after women, this was not always the case. For example, when paths were named after Bret Harte, Charles Warren Stoddard, Mark Twain, and other literati, women such as Ina Donna Coolbrith, California's first poet laureate, were not included.³ In subsequent years, some paths have been renamed to help remedy these omissions. For example, Twain Path was renamed in 2013 after Councilmember Betty Olds⁴, and Bret Harte Path was renamed in 2016 after Coolbrith⁵.

Importance of Berkeley Paths for Public Safety, Access to Public Transit and for Health, Recreation and Enjoyment

Public Safety:

For decades, Berkeley paths and steps have served a critical public safety purpose as evacuation routes in times of emergency. In case of fire or earthquake, paths provide egress and can be used by firefighters to bring up equipment if streets are blocked. For example, during the 1991 Oakland Hills firestorm, paths enabled people to escape and were used to carry hoses up hills on the Berkeley-Oakland border.⁶ In the aftermath of the fire, the Berkeley City Council began allocating sidewalk funds to repair and maintain paths. Paths are part of Berkeley's evacuation and safety plans, providing alternative routes when roads are blocked.⁷

Access to Public Transit:

Berkeley paths were originally built in the early 1900s to help people get to and from streetcar routes on Arlington, the Alameda, Solano, and other thoroughfares. Unlike San Francisco, which incorporated a grid pattern on its steep terrain, Berkeley built a

³ <https://berkeleyplaques.org/plaque/ina-coolbrith-poet/>.

⁴ Berkeley Public Works Commission, Consent Calendar Item: Naming Twain Path No. 68 for Betty Olds, Nov. 19, 2013, http://www.cityofberkeley.info/Clerk/City_Council/2013/11Nov/Documents/2013-11-19_Item_07_Naming_Twain_Path_No_68.aspx.

⁵ Berkeley Public Works Commission, Consent Calendar Item: Renaming Bret Harte Path Coolbrith Path to Honor Poet Ina Donna Coolbrith, Dec. 13, 2016, https://www.cityofberkeley.info/Clerk/City_Council/2016/12_Dec/Documents/2016-12-13_Item_27_Renaming_Bret_Harte_Path.aspx.

⁶ *Berkeley: Teams restoring paths one step at a time*, S.F. Chronicle, July 23, 2004, available at <https://www.sfgate.com/bayarea/article/Berkeley-Teams-restoring-paths-one-step-at-a-time-2705867.php>.

⁷ Household Wildlife Evacuation Plan, City of Berkeley, July 12, 2018, https://www.cityofberkeley.info/uploadedFiles/Fire/Level_3_-_General/BR%20Household%20Wildfire%20Evacuation%20Plan%20Flyer%20No%20Map.pdf.

system of roads with “intriguing twists and turns.”⁸ While offering breathtaking views, the layout was burdensome for pedestrians navigating on foot. The solution was a series of pathways that provided shortcuts through the winding streets to rail and streetcar lines.⁹ Today, Berkeley paths remain very convenient for people taking AC Transit on Grizzly Peak, Euclid, Spruce, Arlington, the Alameda, Adeline, Ashby, and other transit.

The Berkeley Climate Action Plan identifies walking and public transit as key modes of transportation to reduce energy use, and thus greenhouse gas emissions.¹⁰ Moreover, the Berkeley Pedestrian Master Plan recommends developing a strategy to prevent the loss of existing pathways and to identify opportunities to expand the public pedestrian pathways network in Berkeley.¹¹ By providing safe, beautiful, and efficient routes for pedestrians, paths encourage Berkeley residents and visitors to get out of their individual cars and avail themselves of bus and rail lines throughout the City.

Health, Recreation and Enjoyment:

Walking is an important health activity and great for people of all ages. Among the many benefits of walking are maintaining a healthy weight, preventing conditions like heart disease and high blood pressure, strengthening bones and muscles, and improving balance and coordination.¹²

Walking is an especially good activity as one ages. According to the recent Age-Friendly Berkeley Action Plan, the City’s population of older people is expected to double in the next decade, resulting in 1 in 5 adults being 65 years of age or older.¹³ Physically active seniors who exercise regularly are more likely to walk and do other daily activities independently compared to their sedentary peers.¹⁴

Paths provide an avenue for walking, connect neighbors to each other, as well as to public transportation and shopping areas. They are tree-lined, enchanting, and a peaceful respite from the urban noise beyond. They give all Berkeley residents and

⁸ *Berkeley and Its Pathways*, Berkeley Path Wanderers Association, 8th Edition (2018).

⁹ Charles Fleming, *Secret Stairs: East Bay: A Walking Guide to the Historic Staircases of Berkeley and Oakland*, July 1, 2011.

¹⁰ Climate Action Plan Update, Office of the City Manager, Dec. 6, 2018, <https://www.cityofberkeley.info/recordsonline/api/Document/AS1qYEO88qcY6lps8nwbGgL4jGxxlSquza3ESIDOTS6DL2nWI1jPxxzLJVhyvQgYDIKPUJDdT3oigVB31dHEfM%3D/>.

¹¹ Berkeley Pedestrian Master Plan, City of Berkeley, Jan. 2010, https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Optimized%20Final%20Document%20January%202010.pdf.

¹² *Walking: Trim Your Waistline, Improve Your Health*, Mayo Clinic Staff, <https://www.mayoclinic.org/healthy-lifestyle/fitness/in-depth/walking/art-20046261>.

¹³ Age-Friendly Berkeley, <https://www.agefriendlyberkeley.org/executive-summary>.

¹⁴ *Walking, other exercise helps seniors stay mobile, independent*, Howard LeWine, M.D., May 28, 2019, <https://www.health.harvard.edu/blog/walking-exercise-helps-seniors-stay-mobile-independent-201405287173>.

visitors access to incredible vistas, parks and neighborhoods. In 1898, the nature writer Cornelius Beach Bradley wrote of the Berkeley hills, “Thus it is that the number and Variety of these rambles is a source of unending pleasure to those who have come to know them.”¹⁵ Those words still ring true.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES & LAWS

The Berkeley City Council Rules of Procedure and Order (adopted by Resolution No. 68,753-N.S, effective Jan. 29, 2019)¹⁶ lays out City policy for naming and renaming public facilities, with the objective of “ensur[ing] that naming public facilities will enhance the values and heritage of the City of Berkeley and will be compatible with community interest.”

Bodies responsible for the naming or renaming of Berkeley pathways are the Parks and Recreation Commission, which has been designated as the Lead Commission in overseeing, evaluating, and ultimately advising the Council in any naming or renaming of a public facility in parks and other public open spaces, and the Public Works Commission, which has been so designated for structures in the public thoroughfare. Pathways are part of the public thoroughfare. Naming and renaming of pathways is thus subject to review by the Public Works Commission.

A public facility can be named for a living person with a $\frac{2}{3}$ vote of the City Council. The naming of a facility or any parts thereof in recognition of an individual posthumously may be considered with a simple majority vote.

Recommendations for naming or renaming of public facilities may come directly from the City Council. When a recommendation is made, the City Manager refers it to the appropriate lead commission (in the case of paths, the Public Works Commission) for that commission’s review, facilitation, and recommendation to the City Council.

The lead commission holds a public hearing and notifies the public of opportunities to provide comment regarding the naming or renaming of the public facility. In the case of the proposed naming and renaming of Paths in honor of the founders of the Berkeley Path Wanderers, members of the public will have the opportunity to provide comments to the Planning Commission meeting where the naming and renaming are considered.

When naming or renaming a public facilities, the honoree must have made a major contribution toward the development of the facility or a major contribution to the City,

¹⁵ *Pedestrian Pathways*, Tasneem Raja, N.Y. Times, July 2, 2010, <https://www.nytimes.com/2011/07/03/us/03bcintel.html>.

¹⁶ Berkeley City Council Rules of Procedure and Order, https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/Council%20Rules%20of%20Procedure%20FINAL.pdf (see Attachment 2).

and have a record of outstanding service to the community. In addition, weight is given to a name that lends a site or property authenticity and heritage.

ACTIONS/ALTERNATIVES CONSIDERED

The paths recommended for naming/renaming either have no current name or, in the case of the path recommended for renaming to “Eleanor Hall Gibson” path, is currently called “Eleanor’s Path.” No alternative proposal has come forward for naming or renaming these paths. Naming them after the four women founders of the Path Wanderers Association is the only action that was considered, as honoring these women, and working to redress the gender imbalance in public place-names, is the purpose of this legislation.

CONSULTATION/OUTREACH OVERVIEW & RESULTS

We have consulted with the three living founders of the Berkeley Path Wanderers and the daughter of the founder who is deceased. They are all in support of the proposed naming/renamings. The Board of the Berkeley Path Wanderers passed a resolution in support of the proposed naming and renaming of paths in honor of these four Founders. A note about the proposed naming/renaming is being developed and will be hand-delivered to each adjoining residence and to neighbors in the immediate vicinity of each path being considered for naming/renaming, informing them of the proposed change and of the opportunity to speak or submit comments to the Public Works Commission. Additional public input will be taken at the Public Works Commission.

RATIONALE FOR RECOMMENDATION

Berkeley Path Wanderers is an organization that provides important services to the City of Berkeley on a 100% volunteer basis. Paths are created, upgraded and maintained, providing both an important public safety improvement in the case of fire or earthquake, and a delightful amenity for those who walk Berkeley for pleasure, or to access transit or shops. Honoring the four women founders of Berkeley Path Wanderers by naming paths after each of them is a fitting tribute to their important and lasting contributions to the City and community of Berkeley.

IMPLEMENTATION, ADMINISTRATION & ENFORCEMENT

Once the naming and renaming are approved, Public Works will order and install signs.

ENVIRONMENTAL SUSTAINABILITY

Walking is a key strategy for reducing GHG emissions, as is taking public transit. Paths invite and support both of these activities. By supporting and highlighting the work of the Berkeley Path Wanderers and drawing attention to our paths, we reinforce the importance of Berkeley's paths for sustainability, safety and health.

FISCAL IMPACTS

The Public Works Department estimates a cost of approximately \$2,500 for fabrication and installation of 8 signs, and funds are available under current public works programs.

OUTCOMES & EVALUATION

The goals of the item will have been fulfilled if/when the paths are renamed and signs are posted on location. It is expected that signs can be posted within 2 months of official renaming. The office of Councilmember Hahn and the Path Wanderers Association will work with Public Works to ensure these signs are posted once renaming has been achieved.

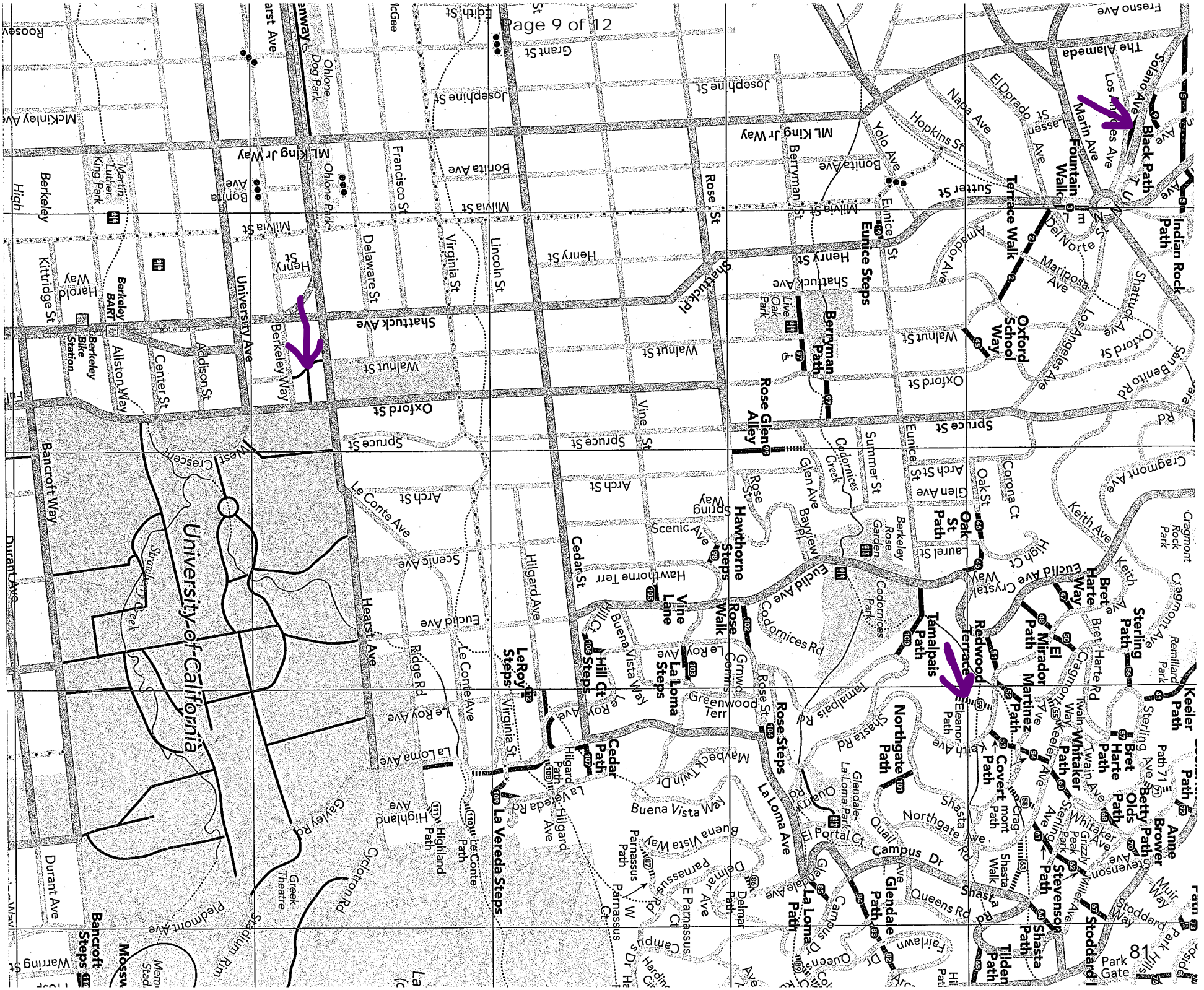
CONTACT

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

Attachments:

Attachment 1: Map of Paths to be named/renamed

Attachment 2: City Council Policy on Naming and Renaming of Public Facilities



University of California



APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

Purpose

To establish a uniform policy regarding the naming and renaming of existing and future parks, streets, pathways and other public facilities.

Objective

- A. 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.

Section 1 – Lead Commission

The City Council designates the following commissions as the ‘Lead Commissions’ in overseeing, evaluating, and ultimately advising the Council in any naming or renaming of a public facility. The lead commission shall receive and coordinate comment and input from other Commissions and the public as appropriate.

Board of Library Trustees

Parks and Recreation Commission –Parks, recreation centers, camps, plazas and public open spaces

Public Works Commission –Public buildings (other than recreation centers), streets and bridges or other structures in the public thoroughfare.

Waterfront Commission –Public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.

Section 2 – General Policy

- A. Newly acquired or developed public facilities shall be named immediately after acquisition or development to ensure appropriate public identity.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. Public facilities that are renamed must follow the same criteria for naming new facilities. In addition, the historical significance and geographical reference of the established name should be considered when weighing and evaluating any name change.
- D. The City encourages the recognition of individuals for their service to the community in ways that include the naming of activities such as athletic events, cultural presentations, or annual festivals, which do not involve the naming or renaming of public facilities.
- E. Unless restricted by covenant, facilities named after an individual should not necessarily be considered a perpetual name.

Section 3 – Criteria for Naming of Public Facilities

When considering the naming of a new public facility or an unnamed portion or feature within an already named public facility (such as a room within the facility or a feature within an established park), or, the renaming of an existing public facility the following criteria shall be applied:

- A. Public Facilities are generally easier to identify by reference to adjacent street names, distinct geographic or environmental features, or primary use activity. Therefore, the preferred practice is to give City-owned property a name of historical or geographical significance and to retain these names.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. The naming of a public facility or any parts thereof in recognition of an individual posthumously may only be considered if the individual had a positive effect on the community and has been deceased for more than 1 year.
- D. When a public facility provides a specific programmatic activity, it is preferred that the activity (e.g. skateboard park, baseball diamond) be included in the name of the park or facility.
- E. When public parks are located adjacent to elementary schools, a name that is the same as the adjacent school shall be considered.
- F. When considering the renaming of an existing public facility, in addition to applying criteria A-E above, proper weight should be given to the fact that: a name lends a site or property authenticity and heritage; existing names are presumed to have historic significance; and historic names give a community a sense of place and identity, continuing through time, and increases the sense of neighborhood and belonging.

Section 4 –Naming Standards Involving a Major Contribution

When a person, group or organization requests the naming or renaming of a public facility, all of the following conditions shall be met:

- A. An honoree will have made a major contribution towards the acquisition and/or development costs of a public facility or a major contribution to the City.
- B. The honoree has a record of outstanding service to their community
- C. Conditions of any donation that specifies that name of a public facility, as part of an agreement or deed, must be approved by the City Council, after review by and upon recommendation of the City Manager.

Section 5 –Procedures for Naming or Renaming of Public Facilities

- A. Any person or organization may make a written application to the City Manager requesting that a public facility or portion thereof, be named or renamed.
 - 1. Recommendations may also come directly of the City Boards or Commissions, the City Council, or City Staff.
- B. The City Manager shall refer the application to the appropriate lead commission as defined in Section 1 of the City’s policy on naming of public facilities, for that commission’s review, facilitation, and recommendation of disposition.
 - 1. The application shall contain the name or names of the persons or organization making the application and the reason for the requested naming or renaming.
- C. The lead commission shall review and consider the application, using the policies and criteria articulated to the City Policy on Naming and Renaming to make a recommendation to Council.
 - 1. All recommendations or suggestion will be given the same consideration without regard to the source of the nomination
- D. The lead commission shall hold a public hearing and notify the general public of any discussions regarding naming or renaming of a public facility.

1. Commission action will be taking at the meeting following any public hearing on the naming or renaming.
- E. The commission's recommendation shall be forwarded to Council for final consideration.

The City of Berkeley Policy for Naming and Renaming Public Facilities was adopted by the Berkeley City Council at the regular meeting of January 31, 2012.



CONSENT CALENDAR
September 24, 2019

To: Honorable Mayor and Members of the City Council
 From: Councilmember Rigel Robinson and Councilmember Lori Droste
 Subject: Referral: Develop a Bicycle Lane and Pedestrian Street Improvements Policy

RECOMMENDATION

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

- Allow quick-build projects under \$1 million to go through a streamlined approval process, without City Council approval required.
 - “Quick-build” is defined as projects that a) require non-permanent features such as bollards/paint/bus boarding islands, b) make up less than 25 percent of the total repaving cost for that street segment, and c) can be a component of a Complete Street Corridor Study that includes evaluation after installation
- Require simultaneous implementation of recommendations in the City’s Bicycle and Pedestrian Plans when City streets are repaved, if one or more of the following conditions are met:
 - Bicycle Plan recommendations can be implemented using quick-build strategies that accommodate transit operations.
 - Pedestrian Plan recommendations can be implemented using quick-build strategies that accommodate transit operations.
 - The Bicycle Plan recommends studying protected bike lanes as part of a Complete Street Corridor Study in the Tier 1 Priority list.¹
 - Improvements are necessary to comply with the Americans with Disabilities Act.
- Amend the City’s Complete Streets Policy to clarify that the presence of an existing or planned bikeway parallel to an arterial does not exempt projects along said arterial from bicycle and micromobility improvements under the Policy.
- Prioritize bikeways and Vision Zero high-fatality, high-collision streets under the five-year Paving Plan by requiring that 50 percent of the repaving budget go towards such streets until they meet a minimum surface standard established with input from the Public Works and Transportation Commissions.
- Require staff to report progress back to Council every two years.

¹ [https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017_AppendixE_Project%20Recs%20Priorities\(1\).pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017_AppendixE_Project%20Recs%20Priorities(1).pdf)

BACKGROUND

Recently, the Cities of Cambridge and San Francisco have implemented policies that streamline the process of adding bike lanes to their streets. Cambridge's new ordinance, passed in April 2019, requires that any streets undergoing improvement per the City's paving plan must also be upgraded per the City's bike plan.² This law ensures that new, protected bicycle lanes get built regularly, and furthers the City's goal of improving accessibility and safety for bicyclists.

In June 2019, San Francisco passed a quick-build policy allowing the City Traffic Engineer to approve reversible and/or adjustable parking and traffic modifications that previously required approval by the SFMTA Board of Directors.³ This policy encompasses bike lanes, in addition to street improvements such as painted safety zones, changes to the configuration of traffic lanes, and roadway and curb paint.

The City of Seattle is currently exploring a proposal that mandates that when a paving project over \$1 million is slated for a street that is meant to be upgraded to a protected bike lane per the City's Bicycle Master Plan, the two projects must be done simultaneously.⁴ This policy is a hybrid of the San Francisco and Cambridge models.⁵

According to the City of Berkeley's Bicycle Plan, Berkeley has the fourth highest bicycle commute mode share in America, at 8.5 percent. Nearly one in ten residents rides a bicycle to work as their primary mode of transportation. Furthermore, a record 90 percent of Berkeley residents would consider bicycling under the right roadway conditions, demonstrating how important bikeway improvements are for increasing Berkeley's bicycle mode share.⁶

Additionally, as the City prepares for the introduction of shared electric scooters, it is appropriate and necessary to prioritize bike lane and pedestrian upgrades. Micromobility plays an important role in the future of transportation. Our approach to street improvements should reflect the growing population that uses alternative methods of transportation to get around our city.

2

<http://cambridgema.ig2.com/Citizens/FileOpen.aspx?Type=4&ID=5905&highlightTerms=cycling%20safety%20ordinance>

³ https://www.sfmta.com/sites/default/files/reports-and-documents/2019/06/6-4-19_item_11_quick_build_projects_-_transportation_code_amendment_resolution.docx_.pdf

⁴ <https://www.seattletimes.com/seattle-news/transportation/still-fuming-about-35th-avenue-n-e-seattle-city-council-to-consider-new-bike-lane-requirements/>

⁵ <http://seattle.legistar.com/LegislationDetail.aspx?ID=4078670&GUID=2AE8E905-1F17-4ED2-B9C2-3207591B92F6>

⁶ https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017-Executive%20Summary.pdf

Improving Berkeley's bike and pedestrian infrastructure is also an effective way to combat climate change. The City's Climate Action Plan calls for sustainable mobility modes, such as cycling, to become the primary means of transportation for Berkeley residents and visitors.⁷ Adding new cycling facilities gives residents a safe alternative to driving, which reduces car usage and greenhouse gas emissions.⁸

This ordinance would prioritize bikeways and Vision Zero streets in the Paving Plan. Analysis of Berkeley's draft 2020-2024 Paving Plan shows that 23 percent of the repaving budget and 36 percent of street miles currently go towards streets that include bikeways. Upgrading high-fatality, high-collision streets, as defined in the forthcoming Vision Zero Action Plan, is consistent with the City's goal of eliminating traffic deaths in Berkeley. Adopting a quick-build policy and requiring simultaneous street upgrades would reduce delays, ensuring the timely implementation of the Bicycle and Pedestrian Plans.

This ordinance would also amend the City's Complete Streets Policy, which currently provides an exemption from the Policy for when a "reasonable and equivalent project along the same corridor is already programed to provide facilities exempted from the project at hand."⁹ This language serves as a potential obstacle to adding bike infrastructure along arterials that run parallel to existing bikeways.

ACTIONS/ALTERNATIVES CONSIDERED

City Council could choose to maintain the current structure for repaving streets which takes bikeways into consideration, but does not prioritize such streets. Berkeley's current bike plan recommends "complete street corridor studies" to determine how to add protected bike lanes on major streets.

City Council could choose to follow Seattle's model, which would require that when repaving is done on streets that are slated for full protected bike lanes (as opposed to *any* upgrades per the Bicycle Plan), the two improvements happen together.

FINANCIAL IMPLICATIONS

Staff time.

ENVIRONMENTAL SUSTAINABILITY

Improved bicycle and pedestrian infrastructure promotes sustainable, zero-emission methods of transportation, in line with the City's Climate Action Plan.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

⁷ https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/BCAP%20Exec%20Summary4.9.09.pdf

⁸ <https://www.sciencedirect.com/science/article/pii/S136192091630270X>

⁹ https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley%20Complete%20Street%20Resolution%2012%2011%2012.pdf

Attachments:

- 1: City of Cambridge Ordinance Language

In the Year Two Thousand and Nineteen

AN ORDINANCE In amendment to the Ordinance entitled “Cambridge Municipal Code.”

That the Municipal Code of the City of Cambridge be amended by adding in Title Twelve entitled “Streets, Sidewalks and Public Places” a new Chapter 12.22 entitled “Cycling Safety Ordinance,” which reads as follows:

Chapter 12.22 Cycling Safety Ordinance

Section 12.22.010 Short Title

This Chapter may be cited as the "Cycling Safety Ordinance" of the City of Cambridge.

Section 12.22.020 Purpose

This Chapter seeks to eliminate fatalities and injuries on City streets in accordance with the City's Vision Zero goals through safety improvements and the construction of a connected network of permanent separated bicycle lanes across the City.

Section 12.22.030 Definitions

- A. “Adequate Directionality” shall mean (1) a two-way street with a separated bicycle lane or lanes that allow bicycle travel in both directions, or (2) a one-way street with a separated bicycle lane or lanes that allow bicycle travel either in the direction of the flow of vehicular traffic or in both directions.
- B. “Connectivity” shall mean the provision of a Permanent Separated Bicycle Lane system that reflects desired routes between all major origins and destinations in the city.
- C. “Cambridge Bicycle Plan” shall mean the plan adopted by the City of Cambridge in October 2015 to create a framework for developing a network of complete streets, and which is entitled “Cambridge Bicycle Plan: Toward a Bikeable Future”.
- D. “Five-Year Sidewalk and Street Reconstruction Plan” shall mean the City of Cambridge Department of Public Works’ five-year work plan of May 1, 2018, as it may be amended from time to time.
- E. “Improvements” shall mean the construction of new City-owned streets, or the reconstruction of an existing City-owned street, including but not limited to full depth reconstruction, expansion, and/or alteration of a roadway or intersection. Improvements shall not include routine maintenance, repairs, restriping of the road surface, or emergency repairs to the surface of a roadway (collectively “Maintenance”), provided that existing bicycle lanes will be restored to existing conditions or better.
- F. “Permanent Separated Bicycle Lane” shall mean a bicycle lane separated from motor vehicle traffic by a permanent vertical barrier that shall remain in place year-round,

including but not limited to granite or concrete barriers and raised curbs, provided, however, that the bicycle lane need not be separated from motor vehicle traffic by a permanent vertical barrier for short stretches to accommodate crosswalks, curb cuts, accessible parking, intersections, and public transportation, and provided further, that existing bicycle lanes may be temporarily removed during construction of Improvements or Maintenance, so long as they are restored to existing conditions or better.

G. "Separated Network" shall mean the proposed set of bicycle facilities identified in the Cambridge Bicycle Plan (Figure 5.14), or any plan superseding it, provided, however, that any such plan shall maintain Connectivity.

Section 12.22.040 Requirements

A. Whenever Improvements are made to a City-owned street under the City's Five-Year Sidewalk and Street Reconstruction Plan, the City Manager shall cause such Improvements to comply with the Cambridge Bicycle Plan, or any plan superseding it; provided, that if Improvements are made to a segment of the Separated Network, a Permanent Separated Bicycle Lane with Adequate Directionality shall be installed along that segment.

B. Full compliance with the provisions of Subsection A above is not required where the City Manager can demonstrate through a written alternatives analysis, to be made public, why it is impractical to comply with the provisions of Subsection A above, and where there will be a loss of Connectivity if the provisions of Subsection A are not complied with, how Connectivity could be otherwise advanced, if possible. Full compliance with the provisions of Subsection A above will be considered impracticable only in those rare circumstances where the City Manager determines that the characteristics of the physical features or usage of a street, or financial constraints of full compliance prevent the incorporation of a Permanent Separated Bicycle Lane with Adequate Directionality.



CITY COUNCILMEMBER
RIGEL ROBINSON
 DISTRICT 7

CONSENT CALENDAR
 September 24, 2019

To: Honorable Mayor and Members of the City Council
 From: Councilmember Rigel Robinson
 Subject: Referral: Telegraph Crosswalk Art Installations

RECOMMENDATION

Refer to the Civic Arts Commission to develop and return to Council with a plan to:

1. Create a public contest to design new crosswalk art on Telegraph at the intersections of Bancroft, Durant, Channing, Haste, and Dwight Streets.
2. Build the winning design on the intersections.

BACKGROUND

Crosswalk art installations are a simple, effective way to improve a community street. Such installations can improve the visual character of a neighborhood and help express the history of their community. Cities such as San Francisco, Vancouver, Portland, and Long Beach have celebrated their culture through painting unique designs on their streets.

Painting an intersection in bright colors can also improve safety and reduce conflict between different modes of transportation, especially when combined with the implementation of a scramble intersection. Artwork that sharply contrasts with unpainted pavement increases drivers' awareness of pedestrians crossing the street, which significantly reduces automobile accidents.¹ Following the installation of crosswalk beautification in Oakland, the rate of drivers stopping for pedestrians has increased 86 percent.² Telegraph Avenue is a zone of heavy foot traffic, particularly from UC Berkeley students who walk to and from campus every day.

Many cities across the country have installed colorful street art and received positive feedback from residents, visitors, and the media. A notable example can be seen in the City of San Francisco, which installed rainbow crosswalks throughout the Castro District to celebrate the city's rich LGBTQ+ history and community. Local residents appreciate the improved character and aesthetic of their streets, as well as the artistic expression and representation of their culture.

¹ <https://www.smartcitiesdive.com/news/creative-crosswalks-street-art-meets-safety-enhancement/526474/>

² <https://www.eastbayexpress.com/SevenDays/archives/2017/10/10/oakland-develops-new-approach-to-fixing-dangerous-intersections-faster>

Oakland has also recently implemented new crosswalk designs as part of its Paint The Town initiative, in which community groups partner with the city in street beautification efforts. The city emblazoned Chinatown's intersections with a pattern historically used in China's imperial court during the Qing Dynasty.³ The design is a culturally relevant and community-rooted way to improve pedestrian safety.

This proposal is consistent with the Telegraph Public Realm Plan, approved by the Berkeley City Council in 2016. The plan lays out a proposal to build scramble intersections at the intersections of Telegraph Avenue with Bancroft, Durant, Channing, Haste, and Dwight Way. Scrambles allow pedestrians to cross diagonally at an intersection, and are accompanied by vibrant paint treatments that direct motorists to yield. The plan states that if a scramble is not possible at any of these intersections, the City should consider installing crosswalk art regardless.⁴

The City of Berkeley should create crosswalk art for the historic Telegraph district to celebrate its unique culture and history. By inviting local residents to participate in the creative process through a public contest, the city has an opportunity to build a sense of community and civic pride. These street beautification efforts would showcase the vibrancy of Telegraph Avenue, encourage foot traffic to nearby businesses, and bring the city closer to its Vision Zero goals.

FINANCIAL IMPLICATIONS

Cost depends on the specific design and the potential for outside funding. Installation costs in the various cities that have implemented permanent crosswalk art range from \$4,000 in Portland⁵ to \$35,000 per crosswalk in West Hollywood.⁶ Staff and the Commission should also consider maintenance costs when making their recommendation.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170
Benjamin Salop, Intern

³ <https://www.eastbaytimes.com/2008/07/17/chinatown-more-pedestrian-friendly-2/>

⁴ <https://www.berkeleyside.com/wp-content/uploads/2016/09/Telegraph-Public-Realm-Plan-Final-Low-Res.pdf>

⁵ https://www.oregonlive.com/commuting/2015/06/portland_unveils_citys_first_c.html

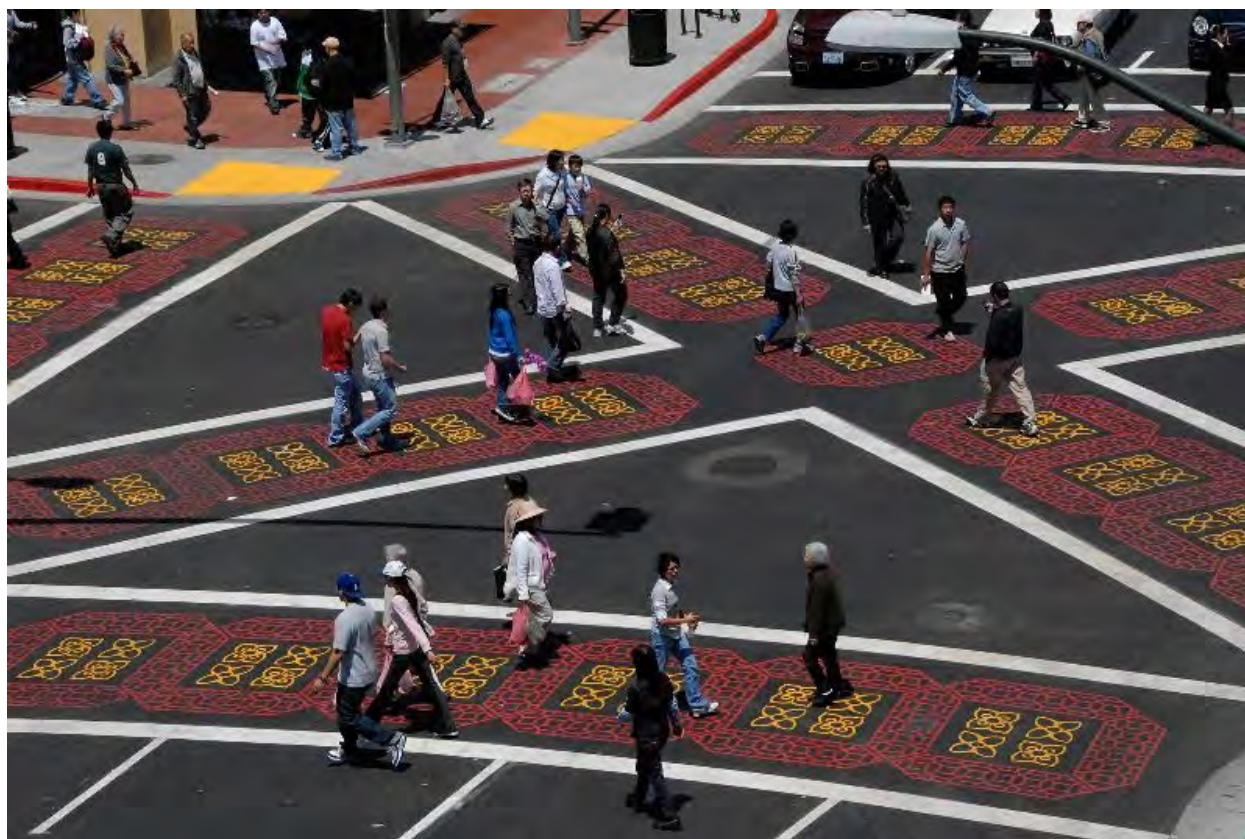
⁶ https://cdn.muckrock.com/foia_files/2018/06/18/PeerCities_RainbowCrosswalk_CaseStudyReport_August2015.pdf

Attachments:

- 1: City of San Francisco, Castro District: Rainbow crosswalk
- 2: City of Oakland, Chinatown: Qing Dynasty crosswalk
- 3: City of Seattle crosswalk, Exhibit A
- 4: City of Seattle crosswalk, Exhibit B



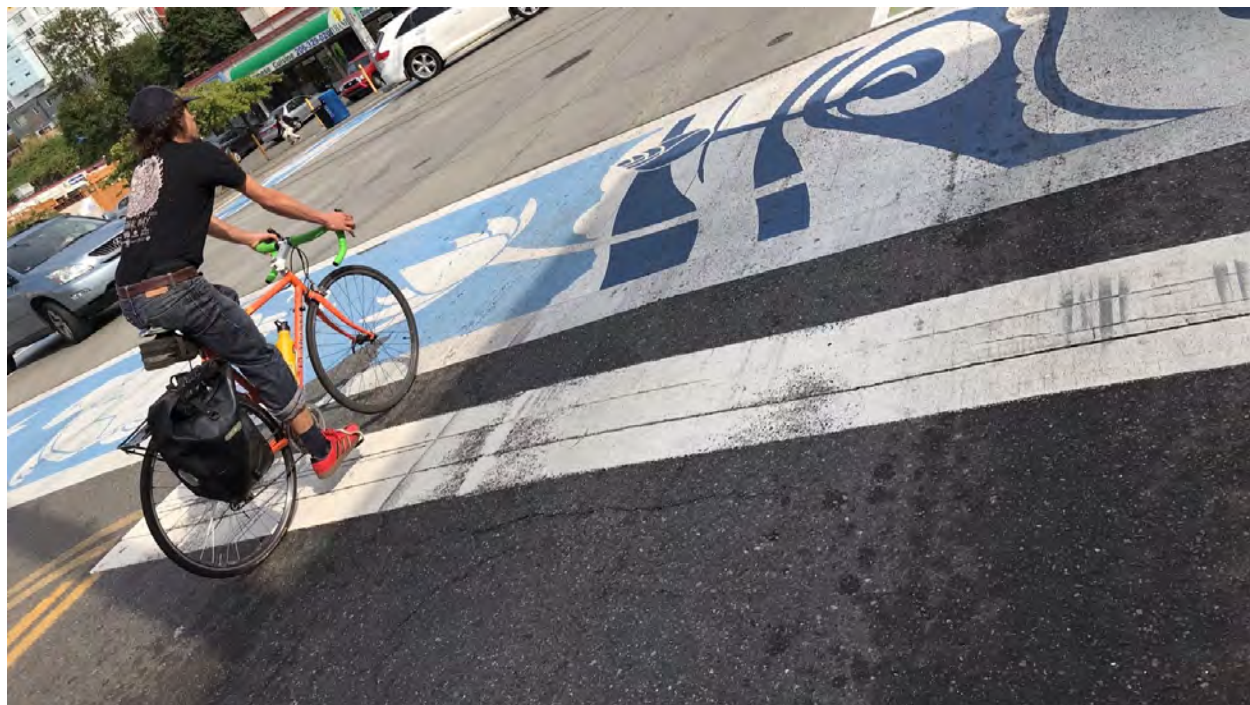
Source: https://www.baynewsnow.com/castro_39716121324_o



Source: <https://www.pinterest.com/pin/60657926207334135/>



Source: <https://www.twitter.com/rigelrobinson>



Source: <https://www.twitter.com/rigelrobinson>



Housing Advisory Commission

INFORMATION CALENDAR

September 24, 2019

To: Honorable Mayor and Members of the City Council
 From: Housing Advisory Commission
 Submitted by: Xavier Johnson, Chairperson, Housing Advisory Commission
 Subject: 2019 Housing Advisory Commission Work Plan

INTRODUCTION

The HAC discussed the updated Work Plan at its July meeting this year. The following vote was taken at the July 11, 2019 meeting:

Action: M/S/C (Tregub/Sharenko) adopt a work plan that includes the items submitted by Commissioners Lord, Mendonca, and Wolfe and additions by Lewis.

Vote: Ayes: Johnson, Lewis, Lord, Sargent, Sharenko, Tregub, and Wright. Noes: None. Abstain: None. Absent: Mendonca (excused), Owens (unexcused), Simon-Weisberg (excused), and Wolfe (excused).

CURRENT SITUATION AND ITS EFFECTS

The strategies in this Work Plan are a Strategic Plan Priority Project, advancing our goal to create affordable housing and housing support service for our most vulnerable community members. The Housing Advisory Commission received Work Plan suggestions from four commissioners. All of these were approved at the July 11, 2019 meeting.

Commissioner Thomas Lord:

- Smoke-free housing ordinance recommendations
- Social housing
- Housing summit (related to social housing)
- Consideration of housing and the climate emergency
- Council's referral regarding gentrification and racial equity issues
- HAC's code enforcement oversight role
- "for the good of order" - meta-concerns about our Commission processes

Commissioner Marian Wolfe:

- Program Activity - Fall U1 Report that the Vice Chair and Chair will draft and bring to the full HAC for review.

Resources needed: Staff time to provide information on actual U1 General Fund expenditures and commitments of funds for 2019.

Intended Results, include the following:

Output – Report on expenditures and commitments of U1 General Funds and provision of recommendations of how the City can should establish and fund programs to increase the supply of affordable housing and protect Berkeley residents from homelessness.

Outcome – Second 2019 Bi-Annual Report for the November meeting

- Program Activity – Develop additional strategies using local funds to expand the supply of permanent affordable housing with funding proposals to provide to the City Council.

Resources needed – Based on volunteer work and fact-finding, most of the work will not require additional resources. The only exception could be staff assistance in estimating potential costs for each strategy (based on realistic goals).

Intended Results - Suggested new programs (including scale of the programs) for the City Council to consider using local affordable housing funds (e.g., use of local funds for BUSD housing development).

- Program Activity – Review 2018 Work Plan to see if there are useful activities to add to the 2019 Work Plan

Resources needed – HAC members to bring in their recommendations. The only assistance needed from staff could be in estimating potential costs for each strategy (based on realistic goals).

- Intended Results - Additional work plan items to add to the 2019 Work Plan in this new format adopted for the 2019 Work Plan.

Commissioner Mari Mendonca:

- Program Activity - Develop a program/structure for supporting low income homeowners and landlords to navigate/find funding that will facilitate the implementation of actual construction/repairs needed for them to keep their properties safe, livable affordable and up to code.

Resources needed - Meet with staff and the Inspections office to see how they deal with this process currently. Consider procedural changes to accomplish improvements in processes for low income homeowners.

Intended results - Development of a program in which low income homeowners receive support in navigating and obtaining financial, repair/construction resources as opposed to being threatened by the consequences of enforcement tactics.

- Program Activity - Reviewing agency applications for City funding

Resources needed - Staff assistance to guarantee that members of the commission carefully review applications and conduct site visits to the agencies whose applications are being considered. Applicants must be invited to address the HAC concerning their needs/requests and their accomplishments.

Intended results - To guarantee that funding decisions are based on community needs and the actual performance of agencies being reviewed.

Commissioner Matthew Lewis:

- Register all rental units in the city.
- Allocate funding to Community Land Trusts and other democratized forms of housing.

BACKGROUND

This year's work plan reflects the Commission's engagement with housing affordability and ongoing responsibilities of the Commission. The Commission is contemplating non-traditional housing ownership, tenancy, and development models.

ENVIRONMENTAL SUSTAINABILITY

There are no direct environmental effects associated with the content of this report.

POSSIBLE FUTURE ACTION

The HAC will continue to work on this Work Plan in order to refine potential outputs, outcomes, activities, and required resources.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Adoption of the Work Plan in itself does not create fiscal impacts. However, it is possible that adoption of new programs, revised programs, or need for staff time could result in some fiscal impacts to the City. Additional discretionary funds may be necessary to fund activities in response to Council referrals including outreach, videography and space.

CONTACT PERSON

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



Planning Commission

INFORMATION CALENDAR

September 24, 2019

To: Honorable Mayor and Members of the City Council

From: Planning Commission

Submitted by: Chris Schildt, Chairperson, Planning Commission and Jeff Vincent,
Chairperson, Workplan Subcommittee of the Planning commission

Subject: Planning Commission Workplan 2019-2020

INTRODUCTION

The City of Berkeley Planning Commission (PC) hereby submits its work plan for Fiscal Year 2019, pursuant to the Berkeley City Council's request.

CURRENT SITUATION AND ITS EFFECTS

Unlike other city commissions, the PC's workload is almost exclusively dictated by referrals from the City Council. Each year, the Council goes through an extensive referral ranking process, which shapes the prioritization of work for the PC. Thus, by design, the PC has far less latitude than other city commissions in setting its agenda. As of October 2019, the PC has a workload of more than 40 referrals from the City Council.

The PC's workplan organizes the referrals around three strategic areas of PC interest/outcome, as described below. Across these strategic outcome areas, the PC aims to **demonstrate state-wide leadership in promoting social equity, affordability, and climate resilience issues**. In some cases, this requires action to comply with new state laws, and in some cases, this may involve going "beyond" state laws to recommend local land use policy policies that the PC feels will achieve more equitable results than state requirements.

Strategic Outcome Areas:

1. **Increase affordable housing.** This includes retaining and expanding the stock of affordable housing available throughout the city. The commission has identified three mechanisms by which we can advance this strategic outcome:
 1. Modify development standards to create more affordable housing;
 2. Revise administrative procedures and levels of discretion to streamline affordable housing;
 3. Develop community benefits and other value capture mechanisms in order to maximize affordability in new development.

2. **Promote healthy, livable communities.** This includes ensuring Berkeley residents live in safe, healthy, and accessible communities with parks, schools, local businesses, and cultural institutions, and promoting healthy mobility options for all residents.
3. **Support community economic development and commercial vitality.** This includes preserving and enhancing Berkeley's thriving neighborhood commercial areas and ensuring a vibrant downtown.

Resources: Significant staff time is required to conduct the research, write reports, and draft zoning language. In some cases, consultants are brought on board to assist staff.

Activities: For each referral, the PC's action requires staff time for substantive reports on each topic within each referral as well as developing draft zoning language changes. Often the draft zoning language goes through multiple revisions across multiple PC meetings.

Outputs: On nearly all referrals, the PC output consists of recommendations to the City Council.

BACKGROUND

City Council has requested that each commission provide a workplan that explains the mission and goals of each appointed body. The mission of the PC, as outlined in the City Charter, reads:

"The Commission recommends modifications to the City of Berkeley General Plan and related policy documents. All Zoning Ordinance amendments are developed through this Commission and recommended to the City Council. Other purviews include subdivision map consideration and review and comments on substantial projects from surrounding jurisdictions."

Members of the PC have discussed their goals and prioritized three strategic outcomes to guide their 2019-2020 work as described above: 1) Increase affordable housing; 2) Promote healthy, livable communities; and 3) Support community economic development and commercial vitality.

At its meeting of May 1, 2019, the PC voted to adopt this workplan with Commissioner Vincent's edits and send it to City Council. [Vote: 9-0-0-0; Ayes: Beach, Fong, Kapla, Lacey, Martinot, Twu, Vincent, Wrenn, Wiblin. Noes: None. Abstain: None. Absent: None. Motion/Second: Kapla/Vincent]

The attached Planning Commission Workplan Table 2019-2020 (see Attachment 1) shows prioritized referrals, referrals awaiting action from other commission(s), referrals ranked by City Council that are slated for PC action to begin after the current work planning period (ending June 2020) based on resources and capacity, and referrals not

ranked by City Council for 2019-2020 work plan but which will be added to PC work schedule in priority order once ranked by Council.

The PC's pace in working through City Council referrals is determinant on staff support. The Long Range Policy Group has just hired three fulltime staff planners that will support the workload of the PC.

ENVIRONMENTAL SUSTAINABILITY

The PC's workplan aids in advancing the city's goals around sustainability and greenhouse gas reduction.

CONTACT PERSON

Alene Pearson, Commission Secretary, Land Use Planning Division, 510-981-7489

Attachments:

1: Planning Commission Workplan Table 2019-2020

REFERRALS to Planning Commission by the City Council		RANKING* - RRV & HAP		STRATEGIC OUTCOME AREAS			
A. Referrals Prioritized by PC for 2019-2020 Workplan				1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	Waiting on other Commission or Department
Moderate Impact Home Occupations	started					x	
Cannabis Package	started & short-term				x	x	
Density Bonus Package / Objective Standards	started			x			JSISHL
Student Housing Package	started			x			
Adeline Plan (Community Benefits/Land Value Capture/Auto Uses/Opportunity Zone Overlay)	started			x	x		
Streamline Permitting for Affordable Housing	started			x			
Zoning Ordinance Revision Project Phase 1 & 2	started				x		
Parking Reform (GAH & Green Dev Stds)	started			x	x		
Flexible Ground Floor Uses	started			x			
Housing Linkage Fees	started (short-term)			x			
Toxic Remediation Regulations	started				x		
North Berkeley BART Zoning	started			x	x		
Fee Waivers for Housing Trust Fund Projects	started (short term)			x			

B. Referrals Awaiting Action by Other Commission(s)				1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	Waiting on other Commission or Department
Green Stormwater Requirements from CEAC	CEAC started				x		CEAC
Air Pollution Performance Standards from CEAC	CEAC started				x		CEAC
Expand boundaries of Downtown Arts District	OESD started					x	OED

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS			
ADUs in very high fire zones	43		x		Fire
Denial of Permits to Violators	52		x		HAC

C. Referrals ranked by City Council, work to begin after end "started" projects, based on resources and capacity		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	Waiting on other Commission or Department
Gentrification/Displacement Research & Workshop	1	x	x		
Residential Development Standards (Missing Middle Research)	2	x	x		
AHMF modifications to calculations	4	x			
San Pablo Ave Specific Area Plan	6		x		
Junior ADUs	8				
Development Agreements	10			x	
Urban Forestry Ordinance	15		x		
Demolition Ordinance	HAP 16	x			
ADA Improvements in ADUs	18		x		
AHMF modifcaiton: condo conversion existing tenants	24	x			
ADU Mods	30 / HAP 13		x		
Inclusionary Requirement for Live/Work	33	x			
Lower discretion for internal remodeling	42		x		
Beer and wine service in the M-districts	46			x	
ADUs for Homeless	59	x			

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS			
D. Referrals not ranked by City Council for 2019-2020 work plan; will be added to work schedule once ranked based on ranking.		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	Waiting on other Commission or Department
Mini Dorms (student housing)	NR	x			
Arcade Uses in Elmwood	NR			x	
Cannabis Use in Live/Work	NR			x	

* "started" is a referral on which substantive work began before last Council RRV, thus not subject to re-ranking. If blank, the referral has not yet been ranked by the City Council

NOTE: Many of these referrals touch on all 3 strategic outcome areas.

Key:

- ADU = Accessory Dwelling Unit
- AHMF = Affordable Housing Mitigation Fee
- GAH = Green Affordable Housing
- HAP = Housing Action Plan
- NR = Not Ranked in 2019

Upcoming Workshops – <i>start time is 6:00 p.m. unless otherwise noted</i>	
Scheduled Dates	
Sept. 17	<ol style="list-style-type: none"> 1. Arts and Culture Plan 2. Zero Waste Rate Review
Oct. 22	<ol style="list-style-type: none"> 1. Berkeley's 2020 Vision Update 2. Census 2020 Update 3. Short Term Rentals
Nov. 5	<ol style="list-style-type: none"> 1. Transfer Station Feasibility Study 2. Vision Zero Action Plan 3. Update: goBerkeley (RPP)

Unscheduled Workshops
<ol style="list-style-type: none"> 1. Cannabis Health Considerations

Unscheduled Presentations (City Manager)
<ol style="list-style-type: none"> 1. Adeline Corridor Plan

	City Council Referrals to the Agenda Committee and Unfinished Business for Scheduling
1.	<p>61a. Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley (<i>Referred from the July 24, 2018 agenda</i>) From: Housing Advisory Commission Recommendation: That the City Council not use U1 funds to backfill the Workers' Compensation Fund for the acquisition of the properties located at 1001, 1007, and 1011 University Avenue, and 1925 Ninth Street, City of Berkeley. Financial Implications: See report Contact: Amy Davidson, Commission Secretary, 981-5400</p> <p>61b. Companion Report: Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley (<i>Referred from the July 24, 2018 agenda</i>) From: City Manager Recommendation: Accept staff's recommendation to use \$4,730,815 of Measure U1 revenue over a 5 year period (\$946,163 annually) to repay the Workers' Compensation Fund for the acquisition of the properties located at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley. Financial Implications: See report Contact: Dee Williams-Ridley, City Manager, 981-7000</p>
2.	<p>68. Revisions to Ordinance No. 7,521--N.S. in the Berkeley Municipal Code to increase compliance with the city's short-term rental ordinance (<i>Referred from the July 24, 2018 agenda. Agenda Committee to revisit in April 2019.</i>) March 18, 2019 Action: <i>Item to be agendized at future Agenda and Rules Committee Meeting pending scheduling confirmation from City Manager.</i> From: Councilmember Worthington Recommendation: Refer the City Manager to look into adopting revisions to Ordinance No. 7,521--N.S by modeling after the Home-Sharing Ordinance of the City of Santa Monica and the Residential Unit Conversion Ordinance of the City of San Francisco in order to increase compliance with city regulations on short-term rentals of unlicensed properties. Financial Implications: Minimal Contact: Kriss Worthington, Councilmember, District 7, 981-7170</p>
3.	<p>4. Disposition of City-Owned, Former Redevelopment Agency Properties at 1631 Fifth Street and 1654 Fifth Street (<i>Referred from the September 25, 2018 agenda</i>) From: City Manager Recommendation: 1. Adopt first reading of an Ordinance authorizing the sale of two City-owned, former Redevelopment Agency properties at 1631 Fifth Street and 1654 Fifth Street at market rate and deposit the proceeds in the City's Housing Trust Fund (HTF). 2. Direct the City Manager to issue a Request for Proposals to select a real estate broker to manage the sale. Financial Implications: See report Contact: Kelly Wallace, Housing and Community Services, 981-5400 Note: <i>At the June 11, 2019 meeting, Council approved a recommendation directing the City Manager to issue a Request for Proposals to select a qualified organization to purchase the single family home at 1654 Fifth Street to operate as housing for the homeless.</i></p>

4. **17. Short-term referral to City Manager and budget referral for creation of a “vehicle dweller program” in Berkeley** *(Referred from the April 2, 2019 agenda.)*

From: Councilmember Davila

Recommendation: Create a comprehensive program to support those living in their vehicles, including but not limited to RVs, to stay in Berkeley without fear of being criminalized, harassed, displaced, fined or having their vehicles confiscated, and with the support needed to have minimal impact on the neighborhoods in which they reside. The program could include: -Issuing 3-6 month permits for vehicles in running order with an option to renew if no validated complaints have been filed. -Creating a registration process that identifies any additional support needed. -Specifying a consistent, clear and transparent process for investigating complaints to determine validity and issuing warnings. -Distributing permits equally across all parking permit districts and identifying any restrictions on parking (i.e. near schools given bus access, etc.). -Creating an affordable sliding scale permit structure based on size of vehicle, weight, number of wheels, etc. -Providing pump-out services, waste disposal and social services as needed. -Creating a pump-out station for use by RVs within the City of Berkeley. -Creating a program for up to \$3,000 per a vehicle for mechanical and sanitation repairs as well as registration and offering a grace period to get vehicles into compliance for a permit. -Piloting a Safe Parking program modeled after Oakland’s pilot: 4-8 sites with 6-10 vehicles parked at business, school, community or faith-based site parking lots, including support and sanitation services.

Vehicles with permits are exempt from Berkeley Municipal Code (BMC) Chapter 12.76 and BMC Section 14.40.120.

Financial Implications: See report

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

CITY CLERK DEPARTMENT				
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS				
BEFORE THE CITY COUNCIL				
Address	Board/ Commission	Appeal Period Ends	Determination on Appeal Submitted	Public Hearing
NOD – Notices of Decision				
Public Hearings Scheduled				
2325 Sixth St (single-family residence)	ZAB			9/24/2019
0 Euclid Ave - Berryman Reservoir (denial of 4G telecom facility)	ZAB			10/29/2019
2701 Shattuck Ave (construct mixed-use building) (Remanded)	ZAB			11/12/2019
Remanded to ZAB or LPC				
1155-73 Hearst Ave (develop two parcels)	ZAB			
90-Day Deadline: May 19, 2019				
Notes				

Last Updated: 8/21/19

This version incorporates the changes from the July 15, 2019 meeting of the Agenda & Rules Committee. The document was reviewed up to page 10.

The Berkeley City Council Rules of Procedure and Order

Adopted by Resolution No. 68,753–N.S.
Effective
January 29, 2019

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I. DUTIES

A. Duties of Mayor

The Mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. [In the Mayor's absence, the Vice President of the Council \(hereafter referred to as the Vice-Mayor\) shall preside.](#)

Commented [NML1]: Standard current practice per City Charter

B. Duties of Councilmembers

Promptly at the hour set by law on the date of each regular meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition.

C. Motions to be Stated by Chair

When a motion is made, it may be stated by the Chair or the City Clerk before debate.

D. Decorum by Councilmembers

While the Council is in session, the City Council will practice civility and decorum in their discussions and debate. Councilmembers will value each other's time and will preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Council, use personal, impertinent or slanderous remarks, nor disturb any other member while that member is speaking or refuse to obey the orders of the presiding officer or the Council, except as otherwise provided herein.

All Councilmembers have the opportunity to speak and agree to disagree but no Councilmember shall speak twice on any given subject unless all other Councilmembers have been given the opportunity to speak. [The Presiding Officer may set limits on the speaking time allotted to councilmembers during Council discussion.](#)

Commented [NML2]: Edit from July 15, 2019 Agenda & Rules Committee meeting

The presiding officer has the affirmative duty to maintain order. The City Council will honor the role of the presiding officer in maintaining order. If a Councilmember believes the presiding officer is not maintaining order, the Councilmember may move that the Vice-Mayor, or another Councilmember if the Vice-Mayor is acting as the presiding officer at the time, enforce the rules of decorum and otherwise maintain order. If that motion receives a second and is approved by a majority of the Council, the Vice-Mayor, or other designated Councilmember, shall enforce the rules of decorum and maintain order.

E. Voting Disqualification

No member of the Council who is disqualified shall vote upon the matter on which the member is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such disqualification in open meeting, and shall not be subject to further inquiry. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the member affected, be

decided by the other members of the Council, by motion, and such decision shall determine such member's right and obligation to vote. A member who is disqualified by conflict of interest in any matter shall not remain in the Chamber during the debate and vote on such matter, but shall request and be given the presiding officer's permission to ~~absent~~ ~~recuse~~ themselves. Any member having a "remote interest" in any matter as provided in Government Code shall divulge the same before voting.

Commented [NML3]: Correct terminology

F. Requests for Technical Assistance and/or Reports

A majority vote of the Council shall be required to direct staff to provide technical assistance, develop a report, initiate staff research, or respond to requests for information or service generated by an individual council member.

G. ~~City Council Policy for Naming and Renaming Public Facilities~~

~~The City Council Policy for Naming and Renaming Public Facilities adopted on January 31, 2012, and all its successors, is incorporated by reference into the City Council Rules of Procedure and included as Appendix A to this document.~~

Commented [NML4]: Edit from July 15, 2019 Agenda & Rules Committee meeting

II. MEETINGS

A. Call to Order - Presiding Officer

The Mayor, or in the Mayor's absence, the Vice Mayor, shall take the chair precisely at the hour appointed by the meeting and shall immediately call the Council to order. Upon the arrival of the Mayor, the Vice Mayor shall immediately relinquish the chair, ~~at the conclusion of the business presently before the Council.~~ In the absence of the two officers specified in this section, the ~~Councilmember~~council member present with the longest period of Council service shall preside.

Commented [NML5]: Edit from July 15, 2019 Agenda & Rules Committee meeting

Commented [NML6]: Amended to standardize use throughout the document

B. Roll Call

Before the Council shall proceed with the business of the Council, the City Clerk shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.

C. Quorum Call

During the course of the meeting, should the Chair note a Council quorum is lacking, the Chair shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the meeting shall be deemed automatically adjourned.

D. Council Meeting ~~Schedule~~Conduct of Business

~~The City Council shall hold a minimum of twenty four (24) meetings, or the amount needed to conduct City business in a timely manner, whichever is greater, each calendar year.~~

Commented [NML7]: Moved to more appropriate location below

~~Regular meetings of the City Council shall be held generally two to three Tuesdays of each month; the schedule to be established annually by Council resolution taking into consideration holidays and election dates.~~

~~Regular City Council meetings shall begin no later than 6:00 p.m.~~

The agenda for the regular business meetings shall include the following: Ceremonial Items (including comments from the City Auditor if requested); Comments from the City Manager; Comments from the Public; Consent Calendar; Action Calendar (Appeals, Public Hearings, Continued Business, Old Business, New Business); Information Reports; and Communication from the Public. Presentations and workshops may be included as part of the Action Calendar. ~~Items removed from the Consent Calendar will be moved to the Action Calendar.~~ The Chair will determine the order in which the item(s) will be heard with the consent of Council.

Commented [NML8]: Edit from July 15, 2019 Agenda & Rules Committee meeting

Commented [NML9]: Items removed from Consent may have many other actions taken and listing this single action is misleading.

Upon request by any ~~Councilmember~~council member, any item may be moved from the Consent Calendar or Information Calendar to the Action Calendar. Unless there is an objection by any ~~Councilmember~~council member, ~~the Council~~council member may also move an item from the Action Calendar to the Consent Calendar.

Commented [NML10]: Edit from July 15, 2019 Agenda & Rules Committee meeting – changed "a Councilmember" to "the Council"

A public hearing that is not expected to be lengthy may be placed on the agenda for a regular business meeting. When a public hearing is expected to be contentious and lengthy and/or the Council's regular meeting schedule is heavily booked, the

~~Agenda Committee~~ Agenda & Rules Committee, in conjunction with the staff, will schedule a special meeting exclusively for the public hearing. No other matters shall be placed on the agenda for the special meeting. All public comment will be considered as part of the public hearing and no separate time will be set aside for public comment not related to the public hearing at this meeting.

Commented [NML11]: Amended to standardize use throughout the document

Except at meetings at which the budget is to be adopted, no public hearing may commence later than 10:00 p.m. unless there is a legal necessity to hold the hearing or make a decision at that meeting or the City Council determines by a two-thirds vote that there is a fiscal necessity to hold the hearing.

E. Adjournment

1. No Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific agenda items to be covered and shall specify in which order these items shall be handled.
2. Any items not completed at a regularly scheduled Council meeting may be continued to an Adjourned Regular Meeting by a two-thirds majority vote of the Council.

F. Unfinished Business

Any items not completed by formal action of the Council, and any items not postponed to a date certain, shall be considered Unfinished Business. All Unfinished Business shall be referred to the ~~Agenda Committee~~ Agenda & Rules Committee for scheduling for a Council meeting that occurs within 60 days from the date the item last appeared on a Council agenda. The 60 day period is tolled during a Council recess.

G. City Council Schedule and Recess Periods

The City Council shall hold a minimum of twenty-four (24) meetings, or the amount needed to conduct City business in a timely manner, whichever is greater, each calendar year.

Regular meetings of the City Council shall be held generally two to three Tuesdays of each month; the schedule to be established annually by Council resolution taking into consideration holidays and election dates.

Regular City Council meetings shall begin no later than 6:00 p.m.

Commented [NML12]: Proposed addition regarding starting early for ceremonial items was removed at the July 15, 2019 Agenda & Rules Committee meeting

A recess period is defined as a period of time longer than 21 days without a regular ~~or special~~ meeting of the Council.

Commented [NML13]: Special meetings are as needed and are not factored in to the annual schedule that is adopted, which includes the recess periods.

When a recess period occurs, the City Manager is authorized to take such ministerial actions for matters of operational urgency as would normally be taken by the City Council during the period of recess except for those duties specifically reserved to the Council by the Charter, and including such emergency actions as are necessary for the immediate preservation of the public peace, health or safety; the authority to

II. MEETINGS

extend throughout the period of time established by the City Council for the period of recess.

The City Manager shall have the aforementioned authority beginning the day after the ~~Agenda Committee~~ Agenda & Rules Committee meeting for the last regular meeting before a Council recess and this authority shall extend ~~through up to the deadline for submission of staff reports for date of the first~~ through up to the date of the first ~~Agenda & Rules Committee~~ Agenda & Rules Committee meeting ~~for the first regular meeting~~ after the Council recess.

The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.

H. Pledge of Allegiance to the Flag

At the first meeting of each year following the August recess and at any subsequent meeting if specifically requested before the meeting by any member of the Council in order to commemorate an occasion of national significance, the first item on the ~~program~~ Ceremonial Calendar will be the Pledge of Allegiance.

I. Ad Hoc Subcommittees

From time to time the Council or the Mayor may appoint several of its members but fewer than the existing quorum of the present body to serve as an ad hoc subcommittee. Only Council ~~members~~ may ~~become~~ be members of the ad hoc subcommittee; however, the subcommittee shall seek input and advice from ~~the~~ residents, related commissions, and other groups. Ad Hoc Subcommittees must be reviewed annually by the Council to determine if the subcommittee is to continue.

Upon creation of an ad hoc subcommittee, the Council shall allow it to operate with the following parameters:

1. A specific charge or outline of responsibilities shall be established by the Council.
2. A target date must be established for a report back to the Council.
3. Maximum life of the subcommittee shall be one year, with annual review and possible extension by the Council.

Subcommittees shall conduct their meetings in ~~public and in accessible~~ locations that are open to the public ~~and meet accessibility requirements under the Americans with Disabilities Act~~. Meetings may be held at privately owned facilities provided that the location is open to all that wish to attend and that there is no requirement for purchase to attend. Agendas for subcommittee meetings must be posted in the same manner as the agendas for regular Council meetings except that subcommittee agendas may be posted with 24-hour notice. The public will be permitted to comment on agenda items but public comments may be limited to one minute if deemed necessary by the Committee Chair. Agendas and minutes of the meetings must be maintained and made available upon request.

Commented [NML14]: The existing definition left a significant gap that did not allow City Manager action on administratively urgent items

Commented [NML15]: Edit from July 15, 2019 Agenda & Rules Committee meeting

Commented [NML16]: Edit from July 15, 2019 Agenda & Rules Committee meeting

II. MEETINGS

~~City staff may attend and participate in subcommittee meetings. Depending on the desires of the subcommittee members, City staff may participate the same as members of the public, or may be called upon to offer insights or provide information during discussion.~~

~~Ad hoc subcommittees will be staffed by City Council legislative staff. As part of the ad hoc subcommittee process, City staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item(s) under consideration. Staff analysis at ad hoc subcommittees is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.~~

Subcommittees must be comprised of at least two members. If only two members are appointed, then both must be present in order for the subcommittee meeting to be held. In other words, the quorum for a two-member subcommittee is always two.

~~Certain requirements listed above may not apply to a~~ Ad hoc subcommittees ~~may seeking legal advice and assistance from the City Attorney or meeting with the City Manager or his/her designees for purposes of real estate or labor negotiations.~~ convene a closed session meeting pursuant to the conditions and regulations imposed by the Brown Act.

Commented [NML17]: Staff proposed language based on discussion at July 15, 2019 Agenda & Rules Committee meeting. This language mirrors the language used for Policy Committees Charter III, Section G

Commented [NML18]: Staff proposed language based on discussion at July 15, 2019 Agenda & Rules Committee meeting.

III. AGENDA

A. Declaration of Policy

No ordinance, resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without prior thereto its having been published on the agenda of the meeting and posted in accordance with Section III.D.2. Exceptions to this rule are limited to circumstances listed in Section III.D.4.b and items ~~carried over~~ continued from a previous meeting and published on a revised agenda.

Commented [NML19]: Additional clarification

B. Definitions

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the agenda (on either the Consent Calendar or as a Report For Action) for a vote of the Council by any ~~Councilmember~~ council member, the City Manager, the Auditor, or any board/commission/committee created by the City Council, or any Report For Information which may be acted upon if a ~~Councilmember~~ council member so requests. For purposes of this section, appeals shall be considered action items. All information from the City Manager concerning any item to be acted upon by the Council shall be submitted as a report on the agenda and not as an off-agenda memorandum and shall be available for public review, except to the extent such report is privileged and thus confidential such as an attorney client communication concerning a litigation matter.

Council agenda items are limited to a maximum of four Co-Authors (including the primary author). Co-Authors to Council reports may only be added in the following manner:

Commented [NML20]: Must have certainty at the time of submission and throughout the process to properly monitor participation in policy committee meetings per the Brown Act. New language for designation of co-authors from the July 15, 2019 Agenda & Rules Committee meeting – removed limitation on when co-sponsors could be added and changed it to limit the addition of co-sponsors to discretion of the primary author.

- In the original item as submitted by the primary author
- In a revised item submitted by the primary author at the Agenda & Rules Committee
- By verbal request of the primary author at the Agenda & Rules Committee
- In a revised item submitted by the primary author in Supplemental Reports and Communications Packet #1 or #2
- By verbal request of any Councilmember at the meeting when the item is considered

START HERE 8/26/19

Agenda items shall contain all relevant documentation, including the information listed below and the recommended points of analysis in the Council Report Guidelines in Appendix B. following as applicable:

Commented [NML21]: Adding reference to the new guidelines.

- a) A descriptive title that adequately informs the public of the subject matter and general nature of the item or report ~~and action requested;~~
- b) Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;

- c) Recommendation of the City Manager report author that describes the action to be taken on the item, if applicable; ~~(these provisions shall not apply to Mayor and Council items.);~~
- d) Fiscal impacts of the recommendation;
- e) A description of the current situation and its effects;
- f) Background information as needed;
- g) Rationale for recommendation;
- h) Alternative actions considered;
- i) For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
- j) Person or persons to contact for further information, with telephone number.
- k) Additional information and analysis as required.
- ~~j) If the author of any report believes additional background information beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.~~

Commented [NML22]: Required by the Brown Act for all agenda items.

Commented [NML23]: Outdated. We publish all materials except for the full administrative record of ZAB appeal.

2. "Co-Author" means the primary author of a council agenda item and other Councilmembers designated by the primary author to be co-authors of the council agenda item.

- 3. "Agenda" means the compilation of the descriptive titles of agenda items submitted to the City Clerk, arranged in the sequence established in Section III.E hereof.
- 4. "Packet" means the agenda plus all its corresponding duplicated agenda items.
- 5. "Emergency Matter" arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the Council determines that:
 - a) A work stoppage or other activity which severely impairs public health, safety, or both;
 - b) A crippling disaster, which severely impairs public health, safety or both. Notice of the Council's proposed consideration of any such emergency

III. AGENDA

matter shall be given in the manner required by law for such an emergency pursuant to Government Code Section 54956.5.

- 6. "Continued Business" Items carried over from a prior agenda of a meeting occurring less than 11 days earlier, ~~as uncompleted items.~~
- 7. "Old Business" Items carried over from a prior agenda of a meeting ~~as uncompleted items occurring~~ **as occurring more than 11 days earlier.**

Commented [NML24]: Per Open Government Ordinance

C. Procedure for Bringing Matters Before City Council

1. Persons Who Can Place Matters on the Agenda.

Matters may be placed on the agenda by any ~~Councilmember~~ **council member**, the City Manager, the Auditor, or any board/commission/committee created by the City Council. All items, other than board and commission items shall be subject to review by ~~an the Agenda Committee~~ **Agenda & Rules Committee**, which shall be a standing committee of the City Council. ~~The Agenda Committee shall consist of the Mayor and two councilmembers, nominated by the Mayor and approved by the Council. A third council member, nominated by the Mayor and approved by the Council, will serve as an alternate on the Committee in the event that an Agenda Committee member cannot attend a meeting.~~

Commented [NML25]: Superseded by policy committee section below

The ~~Agenda Committee~~ **Agenda & Rules Committee** shall meet 15 days prior to each City Council meeting and shall approve the agenda of that City Council meeting. ~~Pursuant to BMC Section 1.04.080, if the 15th day prior to the Council meeting falls on a holiday, the Committee will meet the next business day.~~ The ~~Agenda Committee~~ **Agenda & Rules Committee** packet, including a draft agenda and Councilmember, Auditor, and Commission reports shall be distributed by 5:00 p.m. 4 days before the ~~Agenda Committee~~ **Agenda & Rules Committee** meeting.

Commented [NML26]: Clarification

The ~~Agenda Committee~~ **Agenda & Rules Committee** shall have the powers set forth below.

- a) **Items Authored by a Councilmember or the Auditor.** As to items authored by the Mayor, a Councilmember, or the Auditor, the ~~Agenda Committee~~ **Agenda & Rules Committee** shall review the item and may recommend that the matter be referred to a commission, to the City Manager, **a policy committee**, or back to the author for adherence to required form or for additional analysis as required in Section III.B.2, or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

The author of a "referred" item must inform the City Clerk within 24 hours of the adjournment of the ~~Agenda Committee~~ **Agenda & Rules Committee meeting** whether ~~he or she~~ **they** prefers to: 1) hold the item for a future meeting pending modifications as suggested by the Committee; 2) have the item appear on the Council agenda under consideration as originally submitted; 3) pull the item completely; or 4) re-submit the item with revisions as requested by the ~~Agenda Committee~~ **Agenda & Rules Committee** **within** 24 hours of the adjournment of the **Agenda**

Commented [NML27]: Current practice

~~Committee~~ Agenda & Rules Committee meeting for the Council agenda under consideration. Option 2 is not available for items eligible to be referred to a policy committee.

Commented [NML28]: Per policy committee regulations

In the event that the City Clerk does not receive guidance from the author of the referred item within 24 hours of the ~~Agenda Committee~~ Agenda & Rules Committee's adjournment, the recommendation of the ~~Agenda Committee~~ Agenda & Rules Committee will take effect.

Items held for a future meeting to allow for modifications will be placed on the next available Council meeting agenda at the time that the revised version is submitted to the City Clerk. ~~If changes made to the item extend beyond the scope of the Agenda Committee referral recommendations, the item must be re-submitted as a new Council item.~~

Commented [NML29]: Unnecessary. If the item is being submitted for a future meeting, it is a "new" item.

~~For authors of referred items that select option 2) above, the referred item will automatically be placed at the end of the Action Calendar under the heading "Referred Items". The Agenda Committee shall specify the reason for the referral from the categories listed below. This reason shall be printed with the item on the agenda.~~

Commented [NML30]: No longer needed with the policy committee system.

- ~~Reason 1 — Significant Lack of Background or Supporting Information~~
- ~~Reason 2 — Significant Grammatical or Readability Issues~~

- b) **Items Authored by the City Manager.** The ~~Agenda Committee~~ Agenda & Rules Committee shall review agenda descriptions of items authored by the City Manager. The Committee can recommend that the matter be referred to a commission or back to the City Manager for adherence to required form, additional analysis as required in Section III.B.2, or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

If the City Manager determines that the matter should proceed notwithstanding the ~~Agenda Committee~~ Agenda & Rules Committee's action, it will be placed on the agenda as directed by the Manager. All City Manager items placed on the Council agenda against the ~~referral~~ recommendation of the ~~Agenda Committee~~ Agenda & Rules Committee ~~or revised items that have not been resubmitted to the Agenda Committee~~ will automatically be placed on the Action Calendar.

Commented [NML31]: Inconsistent with current practices. Staff reports are still in review and are not printed in the Agenda & Rules Committee packet.

- c) **Items Authored by Boards and Commissions.** Council items submitted by boards and commissions are subject to City Manager review and must follow procedures and timelines for submittal of reports as described in the Commissioners' Manual. The content of commission items is not subject to review by the ~~Agenda Committee~~ Agenda & Rules Committee.

- i) For a commission item that does not require a companion report from the City ~~Mananger~~ Manager, the ~~Agenda Committee~~ Agenda & Rules

[Committee](#) may act on an agendized commission report in the following manner:

1. Move a commission report from the Consent Calendar to the Action Calendar or from the Action Calendar to the Consent Calendar.
 2. Re-schedule the commission report to appear on one of the next three regular Council meeting agendas that occur after the regular meeting under consideration. Commission reports submitted in response to a Council referral shall receive higher priority for scheduling.
 3. Allow the item to proceed as submitted.
- ii) For any commission report that requires a companion report, the ~~Agenda Committee~~[Agenda & Rules Committee](#) will schedule the item on a Council agenda for a meeting occurring not sooner than 60 days and not later than 120 days from the date of the meeting under consideration by the ~~Agenda Committee~~[Agenda & Rules Committee](#). A commission report submitted with a complete companion report may be scheduled pursuant to subparagraph c.i. above.
- d) The ~~Agenda Committee~~[Agenda & Rules Committee](#) shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in Chapter III, Section E ~~of the Rules of Procedures and Order~~.

2. Scheduling Public Hearings Mandated by State, Federal, or Local Statute.

The City Clerk may schedule a public hearing at an available time and date in those cases where State, Federal or local statute mandates the City Council hold a public hearing.

3. Submission of Agenda Items.

- a) **City Manager Items.** Except for Continued Business and Old Business, as a condition to placing an item on the agenda, agenda items from departments, including agenda items from commissions, shall be furnished to the City Clerk at a time established by the City Manager.
- b) **Council and Auditor Items.** The deadline for reports submitted by the Auditor, Mayor and City Council is 5:00 p.m. on Monday, 22 days before each Council meeting.
- c) **Time Critical Items.** A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or ~~Councilmember~~[council member](#) is

received by the City Clerk after established deadlines and is not included on the ~~Agenda Committee~~ Agenda & Rules Committee's published agenda.

The author of the report shall bring any reports submitted as Time Critical to the meeting of the ~~Agenda Committee~~ Agenda & Rules Committee. Time Critical items must be accompanied by complete reports and statements of financial implications. If the ~~Agenda Committee~~ Agenda & Rules Committee finds the matter to meet the definition of Time Critical, the ~~Agenda Committee~~ Agenda & Rules Committee may place the matter on the Agenda on either the Consent or Action Calendar.

- d) The City Clerk may not accept any agenda item after the adjournment of the ~~Agenda Committee~~ Agenda & Rules Committee meeting, except for items carried over by the City Council from a prior City Council meeting occurring less than 11 days earlier, which may include supplemental or revised reports, and reports concerning actions taken by boards and commissions that are required by law or ordinance to be presented to the Council within a deadline that does not permit compliance with the agenda timelines in BMC Chapter 2.06 or these rules.

4. **Submission of Supplemental and Revised Agenda Material.**

Berkeley Municipal Code Section 2.06.070 allows for the submission of supplemental and revised agenda material. Supplemental and revised material cannot be substantially new or only tangentially related to an agenda item. Supplemental material must be specifically related to the item in the Agenda Packet. Revised material should be presented as revised versions of the report or item printed in the Agenda Packet. Supplemental and revised material may be submitted for consideration as follows:

- a) Supplemental and revised agenda material shall be submitted to the City Clerk no later than 5:00 p.m. seven calendar days prior to the City Council meeting at which it is to be considered. Supplemental and revised items that are received by the deadline shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. five calendar days prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for citizen review or City Council-member evaluation.

- b) Supplemental and revised agenda material submitted to the City Clerk after 5:00 p.m. seven days before the meeting and no later than 12:00 p.m. one day prior to the City Council meeting at which it is to be considered shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. one day prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need

Commented [NML32]: Per Open Government Ordinance

for a determination that the good of the City clearly outweighs the lack of time for citizen review or City Councilmember evaluation.

~~a)~~

b)c) After 5:12:00 p.m. ~~seven~~one calendar days prior to the meeting, supplemental or revised reports may be submitted for consideration by delivering a minimum of 42 copies of the supplemental/revised material to the City Clerk for distribution at the meeting. Each copy must be accompanied by a completed supplemental/revised material cover page, using the form provided by the City Clerk. Revised reports must reflect a comparison with the original item using track changes formatting. The material may be considered only if the City Council, by a two-thirds roll call vote, makes a factual determination that the good of the City clearly outweighs the lack of time for citizen review or City Councilmember evaluation of the material. Supplemental and revised material must be distributed and a factual determination made prior to the commencement of public comment on the agenda item in order for the material to be considered.

5. Scheduling a Presentation.

Presentations from staff are either submitted as an Agenda Item or are requested by the City Manager. Presentations from outside agencies and the public are coordinated with the Mayor's Office. The Agenda & Rules Committee may adjust the schedule of presentations as needed to best manage the Council Agenda.

~~Any request for a presentation to the Council will be submitted as an agenda item and follow the time lines for submittal of agenda reports. The agenda item should include general information regarding the purpose and content of the presentation; information on the presenters; contact information; and the length of the presentation. The request may state a preference for a date before the Council. The Agenda Committee will review the request and recommend a presentation date and allotted time based on the Council's schedule.~~

~~The City Clerk will notify the presenters of the date and time of the presentation and will coordinate use of any presentation equipment and receipt of additional written material.~~

Commented [NML33]: Reflects current practice, which is much less formal than deleted text.

D. Packet Preparation and Posting

1. Preparation of the Packet.

Not later than the thirteenth day prior to said meeting, the City Clerk shall prepare the packet, which shall include the agenda plus all its corresponding duplicated agenda items. No item shall be considered if not included in the packet, except as provided for in Section III.C.4 and Section III.D.4. Reports carried over, as Continued Business or Old Business need not be reproduced again.

Commented [NML34]: Inconsistent with OGO

2. Distribution and Posting of Agenda.

a) The City Clerk shall post each agenda of the City Council regular meeting no later than 11 days prior to the meeting and shall post each agenda of a

special meeting at least 24 hours in advance of the meeting in the official bulletin board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each agenda.

- b) The City Clerk shall also post agendas and annotated agendas of all City Council meetings and notices of public hearings on the City's website.
- c) No later than 11 days prior to a regular meeting, copies of the agenda shall be mailed by the City Clerk to any resident of the City of Berkeley who so requests in writing. Copies shall also be available free of charge in the City Clerk Department.

3. Distribution of the Agenda Packet.

The Agenda Packet shall consist of the Agenda and all supporting documents for agenda items. No later than 11 days prior to a regular meeting, the City Clerk shall:

- a) distribute the Agenda Packet to each member of the City Council;
- b) post the Agenda Packet to the City's website;
- c) place copies of the Agenda Packet in viewing binders in the office of the City Clerk and in the main branch of the Berkeley Public Library; and
- d) make the Agenda Packet available to members of the press.

4. Failure to Meet Deadlines.

- a) The City Clerk shall not accept any agenda item or revised agenda item after the deadlines established.
- b) Matters not included on the published agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:
 - A majority of the Council determines that the subject meets the criteria of "Emergency" as defined in Section III.B.5.
 - Two thirds of the Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda as required by law.
- c) Matters listed on the printed agenda but for which support~~ing~~ing materials are not received by the City Council on the eleventh day prior to said meeting as part of the agenda packet, shall not be discussed or acted upon.

E. Agenda Sequence and Order of Business

Commented [NML35]: Edits to reflect current order

The Council agenda for a regular business meeting is to be arranged in the following order:

1. Preliminary Matters: (Ceremonial, Comments from the City Manager, [Comments from the City Auditor, Non-Agenda](#) Public Comment)
2. Consent Calendar
3. Action Calendar
 - a) Appeals
 - b) Public Hearings
 - c) Continued Business
 - d) Old Business
 - e) New Business
 - ~~f) Referred Items~~

~~4.~~ Information Reports

~~4-5.~~ [Non-Agenda Public Comment](#)

~~5-6.~~ [Adjournment](#)~~Communications~~

~~6-7.~~ [Communications](#)~~Adjournment~~

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

The ~~Agenda Committee~~[Agenda & Rules Committee](#) shall have the authority to reorder the items on the Action Calendar regardless of the default sequence prescribed in this section.

F. Closed Session Documents

This section establishes a policy for the distribution of, and access to, confidential closed session documents by the Mayor and Members of the City Council.

1. Confidential closed session materials shall be kept in binders numbered from one to nine and assigned to the Mayor (#9) and each Councilmember (#1 to #8 by district). The binders will contain confidential closed session materials related to Labor Negotiations, Litigation, and Real Estate matters.
2. The binders will be maintained by City staff and retained in the Office of the City Attorney in a secure manner. City staff will bring the binders to each closed session for their use by the Mayor and Councilmembers. At other times, the binders will be available to the Mayor and Councilmembers during regular business hours for review in the City Attorney's Office. The binders may not be removed from the City Attorney's Office or the location of any closed session meeting by the Mayor or Councilmembers. City staff will collect the binders at

the end of each closed session meeting and return them to the City Attorney's Office.

3. Removal of confidential materials from a binder is prohibited.
4. Duplication of the contents of a binder by any means is prohibited.
5. Confidential materials shall be retained in the binders for at least two years.
6. This policy does not prohibit the distribution of materials by staff to the Mayor and Councilmembers in advance of a closed session or otherwise as needed, but such materials shall also be included in the binders unless it is impracticable to do so.

G. Regulations Governing City Council Policy Committees

1.A. Legislative Item Process

All agenda items begin with submission to the ~~Agenda Committee~~ Agenda & Rules Committee.

Full Council Track

Items under this category are exempt from ~~Agenda Committee~~ Agenda & Rules Committee discretion to refer them to a policy committee. Items in this category may be submitted for the agenda of any scheduled regular meeting pursuant to established deadlines (same as existing deadlines). Types of Full Council Track items are listed below.

- a. Items submitted by the City Manager and City Auditor
- b. Items submitted by Boards and Commissions
- c. Resolutions on Legislation and Electoral Issues relating to Outside Agencies/Jurisdictions
- d. Position Letters and/or Resolutions of Support/Opposition
- e. Donations from Councilmember District Office Budgets
- f. Referrals to the Budget Process
- g. Proclamations
- h. Sponsorship of Events
- i. Information Reports
- j. Presentations from Outside Agencies and Organizations
- k. Ceremonial Items
- k.l. Committee and Regional Body Appointments

Commented [NML36]: Regulations from the Policy Committee resolution are inserted in red text; changes to the resolution language are in track changes

Commented [NML37]: Clarification

Commented [NML38]: Standard administrative item

III. AGENDA

Notwithstanding the exemption stated above, the ~~Agenda Committee~~ Agenda & Rules Committee, at its discretion, may route a Full Council Track item submitted by a Councilmember to a policy committee if the item has 1) a significant lack of background or supporting information, or 2) significant grammatical or readability issues.

The ~~Agenda Committee~~ Agenda & Rules Committee has discretion to determine if an item falls under a Full Council Track exception or if it will be processed as a Policy Committee Track item.

Policy Committee Track

Items submitted by Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the ~~Agenda Committee~~ Agenda & Rules Committee on a draft City Council agenda ~~(on a list)~~.

Commented [NML39]: Clarification

The ~~Agenda Committee~~ Agenda & Rules Committee must refer an item to a policy committee at the first meeting that the item appears before the ~~Agenda Committee~~ Agenda & Rules Committee. The ~~Agenda Committee~~ Agenda & Rules Committee may only assign the item to a single policy committee.

For a Policy Committee Track item, the ~~Agenda Committee~~ Agenda & Rules Committee, at its discretion, may either route item directly to 1) the agenda currently under consideration, 2) one of the next three full Council Agendas (based on completeness of the item, lack of potential controversy, minimal impacts, etc.), or 3) to a policy committee.

Time Critical Track

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

The ~~Agenda Committee~~ Agenda & Rules Committee retains final discretion to determine the time critical nature of an item.

- a) Time Critical items submitted on the Full Council Track deadlines, that would otherwise be assigned to the Policy Committee Track, may bypass policy committee review if determined to be time critical. If such an item is deemed not to be time critical, it will be referred to a Policy Committee.
- b) Time Critical items on the Full Council Track or Policy Committee Track that are submitted at a meeting of the ~~Agenda Committee~~ Agenda & Rules Committee may go directly on a council agenda if determined to be time critical.

B2. Council Referrals to Committees

The full Council may refer any agenda item to a policy committee by majority vote.

3. Participation Rules for Policy Committees Pursuant to the Brown Act

Commented [NML40]: New requirements due to re-evaluation of Brown Act applicability to policy committees

- a. The quorum of a three-member policy committee is always two members. A majority vote of the committee (two 'yes' votes) is required to pass a motion.
- b. Two policy committee members may not discuss any item within the committee's subject matter jurisdiction outside of an open and noticed meeting.
- c. Notwithstanding paragraph (b) above, two members of a policy committee may co-author an item provided that one of the authors will not serve as a committee member for consideration of the item, and shall not participate in the committee's discussion of, or and action on the item. For purposes of the item, the appointed alternate will serve as a committee member in place of the non-participating co-author.
- d. All three members of a policy committee may not be co-authors of an item that will be heard by the committee.
- e. Only one co-author who is not a member of the policy committee may attend the committee meeting to participate in discussion of the item.
- f. If two or more non-committee members are present for any item or meeting, then all non-committee members may act only as observers and may not participate in discussion. If an author is present to participate in the discussion of their item, no other councilmembers may attend as observers.
- g. An item may be considered by only one policy committee before it goes to the full Council.

4. Functions of the Committees

Committees shall have the following qualities/components:

- a. All committees are Brown Act bodies with noticed public meetings and public comment. Regular meeting agendas will be posted at least 72 hours in advance of the meeting.
- b. Minutes shall be available online.
- c. Committees shall adopt regular meeting schedules, generally meeting once or twice per month; special meetings may be called when necessary, in accordance with the Brown Act.
- d. Generally, meetings will be held at 2180 Milvia Street in publicly accessible meeting rooms that can accommodate the committee members, public attendees, and staff.

III. AGENDA

e. Members are recommended by the Mayor and approved by the full Council no later than January 31 of each year. Members continue to serve until successors are appointed and approved.

f. Chairs are elected by the Committee at the first regular meeting of the Committee after the annual approval of Committee members by the City Council. In the absence of the Chair, the committee member with the longest tenure on the Council will preside.

~~f.g.~~ The Chair, or a quorum of the Committee may call a meeting or cancel a meeting of the Policy Committee.

Commented [NML41]: Clarification of authority; reflects Charter

~~g-h.~~ Committees will review items for completeness in accordance with Section III.B.2 of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.

i. Reports leaving a policy committee must adequately include budget implications, administrative feasibility, basic legal concerns, and staff resource demands in order to allow for informed consideration by the full Council.

~~h-i.~~ No final action may be taken on an item for which revised or supplemental materials were submitted at the meeting. Per Brown Act regulations, any such materials must be direct revisions or supplements to the item that was published in the agenda packet.

Commented [NML42]: Added for transparency and to avoid violations arising from submission of materials only tangentially related to the agendized items

Items referred to a policy committee from the ~~Agenda Committee~~ Agenda & Rules Committee or from the City Council must be agendized for a committee meeting within 60 days of the referral date.

Within 120 days of the referral date, the committee must vote to either (1) accept the author's request that the item remain in committee until a date certain (more than one extension may be requested by the author); or (2) send the item to the ~~Agenda Committee~~ Agenda & Rules Committee to be placed on a Council Agenda with a Committee recommendation consisting of one of the four options listed below.

1. Positive Recommendation (recommending Council pass the item as proposed),
2. Qualified Positive Recommendation (recommending Council pass the item with some changes),
3. Qualified Negative Recommendation (recommending Council reject the item unless certain changes are made) or
4. Negative Recommendation (recommending the item not be approved).

The Policy Committee's ~~will include their~~ recommendation will be included in a ~~new separate~~ section of the report template for that purpose.

A Policy Committee may not refer an item under its consideration to a city board or commission.

Commented [NML43]: Clarification of authority. Commissions are advisory to the Full Council

The original Council author of an item referred to a Policy Committee is responsible for revisions and resubmission of the item back to the full Council. Items originating from the City Manager are revised and submitted by the appropriate city staff. Items from Commissions are revised and resubmitted by the members of the Policy Committee. Items and Recommendations originating from the policy committee are submitted to the agenda process by the members of the committee.

Commented [NML44]: Clarification of responsibility for shepherding items through process

~~A policy committee may refer an item to another policy committee for review. The total time for review by all policy committees is limited to the initial 120-day deadline.~~

Commented [NML45]: Inconsistent with Brown Act – review by two committees would result in an illegal serial meeting

If a policy committee does not take final action by the 120-day deadline, the item is returned to the ~~Agenda Committee~~ Agenda & Rules Committee and appears on the next available Council agenda. The ~~Agenda Committee~~ Agenda & Rules Committee may leave the item on the agenda under consideration or place it on the next Council agenda. Items appearing on a City Council agenda due to lack of action by a policy committee may not be referred to a policy committee and must remain on the full Council agenda for consideration.

Commented [NML46]: Closes "endless loop" loophole

Non-legislative or discussion items may be added to the Policy Committee agenda by members of the Committee with the concurrence of a quorum of the Committee. These items are not subject to the 120-day deadline for action.

Commented [NML47]: Clarification

Once the item is voted out of a policy committee, the final item will be resubmitted to the agenda process by the author, and it will return to the ~~Agenda Committee~~ Agenda & Rules Committee on the next available agenda. The ~~Agenda Committee~~ Agenda & Rules Committee may leave the item on the agenda under consideration or place it on the following Council agenda. Only items that receive a Positive Recommendation can be placed on the Consent Calendar.

Commented [NML48]: Clarification

The lead author may request expedited committee review for items referred to a committee. Criteria for expedited review is generally to meet a deadline for action (e.g. grant deadline, specific event date, etc.). If the committee agrees to the request, the deadline for final committee action is 45 days from the date the item first appeared on the committee agenda.

5D. Number and Make-up of Committees

Six committees are authorized, each comprised of three ~~Councilmembers~~ Councilmember appointed as an alternate. Each Councilmember and the Mayor will serve on two committees. The committees are as follows:

Commented [NML49]: This will allow two members of a policy committee to co-author an item. The Alternate will substitute for one of the co-authors while the item is heard by the policy committee.

1. Agenda and Rules Committee

III. AGENDA

2. Budget and Finance Committee
3. Facilities, Infrastructure, Transportation, Environment, and Sustainability
4. Health, Life Enrichment, Equity, and Community
5. Land Use, Housing, and Economic Development
6. Public Safety

The ~~Agenda Committee~~ Agenda & Rules Committee shall establish the policy committee topic groupings, and may adjust said groupings periodically thereafter in order to evenly distribute expected workloads of various committees.

All standing policy committees of the City Council are considered "legislative bodies" under the Brown Act and must conduct all business in accordance with the Brown Act.

Commented [NML50]: Clarification

6E. Role of City Staff at Committee Meetings

Committees will be staffed by appropriate City Departments and personnel. As part of the committee process, staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item. Staff analysis at the Policy Committee level is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

IV. CONDUCT OF MEETING

A. Comments from the Public

Public comment will be taken in the following order:

- An initial ten-minute period of public comment on non-agenda items, after the commencement of the meeting and immediately after Ceremonial Matters and City Manager Comments.
- Public comment on the Consent and Information Calendars.
- Public comment on action items, appeals and/or public hearings as they are taken up under procedures set forth in the sections governing each below.
- Public comment on non-agenda items from any speakers who did not speak during the first round of non-agenda public comment at the beginning of the meeting.

Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. A speaker wishing to yield their time shall stand and identify themselves, shall be recognized by the chair, and announce publicly their intention to yield their time. Disabled persons shall have priority seating in the front row of the public seating area.

A member of the public may only speak once at public comment on any single item, unless called upon by the Mayor or a Councilmember to answer a specific inquiry.

1. Public Comment on Consent Calendar and Information Items.

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar," or move "Consent Calendar" items to "Action." Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent."

The Council will then take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. A speaker may only speak once during the period for public comment on Consent Calendar and Information items. 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.

2. Public Comment on Action Items.

After the initial ten minutes of public comment on non-agenda items and public comment and action on consent items, the public may comment on each remaining item listed on the agenda for action as the item is taken up.

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.

If ten or fewer persons are interested in speaking, each speaker 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.

[This procedure also applies to public hearings except those types of public hearings specifically provided for in this section.](#)

3. Appeals Appearing on Action Calendar.

With the exception of appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission, appeals from decisions of City commissions appear on the "Action" section of the Council Agenda. Council determines whether to affirm the action of the commission, set a public hearing, or remand the matter to the commission. Appeals of proposed special assessment liens shall also appear on the "Action" section of the Council Agenda. Appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission are automatically set for public hearing and appear on the "Public Hearings" section of the Council Agenda.

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants [of a single appeal](#) collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. [If there are multiple appeals filed, each appellant or group of appellants shall have seven minutes to comment.](#) Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment. In the case of an appeal of proposed special assessment lien, the appellant shall have seven minutes to comment.

After the conclusion of the seven-minute comment periods, members of the public may comment on the appeal. Comments from members of the public regarding appeals shall be limited to one minute per speaker. Any person that addressed the Council during one of the seven-minute periods may not speak again during the public comment period on the appeal. Speakers may yield their time to one other speaker, however, no speaker shall have more than two minutes. Each side shall be informed of this public comment procedure at the time the Clerk notifies the parties of the date the appeal will appear on the Council agenda.

Commented [NML51]: Reflects existing due process standards

4. Public Comment on Non Agenda Matters.

Immediately following Ceremonial Matters and the City Manager Comments and prior to the Consent Calendar, persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting.

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.

Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.

For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers by subject. The Presiding Officer will generally request that persons wishing to speak, line up at the podium to be recognized to determine the number of persons interested in speaking at that time. Each speaker will be entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate given the number of speakers.

~~According to the current Rules and Procedures Pursuant to this document, no~~ Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items. If any agenda item remains unfinished at 11:00 p.m. or the expiration of any extension after 11:00 p.m., it will be referred to the ~~Agenda Committee~~ [Agenda & Rules Committee](#) for scheduling pursuant to Chapter II, Section F. In that event, the meeting shall be automatically extended for up to fifteen (15) minutes for public comment on non-agenda items.

5. Ralph M. Brown Act Pertaining to Public Comments.

The "Brown Act" prohibits the Council from discussing or taking action on an issue raised during Public Comment, unless it is specifically listed on the agenda. However, the Council may refer a matter to the City Manager.

B. Consent Calendar

There shall be a Consent Calendar on all regular meeting agendas on which shall be included those matters which the Mayor, ~~C~~ouncilmembers, boards, commissions, City Auditor and City Manager deem to be of such nature that no debate or inquiry will be necessary at the Council meetings. Ordinances for second reading may be included in the Consent Calendar.

IV. CONDUCT OF MEETING

It is the policy of the Council that ~~C~~eouncilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of consent calendar items can be minimized.

Consent Calendar items may be moved to the Action Calendar by the Council. Action items may be reordered at the discretion of the Chair with the consent of Council.

C. Information Reports Called Up for Discussion

Reports for Information designated for discussion at the request of any ~~Councilmembereouncil member~~ shall be added to the appropriate section of ~~the Reports for Action Calendar~~ and may be acted upon at that meeting or carried over as pending business until discussed or withdrawn. The agenda will indicate that at the request of any ~~Councilmembereouncil member~~ a Report for Information may be acted upon by the Council.

D. Communications

Letters from the public will not appear on the Council agenda as individual matters for discussion but will be distributed as part of the Council agenda packet with a cover sheet identifying the author and subject matter and will be listed under "Communications." _

All such communications must have been received by the City Clerk no later than 5:00 p.m. fifteen days prior to the meeting in order to be included on the agenda.

In instances where an individual forwards more than three pages of email messages not related to actionable items on the Council agenda to the Council to be reproduced in the "Communications" section of the Council packet, the City Clerk will not reproduce the entire email(s) but instead refer the public to the City's website or a hard copy of the email(s) on file in the City Clerk Department.

All communications shall be simply deemed received without any formal action by the Council. A ~~Councilmembereouncil member~~ may refer a communication to ~~staff the City Manager~~ for action, if appropriate, or prepare a consent or action item for placement on a future agenda.

Communications related to an item on the agenda that are received after 5:00 p.m. fifteen days before the meeting are published as provided for in Chapter III.C.4.

Commented [NML52]: Clarification per OGO

E. Public Hearings for Land Use, Zoning, Landmarks, and Public Nuisance Matters

The City Council, in setting the time and place for a public hearing, may limit the amount of time to be devoted to public presentations. Staff shall introduce the public hearing item and present their comments.

Following any staff presentation, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Members shall also submit a report of such contacts in writing prior to the commencement of the hearing. Such reports shall include a brief statement describing the name, date, place, and content of the contact. Written reports shall be available for public review

in the office of the City Clerk prior to the meeting and placed in a file available for public viewing at the meeting.

This is followed by five-minute presentations each by the appellant and applicant. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have five minutes to comment and the applicant shall have five minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons supporting the action of the board or commission on appeal shall have five minutes to comment. In the case of a public nuisance determination, the representative(s) of the subject property shall have five minutes to present.

Commented [NML53]: Same as above

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.

If ten or fewer persons are interested in speaking, each speaker 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. Any person that addressed the Council during one of the five-minute periods may not speak again during the public comment period on the appeal. 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.

Commented [NML54]: Current practice. Matches existing language for appeals above.

F. Work Sessions

The City Council may schedule a matter for general Council discussion and direction to staff. Official/formal action on a work session item will be scheduled on a subsequent agenda under the Action portion of the Council agenda.

In general, public comment at Council work sessions will be heard after the staff presentation, for a limited amount of time to be determined by the Presiding Officer.

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. If ten or fewer persons are interested in speaking, each speaker 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.

After Council discussion, if time permits, the Presiding Officer may allow additional public comment. During this time, each speaker will receive one minute. Persons who spoke during the prior public comment time may be permitted to speak again.

G. Public Discussions

Commented [NML55]: Unnecessary. A "public discussion" must still occur at a noticed meeting which is regulated by the Brown Act, OGO, and this document.

IV. CONDUCT OF MEETING

~~The City Council may, from time to time, schedule a matter for public discussion and may limit the amount of time to be devoted to said discussions. At the time the public discussion is scheduled, the City Council may seek comment from others if they so determine.~~

H. Protocol

People addressing the Council may first give their name in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No one other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a ~~Councilmember~~council member except through the Presiding Officer.

V. PROCEDURAL MATTERS

A. Persons Authorized to Sit at Tables

No person, except City officials, their representatives and representatives of boards and commissions shall be permitted to sit at the tables in the front of the Council Chambers without the express consent of the Council.

B. Decorum

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council Dais without consent. Any written communications addressed to the Council shall be delivered to the City Clerk for distribution to the Council. ~~message to or contact with any member of the Council while the Council is in session shall be through the City Clerk.~~

Commented [NML56]: Clarification that Clerk forwards written communications only, not verbal messages

C. Enforcement of Decorum

When the public demonstrates a lack of order and decorum, the presiding officer shall call for order and inform the person(s) that the conduct is violating the Rules of Order and Procedure and provide a warning to the person(s) to cease the disruptive behavior. Should the person(s) fail to cease and desist the disruptive conduct, the presiding officer may call a five (5) minute recess to allow the disruptions to cease.

If the meeting cannot be continued due to continued disruptive conduct, the presiding officer may have any law enforcement officer on duty remove or place any person who violates the order and decorum of the meeting under arrest and cause that person to be prosecuted under the provisions of applicable law.

D. Precedence of Motions

When a question is before the Council, no motion shall be entertained except:

1. To adjourn,
2. To fix the hour of adjournment,
3. To lay on the table,
4. For the previous question,
5. To postpone to a certain day,
6. To refer,
7. To amend,
8. To substitute, and

9. To postpone indefinitely.

These motions shall have precedence in order indicated. Any such motion, except a motion to ~~adjourn~~, amend, or substitute, shall be put to a vote without debate.

Commented [NML57]: Motion to adjourn is not debatable pursuant to Roberts Rules

E. Roberts Rules of Order

Roberts Rules of Order have been adopted by the City Council and apply in all cases except the precedence of motions in Section V.D shall ~~supercede~~supersede.

F. Rules of Debate

1. Presiding Officer May Debate.

The presiding officer may debate from the chair; subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of that person acting as the presiding officer.

2. Getting the Floor - Improper References to be avoided.

Members desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine themselves to the question under debate.

3. Interruptions.

A member, once recognized, shall not be interrupted when speaking unless it is to call a member to order, or as herein otherwise provided. If a member, while speaking, were called to order, that member shall cease speaking until the question of order is determined, and, if in order, the member shall be permitted to proceed.

4. Privilege of Closing Debate.

The ~~Councilmember~~council member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate. When a motion to call a question is passed, the ~~Councilmember~~council member moving adoption of an ordinance, resolution or other action shall have three minutes to conclude the debate.

5. Motion to Reconsider.

A motion to reconsider any action taken by the Council may be made only during the same session on the day such action is taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made ~~and seconded~~ by a member one of on the prevailing sides, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council.

Commented [NML58]: Must happen at the same meeting, not just the same day.

Commented [NML59]: Inconsistent with Roberts Rules. Requiring a seconder to be on the prevailing side could infringe on a single member's right to reconsider their vote.

6. Repeal or Amendment of Action Requiring a Vote of Two-Thirds of Council, or Greater.

Any ordinance or resolution which is passed and which, as part of its terms, requires a vote of two-thirds of the Council or more in order to pass a motion pursuant to such an ordinance or resolution, shall require the vote of the same percent of the Council to repeal or amend the ordinance or resolution.

G. Debate Limited

1. ~~Except as provided in Section V.F.b hereof, e~~ Consideration of each matter coming before the Council shall be limited to 20 minutes from the time the matter is first taken up, at the end of which period consideration of such matter shall terminate and the matter shall be dropped to the foot of the agenda, immediately ahead of ~~Good of the City Information Reports~~; provided that either of the following two not debatable motions shall be in order:
 - a) A motion to extend consideration which, if passed, shall commence a new twenty-minute period for consideration; or
 - b) If there are one or more motions on the floor, the previous question, which, if passed, shall require an immediate vote on pending motions.
2. The time limit set forth in subparagraph ~~a-1~~ hereof shall not be applicable to any public hearing, public discussion, Council discussion or other especially set matter for which a period of time has been specified (in which case such specially set time shall be the limit for consideration) or which by applicable law (e.g. hearings of appeals, etc.), the matter must proceed to its conclusion.
3. In the interest of expediting the business of the City, failure by the Chair or any ~~Councilmember~~ council member to call attention to the expiration of the time allowed for consideration of a matter, by point of order or otherwise, shall constitute unanimous consent to the continuation of consideration of the matter beyond the allowed time; provided, however, that the Chair or any ~~Councilmember~~ council member may at any time thereafter call attention to the expiration of the time allowed, in which case the Council shall proceed to the next item of business, unless one of the motions referred to in ~~subparagraph Section a-4D~~ hereof is made and is passed.

H. Motion to Lay on Table

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a member voting with the majority and with consent of two-thirds of the members present.

I. Division of Question

If the question contains two or more propositions, which can be divided, the presiding officer may, and upon request of a member shall, divide the same.

J. Addressing the Council

~~Any person desiring to address the Council shall first secure the permission of the presiding officer to do so.~~ Under the following headings of business, unless the presiding officer rules otherwise, any ~~qualified and~~ interested person shall have the right to address the Council in accordance with the following conditions and upon obtaining recognition by the presiding officer:

1. Written Communications.

Commented [NML60]: Exactly restated later in same paragraph

Commented [NML61]: Not sure what could be meant by "qualified"

Interested parties or their authorized representatives may address the Council ~~by in the form of~~ written communications in regard to matters of concern to them ~~by submitting their written communications at the meeting, or prior to the meeting pursuant to the deadlines in Chapter III.C.4.~~

~~Communications pertaining to an item on the agenda which are received by the City Clerk after the deadline for inclusion in the Council Agenda packet and through 5:00 p.m. seven calendar days prior to the meeting shall be compiled into a supplemental communications packet. The supplemental communications packet shall be made available to the City Council, public and members of the press no later than five days prior to the meeting.~~

~~Communications received by the City Clerk after the aforementioned deadline and by noon on the day of a Council meeting shall be duplicated by the City Clerk and submitted to the City Council at the meeting if related to an item which is on the agenda for that meeting. Communications submitted at the Council meeting will be included in the public viewing binder and in the Clerk Department the day following the meeting.~~

Commented [NML62]: Described elsewhere and unnecessary here.

2. Public Hearings.

Interested persons or their authorized representatives may address the Council by reading protests, petitions, or communications relating to matters then under consideration.

3. Public Comment.

Interested persons may address the Council on any issue concerning City business during the period assigned to Public Comment.

K. Addressing the Council After Motion Made

When a motion is pending before the Council, no person other than a ~~Councilmember~~council member shall address the Council without first securing the permission of the presiding officer or Council to do so.

VI. FACILITIES

A. Council Chamber Capacity

~~Council Chamber~~ Attendance at council meetings shall be limited to the posted seating capacity of the meeting location~~thereof~~. Entrance to the ~~City Hall~~ meeting location will be appropriately regulated by the City Manager on occasions when the ~~Council Chamber~~ capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the ~~Council Chamber~~ meeting room except to address the Council, and sitting on the floor shall not be permitted. ~~The Council proceedings may be conveyed by loudspeaker to those who have been unable to enter the Council Chambers.~~

Commented [NML63]: Updated to reflect new locations of meetings and to not be as specific with regards to meeting locations

B. Alternate Facilities for Council Meetings

The City Council shall approve in advance a proposal that a Council meeting be held at a facility other than the ~~City Council Chambers~~ School District Board Room.

If the City Manager has reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the ~~City Council Chambers~~ Board Room and insufficient time exists to secure the approval of the City Council to hold the meeting at an alternate facility, the City Manager shall make arrangements for the use of a suitable alternate facility to which such meeting may be recessed and moved, if the City Council authorizes the action.

If a suitable alternate facility is not available, the City Council may reschedule the matter to a date when a suitable alternate facility will be available.

Alternate facilities are to be selected from those facilities previously approved by the City Council as suitable for meetings away from the ~~City Council Chambers~~ Board Room.

C. Signs, Objects, and Symbolic Materials

Objects and symbolic materials such as signs which do not have sticks or poles attached or otherwise create any fire or safety hazards will be allowed within the ~~Council Chamber~~ meeting location during Council meetings.

D. Fire Safety

Exits shall not be obstructed in any manner. Obstructions, including storage, shall not be placed in aisles or other exit ways. Hand carried items must be stored so that such items do not inhibit passage in aisles or other exit ways. Attendees are strictly prohibited from sitting in aisles and/or exit ways. Exit ways shall not be used in any way that will present a hazardous condition.

E. Overcrowding

Admittance of persons beyond the approved capacity of a place of assembly is prohibited. When the ~~Council Chambers~~ meeting location has ~~have~~ reached the posted maximum capacity, additional attendees shall be directed to the designated overflow area.

APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

Purpose

To establish a uniform policy regarding the naming and renaming of existing and future parks, streets, pathways and other public facilities.

Objective

A. 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.

Section 1 – Lead Commission

The City Council designates the following commissions as the 'Lead Commissions' in overseeing, evaluating, and ultimately advising the Council in any naming or renaming of a public facility. The lead commission shall receive and coordinate comment and input from other Commissions and the public as appropriate.

Board of Library Trustees

Parks and Recreation Commission –Parks, recreation centers, camps, plazas and public open spaces

Public Works Commission –Public buildings (other than recreation centers), streets and bridges or other structures in the public thoroughfare.

Waterfront Commission –Public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.

Section 2 – General Policy

- A. Newly acquired or developed public facilities shall be named immediately after acquisition or development to ensure appropriate public identity.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. Public facilities that are renamed must follow the same criteria for naming new facilities. In addition, the historical significance and geographical reference of the established name should be considered when weighing and evaluating any name change.
- D. The City encourages the recognition of individuals for their service to the community in ways that include the naming of activities such as athletic events, cultural presentations, or annual festivals, which do not involve the naming or renaming of public facilities.
- E. Unless restricted by covenant, facilities named after an individual should not necessarily be considered a perpetual name.

Section 3 – Criteria for Naming of Public Facilities

When considering the naming of a new public facility or an unnamed portion or feature within an already named public facility (such as a room within the facility or a feature within an established park), or, the renaming of an existing public facility the following criteria shall be applied:

- A. Public Facilities are generally easier to identify by reference to adjacent street names, distinct geographic or environmental features, or primary use activity. Therefore, the preferred practice is to give City-owned property a name of historical or geographical significance and to retain these names.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. The naming of a public facility or any parts thereof in recognition of an individual posthumously may only be considered if the individual had a positive effect on the community and has been deceased for more than 1 year.
- D. When a public facility provides a specific programmatic activity, it is preferred that the activity (e.g. skateboard park, baseball diamond) be included in the name of the park or facility.
- E. When public parks are located adjacent to elementary schools, a name that is the same as the adjacent school shall be considered.
- F. When considering the renaming of an existing public facility, in addition to applying criteria A-E above, proper weight should be given to the fact that: a name lends a site or property authenticity and heritage; existing names are presumed to have historic significance; and historic names give a community a sense of place and identity, continuing through time, and increases the sense of neighborhood and belonging.

Section 4 –Naming Standards Involving a Major Contribution

When a person, group or organization requests the naming or renaming of a public facility, all of the following conditions shall be met:

- A. An honoree will have made a major contribution towards the acquisition and/or development costs of a public facility or a major contribution to the City.
- B. The honoree has a record of outstanding service to their community
- C. Conditions of any donation that specifies that name of a public facility, as part of an agreement or deed, must be approved by the City Council, after review by and upon recommendation of the City Manager.

Section 5 –Procedures for Naming or Renaming of Public Facilities

- A. Any person or organization may make a written application to the City Manager requesting that a public facility or portion thereof, be named or renamed.
 - 1. Recommendations may also come directly of the City Boards or Commissions, the City Council, or City Staff.
- B. The City Manager shall refer the application to the appropriate lead commission as defined in Section 1 of the City's policy on naming of public facilities, for that commission's review, facilitation, and recommendation of disposition.
 - 1. The application shall contain the name or names of the persons or organization making the application and the reason for the requested naming or renaming.
- C. The lead commission shall review and consider the application, using the policies and criteria articulated to the City Policy on Naming and Renaming to make a recommendation to Council.
 - 1. All recommendations or suggestion will be given the same consideration without regard to the source of the nomination
- D. The lead commission shall hold a public hearing and notify the general public of any discussions regarding naming or renaming of a public facility.

APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

1. Commission action will be taking at the meeting following any public hearing on the naming or renaming.
- E. The commission's recommendation shall be forwarded to Council for final consideration.

The City of Berkeley Policy for Naming and Renaming Public Facilities was adopted by the Berkeley City Council at the regular meeting of January 31, 2012.

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the [Agenda Committee](#) ~~Agenda & Rules Committee~~ to request that the author of an item provide “additional analysis” if the item as submitted evidences a “significant lack of background or supporting information” or “significant grammatical or readability issues.”

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
 - a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
 - b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
 - c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
 - d. Fiscal impacts of the recommendation;
 - e. A description of the current situation and its effects;
 - f. Background information as needed;
 - g. Rationale for recommendation;
 - h. Alternative actions considered;
 - i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
 - j. Person or persons to contact for further information, with telephone number. If the author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

Guidelines for City Council Items:

1. Title
 2. Consent/Action/Information Calendar
 3. Recommendation
 4. Summary Statement/Current situation and its effects
 5. Background
 6. Review of Existing Plans, Programs, Policies and Laws
 7. Actions/Alternatives Considered
 8. Consultation/Outreach Overview and Results
 9. Rationale for Recommendation
 10. Implementation, Administration and Enforcement
 11. Environmental Sustainability
 12. Fiscal Impacts
 13. Outcomes and Evaluation
 14. Contact Information
 15. Attachments/Supporting Materials
-

1. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. Recommendation

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options include:

- Adopt first reading of ordinance
- Adopt a resolution
- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
- Referral to a Commission or to a Standing or Ad Hoc Council Committee
- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

4. Summary Statement/ “Current situation and its effects”

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):
Winter rains are lasting longer than expected. Berkeley’s winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley’s winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.

5. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. Review of Existing Plans, Programs, Policies and Laws

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan

- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

7. Actions/Alternatives Considered

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

8. Consultation/Outreach Overview and Results

- Review/list external and internal stakeholders that were consulted
 - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
 - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, Clerk, etc.
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

9. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented,

but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

10. Implementation, Administration and Enforcement

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

11. Environmental Sustainability

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal Impacts

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

13. Outcomes and Evaluation

State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

14. Contact Information

15. Attachments/Supporting Materials

July 15, 2019

To: Honorable Members of the Agenda and Rules Committee

From: Councilmembers Lori Droste, Susan Wengraf

Subject: Updated Guidelines for Council Items

Recommendation

Adopt revised Guidelines for Writing and Developing Council Agenda Items (Attachment 2) to serve as a guiding template for Council referrals beginning in September 2019.

Problem/ Summary Statement

Current Council guidelines lack a few critical elements –opportunity costs and an evaluative criteria category, including specific budget allocation requests and *alignment* with strategic plan tenets– in [Guidelines for Writing and Developing Council Agenda Items](#). As a result, Council may not have adequate information to make decisions in the best interest of the public. Staff may be required to implement a measure without necessary funding or clarity of what to prioritize given the new item.

Background

In January 2019, City Council adopted new guidelines for writing and developing Council items. These guidelines were an important step in ensuring that Council items on the agenda include detailed, contextual background information.

During the 2019 budget subcommittee process, community members provided valuable input regarding the City of Berkeley’s budget process. Typically, budget referrals are not tied to Council referrals. For example, many items that are high priorities for Berkeley City Council may not have a specific budget request. Additionally, prior to the June and November budget decisions, a flurry of Council budget referrals are submitted after the printed budget deadline. This can result in making budget adjustments much more challenging in the closing days of the budget process and passing a budget where top priorities are unfunded while other initiatives are funded without an accompanying policy referral.

Additionally, City Auditor Jenny Wong has also indicated to Council and various policy committees the necessity of confronting tradeoffs and opportunity costs prior to adopting policies.¹ This was based on the auditor’s report that found some ordinances are passed without fully analyzing the resources needed and without understanding current staffing capacity. By passing ordinances without understanding tradeoffs or opportunity costs, Council is not equipped with adequate information to make decisions and the public does not have the proper expectations about when and how an ordinance will be implemented, even at a high level.

¹https://www.cityofberkeley.info/uploadedFiles/Auditor/Level_3_-_General/A.2_RPT_Code%20Enforcement_Fiscal%20Year%202018.pdf

Actions/Alternatives Considered

Current policy

The revised guidelines adopted in January 2019 were a tremendous step forward toward better policy making and procedures. The revised item provides some minor amendments and formatting changes and simplifies the guidelines.

Proposed Guidelines

The revised guidelines for council items draws upon Eugene Bardach's *Eightfold Path for Policy Analysis*.

1. Define the Problem
 - "Problem/Summary Statement"
 - Emphasis on defining the problem with specifics (e.g. quantify) and with enough context to explain why people should care.
 - E.g. "What private troubles warrant definition as public problems and thereby legitimately raise claims for amelioration by public resources?"
2. Assemble the Evidence
 - Merges "Background," "Review of Existing Plans, Programs, Policies, and Laws", "Consultation/Outreach Overview and Results"
 - E.g. What current plans, programs, policies, laws, and best practices currently address this issue?
 - E.g. What stakeholders did you engage and what was the feedback?
3. Construct the Alternatives
 - Merges status quo ("Current Situation and Its Effects") with "Actions/Alternatives Considered"
 - E.g. What is the current situation? What were some alternatives you considered when trying to address the problem?
4. Select the Criteria
 - **New recommendation: "Criteria Considered"**
 - Includes current categories "Environmental Sustainability" and "Fiscal Impacts"
 - Adds new categories "Effectiveness" and "Strategic Plan Alignment"
 - Amends Fiscal Impacts to include "Budget Referral" that dollarizes staff time and program implementation.
5. Project the Outcomes
 - AKA "Outcomes and Evaluation"
 - Evaluates the alternatives using the selected criteria
 - Identifying results to be achieved from passing item, which can include short and long term outcomes.

Example:

	Benefits/ Effectiveness	Fiscal Impacts/ Cost	Strategic Plan Alignment	Additional criteria (environmental sustainability, equity, privacy, or safety, etc.)
Current situation	<i>Analysis</i>	<i>Analysis</i>	E.g. “Provide state- of-the-art well- maintained infrastructure, amenities, and facilities”	<i>Analysis</i>
Alternative A	<i>Analysis</i>	<i>Analysis</i>	E.g. “Provide state- of-the-art well- maintained infrastructure, amenities, and facilities”	<i>Analysis</i>
Alternative B	<i>Analysis</i>	<i>Analysis</i>	E.g. “Provide state- of-the-art well- maintained infrastructure, amenities, and facilities”	<i>Analysis</i>

6. Confront the Tradeoffs

- **NEW RECOMMENDATION “Operational Considerations”²**
- E.g. What are the tradeoffs, including what services and programs will diminish and by how much and how long when staff shift their efforts from an existing service or program to the proposed item? What is the estimated staff time needed for the proposed item? Will critical projects have to be delayed? Will crucial work not get done? Are there fiscal implications of not doing currently assigned work? Does diverting staff’s time risk noncompliance with laws and regulations? Assess the shift of staff time in terms of time and dollars.
- If this is a referral to commissions, what previous referrals will be put on hold in order to complete this? How does this fit into the Commission’s existing workplan?
- Operational considerations will be finalized during policy committee review before Council review and will not be a requirement for initial submission.

7. Decide

- AKA “Rationale for Recommendation”
- Moves this category to the end of the referral after appropriate analysis.

² Recommendation from City Auditor Jenny Wong’s 2019 letter

- E.g. How did you land on this policy as being the most effective path forward?

8. Tell Your Story

- Drafting council items is a form of telling your story.

Rationale for Recommendation

If Council and staff incorporate these guidelines into agenda items, better policies will result. Namely, the City Council and the public will learn more about costs and benefits of certain policies. The community will learn about potential tradeoffs of current or existing policies. Finally, Council will no longer have to submit last minute budget referrals so budget requests will be easily prioritized, quantified and considered in time for budget adoption. Collectively, the improved process will better communicate expectations to policy makers, stakeholders and the community.

Contact Information

Councilmember Lori Droste, (510) 981-7180

Councilmember Susan Wengraf, (510) 981-7160

Attachment 1

RESOLUTION NO. ##,###-N.S.
AMENDING THE CITY COUNCIL RULES OF PROCEDURE AND ORDER

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council Rules of Procedure and Order attached hereto and incorporated by reference shall govern all proceedings of the City Council herein prescribed, subject to the exceptions and deviations provided for in such rules.

BE IT FURTHER RESOLVED that violation of these rules shall not be construed as a penal offense, excepting that breach of the peace or willful failure to comply with the lawful orders of the Council or its presiding officer shall be punishable as misdemeanors under applicable law.

BE IT FURTHER RESOLVED that the City Council Rules of Procedure and Order are amended to include amendments to Appendix B. Guidelines for Developing and Writing Council Agenda Items.

BE IT FURTHER RESOLVED that such guidelines constitute suggestions but not requirements for items submitted to the agenda for consideration by the City Council.

BE IT FURTHER RESOLVED that preceding amendatory Resolutions XXXXX-N.S. and xxxxx-N.S. are hereby rescinded.

Attachment 2

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

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- C. Recommendation;
- D. Problem/Summary Statement
- E. Background information as needed;
- F. A description of the current situation and its effects and alternative actions considered;
- G. Criteria considered, including fiscal impacts of the recommendation;
- H. Outcomes and evaluation;
- I. Operational considerations;
- J. Rationale for recommendation;
- K. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
- L. Person or persons to contact for further information, with telephone number.

Guidelines for City Council Items:

- 1. Title
- 2. Consent/Action/Information Calendar
- 3. Recommendation
- 4. Problem/Summary Statement
- 5. Background
- 6. Current Situation and Actions/Alternatives Considered

7. Criteria Considered
8. Outcomes and Evaluation
9. Operational Considerations
10. Rationale for Recommendation
11. Budget Referral
12. Contact Information
13. Attachments/Supporting Materials

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A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

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Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options include:

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- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

4. Problem/Summary Statement

A short resume of the circumstances that give rise to the need for the recommended action(s).

- State the opportunity/problem/concern that has been identified and why it warrants intervention.
- Define, quantify and contextualize the problem

5. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

a. *Review of Existing Plans, Programs, Policies and Laws*

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to

them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

b. Consultation/Outreach Overview and Results

- Review/list external and internal stakeholders that were consulted
 - External: constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
 - Internal: staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, Clerk, etc.
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

6. Actions/Alternatives Considered

a. Current Situation and Its Effects

b. Alternatives Considered

- What are some policy options that may mitigate or solve the problem?
- What solutions/measures have other jurisdictions adopted?
- What solutions/measures are recommended by advocates, experts, organizations?

7. Criteria Considered

- *Effectiveness*—How does this alternative maximize net benefits? How does it maximize public interest?
- *Fiscal Impacts*—Dollarize the estimated staff time and program implementation. Clarify whether the item is already budgeted, being shifted from an existing service to another, or a new funding source. [CG1] If the item requires a new funding source, include a budget referral. Review the recommended action’s potential to generate funds or savings for the City in the short and long-term.
- *Strategic Plan Alignment*—What provision of the strategic plan does this fall under?
- *Additional Criteria*—Additional criteria includes environmental sustainability, privacy, equity, safety or any other relevant and pertinent criteria.

8. Outcomes and Evaluation

- Project the outcomes and evaluate the alternatives using the selected criteria (Alternatives X Criteria).
- What are some of the major pros and cons?
- Why were other solutions not advisable/feasible?

Example:

	Benefits/ Effectiveness	Fiscal Impacts/ Cost	Strategic Plan Alignment	Additional criteria (environmental sustainability, equity, privacy, or safety, etc.)
Current situation	<i>Analysis</i>	<i>Analysis</i>	E.g. “Provide state-of-the-art well-maintained infrastructure, amenities, and facilities”	<i>Analysis</i>
Alternative A	<i>Analysis</i>	<i>Analysis</i>	E.g. “Provide state-of-the-art well-maintained infrastructure, amenities, and facilities”	<i>Analysis</i>
Alternative B	<i>Analysis</i>	<i>Analysis</i>	E.g. “Provide state-of-the-art well-maintained infrastructure, amenities, and facilities”	<i>Analysis</i>

9.Operational Considerations

- What are the tradeoffs, including what services and programs will diminish and by how much and how long when staff shift their efforts from an existing service or program to the proposed item? What is the estimated staff time needed for the proposed item? Will

critical projects have to be delayed? Will crucial work not get done? Are there fiscal implications of not doing currently assigned work? Does diverting staff's time risk noncompliance with laws and regulations? Assess the shift of staff time in terms of time and dollars. (Wong, 2019).

- If this is a referral to commissions, what previous referrals will be put on hold in order to complete this? How does this fit into the Commission's existing workplan?
- Operational considerations will be finalized during policy committee review before Council review and will not be a requirement for initial submission.

10. Rationale for Recommendation

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in minor ways
- Change/Amend existing Plans, Programs, Policies and Laws in major ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

11. Budget Referral

Include a budget referral. If the accompanying item is already budgeted, indicate so. Budget considerations should be finalized during policy committee analysis and are not a requirement for referral to a policy committee.

12. Contact Information

13. Attachments/Supporting Materials



Date: June 25, 2019

To: Jesse Arreguin, Mayor

From: Jenny Wong, City Auditor *zw*

Topic: Operational Considerations of New Council Directives and Ordinances

Background and Current Situation

Drafting and considering a new ordinance requires thorough research and input from a variety of stakeholders. While there is suggested guidance, the current rules do not require new ordinances to go to the new policy committees. This can lead to inadequate vetting of a new ordinance. In addition, the current lack of operational information on City Council items leaves a gap in information for this legislative body to make informed decisions.

On January 29, 2019, the City Council referred the issue to the Agenda and Rules Committee to consider amendments related to opportunity costs. On February 4, 2019, the City Manager introduced an operational impacts analysis for use in staff reports. However, this information is not currently being used. As of today, this issue of operational and opportunity cost is not consistently available and therefore not considered in decision making by the City Council.

Suggested Action

Amend the Berkeley City Council Rules of Procedure and Order to require all ordinances be automatically referred to a policy committee; and identify the operational considerations as requirements to be included in agenda items that will result in the use of staff time.

Operational Considerations

It is in the best interest of the public and transparency in government when adequate information is provided for the City Council to make decisions. Currently, there is no requirement that operational cost, including opportunity cost (tradeoffs), be included in council directives, including ordinances. The lack of information does not equip City Council with information about what staff can reasonably accomplish given its available resources, nor does it give City Council an understanding of the tradeoffs they are making when proposing new items. New projects, new ordinances, and similar directives all require staff time and staff time has fiscal implications.

Many staff are working at high-capacity and any new work or need realistically means that they must stop working on one service or program in order to address new demands. This makes sense as City Council sets new priorities given the needs of the community. It is, therefore, essential for Council to have this information to think in terms of tradeoffs as they work to address the many, diverse needs of the community. This information will also serve as transparency and provide expectations to the public about the timeframes and resources related to the rollout of a new directive.

The term opportunity costs may seem more daunting than need be. While over time this concept can be developed into something more robust with a deeper analysis, the City can start from a more basic position to inform their decisions and remain accountable to the public. When drafting new items, Councilmembers can be better informed by working with city management to get an understanding of the operational impact that the new directive will require. The following outlines a way for City Council to prepare their item for review and consideration by the Policy Committee:

- **Analyze what is being gained against what must be lost (tradeoffs):**

A new commitment to the public without new resources, i.e., new staff, to provide the service means that an existing commitment can no longer be kept. To ensure that public needs are met, there some questions to ask of management when developing a new directive include: How severe would the shift from an existing service to the new service be? Is the new promise more important than the old? Is there a middle ground? Will critical projects have to be delayed? Will crucial work not get done? Are there fiscal implications of not doing that work? Does diverting staff's time risk noncompliance with laws and regulations? Will the public still expect the former promises to be kept?

Those are just some of the questions to guide the discussion because while there will always be strictly fiscal implications, the real issue to think about is the need to shift staff from one project to another, either entirely or at least partially, which removes the ability to get other work done or greatly delays it.

- **Assess the shift in staff priorities in terms of time and dollars:**

The discussion with management should also consider how much time it will take of staff to do the work. This will first require an open discussion about what the expectations are of the new item. Questions to ask include: How soon does this need to be done? Is it an ongoing need or short-term? Is it a high-priority? Does it require proactive enforcement? What other work needs to be done to make it happen?

After having those and other questions answered, management will be better able to identify resource needs in terms of staff time, e.g., “it’ll take two full weeks (80 hours),” or “a ½ FTE.” This then will allow management to assess dollars using known salaries and fringe benefit rates.

- **Set timeframes for the information:**

Management will need some time to provide City Council with the information they need. For some items, that are less complex and have a known comparison, a two-week turnaround to get the information may be feasible. For complex items involving multiple departments and that do not have an existing framework to build upon, more time will be needed, e.g., a month. There is no one size fits all but guidelines can set up these expectations.

Agenda Item Requirements

To better inform Councilmembers who will vote on an agenda item and ensure that the public is provided transparent information on what services they may lose or have reduced as the result of a new Council directive, we suggest that Council amend the Berkeley City Council Rules of Procedure and Order (Rules):

- **Ordinances automatically referred to a policy committee:**

This will help ensure that a proposed policy is fully vetted and includes a discussion on both operational considerations and fiscal implications before sent to City Council for a vote.

- **Include service and program tradeoffs as an agenda item requirement:**

Adopting a new ordinance or giving a directive to have city staff produce an item will always require the use of a resource – staff time – and those always translate into fiscal implications. This should be transparent to both City Council considering the adoption of the new item and the public impacted by the new item. Page nine of the Berkeley City Council Rules of Procedure and Order (Rules) list the requirements for agenda items. Missing from those is the requirement to provide information on tradeoffs – shifting of staff time from one service or program to another and the impact of that shift.

- **Change “Implementation, Administration, and Enforcement” to “Operational Considerations:”**

Administration and enforcement are subsets of implementation and all are the operational considerations that Council should understand before adopting an item. This section should be used to discuss the service and program tradeoffs, including what services and programs will diminish and by how much and how long.

- **Move “Fiscal Implications” below “Operational Considerations:”**

Fiscal implications and operational considerations are intricately linked. By having fiscal implications shifted above environmental sustainability, this will be more transparent to both City Council and the public.

- **Dollarize staff time and make this a requirement:**

Staff time is the city’s largest cost and new Council directives requiring either short-term or ongoing staff time will result in fiscal implications that shift the use of existing budgeted funds. A well vetted agenda item that has identified staff time, e.g., ½ FTE, should automatically require that the time be translated into salaries and benefit costs and clarify that these are budgeted funds being shifted from an existing service to another. This practice is done on some items but not all. Making it a requirement will ensure Council has this information to make informed decisions.

III. AGENDA

A. Declaration of Policy

No ordinance, resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without prior thereto its having been published on the agenda of the meeting and posted in accordance with Section III.D.2. Exceptions to this rule are limited to circumstances listed in Section III.D.4.b and items carried over.

B. Definitions

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the agenda (on either the Consent Calendar or as a Report For Action) for a vote of the Council by any council member, the City Manager, the Auditor, or any board/commission/committee created by the City Council, or any Report For Information which may be acted upon if a council member so requests. For purposes of this section, appeals shall be considered action items. All information from the City Manager concerning any item to be acted upon by the Council shall be submitted as a report on the agenda and not as an off-agenda memorandum and shall be available for public review, except to the extent such report is privileged and thus confidential such as an attorney client communication concerning a litigation matter.
2. Agenda items shall contain all relevant documentation, including the following as applicable:
 - a) A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
 - b) Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
 - c) Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
 - d) Operational considerations of the recommendation;
 - e) Fiscal impacts of the recommendation;
 - f) A description of the current situation and its effects;
 - g) Background information as needed;
 - h) Rationale for recommendation;
 - i) Alternative actions considered;
 - j) For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);

- j) Person or persons to contact for further information, with telephone number. If the author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.
- 3. "Agenda" means the compilation of the descriptive titles of agenda items submitted to the City Clerk, arranged in the sequence established in Section III.E hereof.
 - 4. "Packet" means the agenda plus all its corresponding duplicated agenda items.
 - 5. "Emergency Matter" arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the Council determines that:
 - a) A work stoppage or other activity which severely impairs public health, safety, or both;
 - b) A crippling disaster, which severely impairs public health, safety or both. Notice of the Council's proposed consideration of any such emergency matter shall be given in the manner required by law for such an emergency pursuant to Government Code Section 54956.5.
 - 6. "Continued Business" Items carried over from a prior agenda of a meeting occurring less than 11 days earlier, as uncompleted items.
 - 7. "Old Business" Items carried over from a prior agenda of a meeting as uncompleted items.

C. Procedure for Bringing Matters Before City Council

1. Persons Who Can Place Matters on the Agenda.

Matters may be placed on the agenda by any council member, the City Manager, the Auditor, or any board/commission/committee created by the City Council. All items, other than board and commission items shall be subject to review by an Agenda Committee, which shall be a standing committee of the City Council. The Agenda Committee shall consist of the Mayor and two councilmembers, nominated by the Mayor and approved by the Council. A third council member, nominated by the Mayor and approved by the Council, will serve as an alternate on the Committee in the event that an Agenda Committee member cannot attend a meeting. **Proposed ordinances are automatically referred to policy committee for review.**

The Agenda Committee shall meet 15 days prior to each City Council meeting and shall approve the agenda of that City Council meeting. The Agenda Committee packet, including a draft agenda and Councilmember and Commission

1. Commission action will be taking at the meeting following any public hearing on the naming or renaming.
- E. The commission's recommendation shall be forwarded to Council for final consideration.

The City of Berkeley Policy for Naming and Renaming Public Facilities was adopted by the Berkeley City Council at the regular meeting of January 31, 2012.

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda Committee to request that the author of an item provide “additional analysis” if the item as submitted evidences a “significant lack of background or supporting information” or “significant grammatical or readability issues.”

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
 - a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
 - b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
 - c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
 - d. Operational considerations of the recommendation;
 - e. Fiscal impacts of the recommendation;
 - f. A description of the current situation and its effects;
 - g. Background information as needed;
 - h. Rationale for recommendation;
 - i. Alternative actions considered;
 - j. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
 - k. Person or persons to contact for further information, with telephone number. If the author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

Guidelines for City Council Items:

1. Title
 2. Consent/Action/Information Calendar
 3. Recommendation
 4. Summary Statement/Current situation and its effects
 5. Background
 6. Review of Existing Plans, Programs, Policies and Laws
 7. Actions/Alternatives Considered
 8. Consultation/Outreach Overview and Results
 9. Rationale for Recommendation
 10. ~~Implementation, Administration and Enforcement~~
Operational considerations of the recommendation;
 11. Environmental Sustainability
 12. Fiscal Impacts
 13. Outcomes and Evaluation
 14. Contact Information
 15. Attachments/Supporting Materials
-

1. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. Recommendation

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options include:

- Adopt first reading of ordinance
- Adopt a resolution
- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
- Referral to a Commission or to a Standing or Ad Hoc Council Committee
- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

4. Summary Statement/ “Current situation and its effects”

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):
Winter rains are lasting longer than expected. Berkeley’s winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley’s winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.

5. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. Review of Existing Plans, Programs, Policies and Laws

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan

- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

7. Actions/Alternatives Considered

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

8. Consultation/Outreach Overview and Results

- Review/list external and internal stakeholders that were consulted
 - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
 - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, Clerk, etc.
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

9. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented,

but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

10. ~~Implementation, Administration and Enforcement~~ Operational Considerations of the Recommendation

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation? What are the tradeoffs, including what services and programs will diminish and by how much and how long when staff shift their efforts from an existing service or program to the proposed item? What is the estimated staff time needed for the proposed item, e.g., 1/2 FTE?

11. Fiscal Implications

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs. Translate the estimated staff time from item 10 into salaries and benefit costs and clarify that these are budgeted funds being shifted from an existing service to another, or a new funding source.

12. Environmental Sustainability

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

13. Outcomes and Evaluation

State the specific outcomes expected, if any (i.e., "*it is expected that 100 homeless people will be referred to housing every year*") and what reporting or evaluation is recommended.

14. Contact Information

15. Attachments/Supporting Materials



City Clerk Department

July 1, 2019

To: Agenda and Rules Committee
From: Mark Numainville, City Clerk
Subject: Amendments to the City Council Rules of Procedure and Order

The attached document contains significant amendments to City Council Rules of Procedure and Order. The amendments are needed to update the Rules of Procedure (ROP) to incorporate the regulations adopted to govern City Council Policy Committees in Resolution 68,726-N.S. adopted on December 11, 2018. In addition, with three months of policy committee meetings completed, the need for amendments to the original policy committee regulations have surfaced. The amendments related to policy committees have ripples throughout the document and require changes to the sections for the Agenda Committee and the legislative process.

Some of the amendments related to policy committees are related to the participation of councilmembers. These amendments are being proposed due to a re-evaluation of the Brown Act's applicability to the policy committee process. After thorough review by the City Attorney's Office, the City Clerk Department, and the Chair of the League of California Cities Brown Act Committee, staff has concluded that new rules limiting participation by councilmembers are required. These changes are located on pages 20-21 of the attachment.

With the significant amendments needed to incorporate policy committees, staff recommends using this update to make other amendments related to the items below.

- Revised and Supplemental materials per the Open Government Ordinance
- Outdated language and agenda headings
- Clarification regarding public comment on appeals
- Parliamentary clarifications to adhere to Roberts Rules of Order
- Updates to reflect the move to BUSD Board Room
- Other minor modifications and technical corrections

A fully annotated version of the revised document with all amendments in track changes is attached.

The Rules of Procedure and Order are adopted by Resolution. Staff is seeking comments and suggestions from the Committee on the proposed changes and will submit the amendments to the full Council after the committee has taken action on the amendments.

* * *

The Berkeley City Council Rules of Procedure and Order

Adopted by Resolution No. 68,753–N.S.
Effective
January 29, 2019

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I. DUTIES

A. Duties of Mayor

The Mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. In the Mayor's absence, the Vice President of the Council (hereafter referred to as the Vice-Mayor) shall preside.

Commented [NML1]: Standard current practice per City Charter

B. Duties of Councilmembers

Promptly at the hour set by law on the date of each regular meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition.

C. Motions to be Stated by Chair

When a motion is made, it may be stated by the Chair or the City Clerk before debate.

D. Decorum by Councilmembers

While the Council is in session, the City Council will practice civility and decorum in their discussions and debate. Councilmembers will value each other's time and will preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Council, use personal, impertinent or slanderous remarks, nor disturb any other member while that member is speaking or refuse to obey the orders of the presiding officer or the Council, except as otherwise provided herein.

All Councilmembers have the opportunity to speak and agree to disagree but no Councilmember shall speak twice on any given subject unless all other Councilmembers have been given the opportunity to speak.

The presiding officer has the affirmative duty to maintain order. The City Council will honor the role of the presiding officer in maintaining order. If a Councilmember believes the presiding officer is not maintaining order, the Councilmember may move that the Vice-Mayor, or another Councilmember if the Vice-Mayor is acting as the presiding officer at the time, enforce the rules of decorum and otherwise maintain order. If that motion receives a second and is approved by a majority of the Council, the Vice-Mayor, or other designated Councilmember, shall enforce the rules of decorum and maintain order.

E. Voting Disqualification

No member of the Council who is disqualified shall vote upon the matter on which the member is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such disqualification in open meeting, and shall not be subject to further inquiry. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the member affected, be decided by the other members of the Council, by motion, and such decision shall determine such member's right and obligation to vote. A member who is disqualified

by conflict of interest in any matter shall not remain in the Chamber during the debate and vote on such matter, but shall request and be given the presiding officer's permission to ~~absent~~recuse themselves. Any member having a "remote interest" in any matter as provided in Government Code shall divulge the same before voting.

Commented [NML2]: Correct terminology

F. Requests for Technical Assistance and/or Reports

A majority vote of the Council shall be required to direct staff to provide technical assistance, develop a report, initiate staff research, or respond to requests for information or service generated by an individual council member.

G. City Council Policy for Naming and Renaming Public Facilities

The City Council Policy for Naming and Renaming Public Facilities adopted on January 31, 2012, and all its successors, is incorporated by reference into the City Council Rules of Procedure and included as Appendix A to this document.

II. MEETINGS

A. Call to Order - Presiding Officer

The Mayor, or in the Mayor's absence, the Vice Mayor, shall take the chair precisely at the hour appointed by the meeting and shall immediately call the Council to order. Upon the arrival of the Mayor, the Vice Mayor shall immediately relinquish the chair at the conclusion of the business presently before the Council. In the absence of the two officers specified in this section, the ~~Councilmember~~council member present with the longest period of Council service shall preside.

Commented [NML3]: Amended to standardize use throughout the document

B. Roll Call

Before the Council shall proceed with the business of the Council, the City Clerk shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.

C. Quorum Call

During the course of the meeting, should the Chair note a Council quorum is lacking, the Chair shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the meeting shall be deemed automatically adjourned.

D. Council Meeting ~~Schedule~~Conduct of Business

~~The City Council shall hold a minimum of twenty four (24) meetings, or the amount needed to conduct City business in a timely manner, whichever is greater, each calendar year.~~

Commented [NML4]: Moved to more appropriate location below

~~Regular meetings of the City Council shall be held generally two to three Tuesdays of each month; the schedule to be established annually by Council resolution taking into consideration holidays and election dates.~~

~~Regular City Council meetings shall begin no later than 6:00 p.m.~~

The agenda for the regular business meetings shall include the following: Ceremonial; Comments from the City Manager; Comments from the City Auditor; Comments from the Public; Consent Calendar; Action Calendar (Appeals, Public Hearings, Continued Business, Old Business, New Business); Information Reports; and Communication from the Public. Presentations and workshops may be included as part of the Action Calendar. ~~Items removed from the Consent Calendar will be moved to the Action Calendar.~~ The Chair will determine the order in which the item(s) will be heard with the consent of Council.

Commented [NML5]: Items removed from Consent may have many other actions taken and listing this single action is misleading.

Upon request by any ~~Councilmember~~council member, any item may be moved from the Consent Calendar or Information Calendar to the Action Calendar. Unless there is an objection by any ~~Councilmember~~council member, a ~~Councilmember~~council member may also move an item from the Action Calendar to the Consent Calendar.

A public hearing that is not expected to be lengthy may be placed on the agenda for a regular business meeting. When a public hearing is expected to be contentious and lengthy and/or the Council's regular meeting schedule is heavily booked, the

~~Agenda Committee~~ Agenda & Rules Committee, in conjunction with the staff, will schedule a special meeting exclusively for the public hearing. No other matters shall be placed on the agenda for the special meeting. All public comment will be considered as part of the public hearing and no separate time will be set aside for public comment not related to the public hearing at this meeting.

Commented [NML6]: Amended to standardize use throughout the document

Except at meetings at which the budget is to be adopted, no public hearing may commence later than 10:00 p.m. unless there is a legal necessity to hold the hearing or make a decision at that meeting or the City Council determines by a two-thirds vote that there is a fiscal necessity to hold the hearing.

E. Adjournment

1. No Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific agenda items to be covered and shall specify in which order these items shall be handled.
2. Any items not completed at a regularly scheduled Council meeting may be continued to an Adjourned Regular Meeting by a two-thirds majority vote of the Council.

F. Unfinished Business

Any items not completed by formal action of the Council, and any items not postponed to a date certain, shall be considered Unfinished Business. All Unfinished Business shall be referred to the ~~Agenda Committee~~ Agenda & Rules Committee for scheduling for a Council meeting that occurs within 60 days from the date the item last appeared on a Council agenda. The 60 day period is tolled during a Council recess.

G. City Council Schedule and Recess Periods

The City Council shall hold a minimum of twenty-four (24) meetings, or the amount needed to conduct City business in a timely manner, whichever is greater, each calendar year.

Regular meetings of the City Council shall be held generally two to three Tuesdays of each month; the schedule to be established annually by Council resolution taking into consideration holidays and election dates.

Regular City Council meetings shall begin no later than 6:00 p.m. ~~Ceremonial~~ items may be taken up as special items noticed to be heard in advance of the scheduled start time of the regular meeting.

Commented [NML7]: Allows for possibility of starting earlier for ceremonial items

A recess period is defined as a period of time longer than 21 days without a regular ~~or special~~ meeting of the Council.

Commented [NML8]: Special meetings are as needed and are not factored in to the annual schedule that is adopted, which includes the recess periods.

When a recess period occurs, the City Manager is authorized to take such ministerial actions for matters of operational urgency as would normally be taken by the City Council during the period of recess except for those duties specifically reserved to the Council by the Charter, and including such emergency actions as are necessary

II. MEETINGS

for the immediate preservation of the public peace, health or safety; the authority to extend throughout the period of time established by the City Council for the period of recess.

The City Manager shall have the aforementioned authority beginning the day after the ~~Agenda Committee~~Agenda & Rules Committee meeting for the last regular meeting before a Council recess and this authority shall extend ~~through~~up to the ~~deadline for submission of staff reports for~~date of the first meeting after the Council recess.

Commented [NML9]: The existing definition left a significant gap that did not allow City Manager action on administratively urgent items

The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.

H. Pledge of Allegiance to the Flag

At the first meeting of each year following the August recess and at any subsequent meeting if specifically requested before the meeting by any member of the Council in order to commemorate an occasion of national significance, the first item on the ~~program~~Ceremonial Calendar will be the Pledge of Allegiance.

I. Ad Hoc Subcommittees

From time to time the Council or the Mayor may appoint several of its members but fewer than the existing quorum of the present body to serve as an ad hoc subcommittee. Only Council ~~members~~ may ~~become~~be members of the ad hoc subcommittee; however, the subcommittee shall seek input and advice from ~~the~~ residents, related commissions, and other groups. Ad Hoc Subcommittees must be reviewed annually by the Council to determine if the subcommittee is to continue.

Upon creation of an ad hoc subcommittee, the Council shall allow it to operate with the following parameters:

1. A specific charge or outline of responsibilities shall be established by the Council.
2. A target date must be established for a report back to the Council.
3. Maximum life of the subcommittee shall be one year, with annual review and possible extension by the Council.

Subcommittees shall conduct their meetings in public and in accessible locations that are open to the public. Meetings may be held at privately owned facilities provided that the location is open to all that wish to attend and that there is no requirement for purchase to attend. Agendas for subcommittee meetings must be posted in the same manner as the agendas for regular Council meetings except that subcommittee agendas may be posted with 24-hour notice. The public will be permitted to comment on agenda items but public comments may be limited to one minute if deemed necessary by the Committee Chair. Agendas and minutes of the meetings must be maintained and made available upon request.

II. MEETINGS

-City staff may attend and participate in subcommittee meetings. Depending on the desires of the subcommittee members, City staff may participate the same as members of the public, or may be called upon to offer insights or provide information during discussion.

Subcommittees must be comprised of at least two members. If only two members are appointed, then both must be present in order for the subcommittee meeting to be held. In other words, the quorum for a two-member subcommittee is always two.

Certain requirements listed above may not apply to ad hoc subcommittees seeking legal advice and assistance from the City Attorney or meeting with the City Manager or his/her designees for purposes of real estate or labor negotiations.

III. AGENDA

A. Declaration of Policy

No ordinance, resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without prior thereto its having been published on the agenda of the meeting and posted in accordance with Section III.D.2. Exceptions to this rule are limited to circumstances listed in Section III.D.4.b and items ~~carried over~~ continued from a previous meeting and published on a revised agenda.

Commented [NML10]: Additional clarification

B. Definitions

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the agenda (on either the Consent Calendar or as a Report For Action) for a vote of the Council by any ~~Councilmember~~ council member, the City Manager, the Auditor, or any board/commission/committee created by the City Council, or any Report For Information which may be acted upon if a ~~Councilmember~~ council member so requests. For purposes of this section, appeals shall be considered action items. All information from the City Manager concerning any item to be acted upon by the Council shall be submitted as a report on the agenda and not as an off-agenda memorandum and shall be available for public review, except to the extent such report is privileged and thus confidential such as an attorney client communication concerning a litigation matter.

Council agenda items are limited to a maximum of three Co-Authors. Co-Authors to a Council agenda item must be designated and included on the agenda item when it is originally submitted to the City Clerk. Co-Authors may not be added after the item is initially submitted to the City Clerk.

Commented [NML11]: Must have certainty at the time of submission and throughout the process to properly monitor participation in policy committee meetings per the Brown Act. Limiting to three allows for more flexibility for compliance in the legislative process.

Agenda items shall contain all relevant documentation, including the information listed below and the recommended points of analysis in the Council Report Guidelines in Appendix B. following as applicable:

Commented [NML12]: Adding reference to the new guidelines.

- a) A descriptive title that adequately informs the public of the subject matter and general nature of the item or report ~~and action requested;~~
- b) Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
- c) Recommendation of the ~~City Manager~~ report author that describes the action to be taken on the item, if applicable; ~~(these provisions shall not apply to Mayor and Council items.);~~
- d) Fiscal impacts of the recommendation;
- e) A description of the current situation and its effects;
- f) Background information as needed;

Commented [NML13]: Required by the Brown Act for all agenda items.

- g) Rationale for recommendation;
- h) Alternative actions considered;
- i) For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);

j) Person or persons to contact for further information, with telephone number.

k) Additional information and analysis as required.

~~j) If the author of any report believes additional background information beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.~~

Commented [NML14]: Outdated. We publish all materials except for the full administrative record of ZAB appeal.

2. "Co-Author" means the primary author of a council agenda item and other Councilmembers designated by the primary author to be co-authors of the council agenda item.

3. "Agenda" means the compilation of the descriptive titles of agenda items submitted to the City Clerk, arranged in the sequence established in Section III.E hereof.

4. "Packet" means the agenda plus all its corresponding duplicated agenda items.

5. "Emergency Matter" arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the Council determines that:

- a) A work stoppage or other activity which severely impairs public health, safety, or both;
- b) A crippling disaster, which severely impairs public health, safety or both. Notice of the Council's proposed consideration of any such emergency matter shall be given in the manner required by law for such an emergency pursuant to Government Code Section 54956.5.

6. "Continued Business" Items carried over from a prior agenda of a meeting occurring less than 11 days earlier, ~~as uncompleted items.~~

7. "Old Business" Items carried over from a prior agenda of a meeting ~~as uncompleted items occurring occurring more than 11 days earlier.~~

Commented [NML15]: Per Open Government Ordinance

C. Procedure for Bringing Matters Before City Council

1. Persons Who Can Place Matters on the Agenda.

Matters may be placed on the agenda by any ~~Councilmember~~council member, the City Manager, the Auditor, or any board/commission/committee created by the City Council. All items, other than board and commission items shall be subject to review by ~~an the Agenda Committee~~Agenda & Rules Committee, which shall be a standing committee of the City Council. ~~The Agenda Committee shall consist of the Mayor and two councilmembers, nominated by the Mayor and approved by the Council. A third council member, nominated by the Mayor and approved by the Council, will serve as an alternate on the Committee in the event that an Agenda Committee member cannot attend a meeting.~~

Commented [NML16]: Superseded by policy committee section below

The ~~Agenda Committee~~Agenda & Rules Committee shall meet 15 days prior to each City Council meeting and shall approve the agenda of that City Council meeting. ~~Pursuant to BMC Section 1.04.080, if the 15th day prior to the Council meeting falls on a holiday, the Committee will meet the next business day.~~ The ~~Agenda Committee~~Agenda & Rules Committee packet, including a draft agenda and Councilmember, Auditor, and Commission reports shall be distributed by 5:00 p.m. 4 days before the ~~Agenda Committee~~Agenda & Rules Committee meeting.

Commented [NML17]: Clarification

The ~~Agenda Committee~~Agenda & Rules Committee shall have the powers set forth below.

- a) **Items Authored by a Councilmember or the Auditor.** As to items authored by the Mayor, a Councilmember, or the Auditor, the ~~Agenda Committee~~Agenda & Rules Committee shall review the item and may recommend that the matter be referred to a commission, to the City Manager, a policy committee, or back to the author for adherence to required form or for additional analysis as required in Section III.B.2, or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

The author of a "referred" item must inform the City Clerk within 24 hours of the adjournment of the ~~Agenda Committee~~Agenda & Rules Committee meeting whether ~~he or she~~they prefers to: 1) hold the item for a future meeting pending modifications as suggested by the Committee; 2) have the item appear on the Council agenda under consideration as originally submitted; 3) pull the item completely; or 4) re-submit the item with revisions as requested by the ~~Agenda Committee~~Agenda & Rules Committee ~~within~~ 24 hours of the adjournment of the ~~Agenda Committee~~Agenda & Rules Committee meeting for the Council agenda under consideration. ~~Option 2 is not available for items eligible to be referred to a policy committee.~~

Commented [NML18]: Current practice

Commented [NML19]: Per policy committee regulations

In the event that the City Clerk does not receive guidance from the author of the referred item within 24 hours of the ~~Agenda Committee~~Agenda & Rules Committee's adjournment, the recommendation of the ~~Agenda Committee~~Agenda & Rules Committee will take effect.

Items held for a future meeting to allow for modifications will be placed on the next available Council meeting agenda at the time that the revised version is submitted to the City Clerk. ~~If changes made to the item extend beyond the scope of the Agenda Committee referral recommendations, the item must be re-submitted as a new Council item.~~

Commented [NML20]: Unnecessary. If the item is being submitted for a future meeting, it is a "new" item.

~~For authors of referred items that select option 2) above, the referred item will automatically be placed at the end of the Action Calendar under the heading "Referred Items". The Agenda Committee shall specify the reason for the referral from the categories listed below. This reason shall be printed with the item on the agenda.~~

Commented [NML21]: No longer needed with the policy committee system.

~~Reason 1 — Significant Lack of Background or Supporting Information
Reason 2 — Significant Grammatical or Readability Issues~~

- b) **Items Authored by the City Manager.** The ~~Agenda Committee~~Agenda & Rules Committee shall review agenda descriptions of items authored by the City Manager. The Committee can recommend that the matter be referred to a commission or back to the City Manager for adherence to required form, additional analysis as required in Section III.B.2, or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

If the City Manager determines that the matter should proceed notwithstanding the ~~Agenda Committee~~Agenda & Rules Committee's action, it will be placed on the agenda as directed by the Manager. All City Manager items placed on the Council agenda against the ~~referral recommendation of the Agenda Committee~~Agenda & Rules Committee or ~~revised items that have not been resubmitted to the Agenda Committee~~ will automatically be placed on the Action Calendar.

Commented [NML22]: Inconsistent with current practices. Staff reports are still in review and are not printed in the Agenda & Rules Committee packet.

- c) **Items Authored by Boards and Commissions.** Council items submitted by boards and commissions are subject to City Manager review and must follow procedures and timelines for submittal of reports as described in the Commissioners' Manual. The content of commission items is not subject to review by the ~~Agenda Committee~~Agenda & Rules Committee.

- i) For a commission item that does not require a companion report from the City ~~Manager~~Manager, the ~~Agenda Committee~~Agenda & Rules Committee may act on an agendaized commission report in the following manner:

1. Move a commission report from the Consent Calendar to the Action Calendar or from the Action Calendar to the Consent Calendar.
2. Re-schedule the commission report to appear on one of the next three regular Council meeting agendas that occur after the regular meeting under consideration. Commission reports

submitted in response to a Council referral shall receive higher priority for scheduling.

3. Allow the item to proceed as submitted.

ii) For any commission report that requires a companion report, the ~~Agenda Committee~~ [Agenda & Rules Committee](#) will schedule the item on a Council agenda for a meeting occurring not sooner than 60 days and not later than 120 days from the date of the meeting under consideration by the ~~Agenda Committee~~ [Agenda & Rules Committee](#). A commission report submitted with a complete companion report may be scheduled pursuant to subparagraph c.i. above.

d) The ~~Agenda Committee~~ [Agenda & Rules Committee](#) shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in Chapter III, Section E ~~of the Rules of Procedures and Order~~.

2. Scheduling Public Hearings Mandated by State, Federal, or Local Statute.

The City Clerk may schedule a public hearing at an available time and date in those cases where State, Federal or local statute mandates the City Council hold a public hearing.

3. Submission of Agenda Items.

a) **City Manager Items.** Except for Continued Business and Old Business, as a condition to placing an item on the agenda, agenda items from departments, including agenda items from commissions, shall be furnished to the City Clerk at a time established by the City Manager.

b) **Council and Auditor Items.** The deadline for reports submitted by the Auditor, Mayor and City Council is 5:00 p.m. on Monday, 22 days before each Council meeting.

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

The author of the report shall bring any reports submitted as Time Critical to the meeting of the ~~Agenda Committee~~ [Agenda & Rules Committee](#). Time Critical items must be accompanied by complete reports and statements of financial implications. If the ~~Agenda Committee~~ [Agenda & Rules Committee](#) finds the matter to meet the definition of Time Critical, the ~~Agenda Committee~~ [Agenda & Rules Committee](#) may place the matter on the Agenda on either the Consent or Action Calendar.

- d) The City Clerk may not accept any agenda item after the adjournment of the ~~Agenda Committee~~Agenda & Rules Committee meeting, except for items carried over by the City Council from a prior City Council meeting occurring less than 11 days earlier, which may include supplemental or revised reports, and reports concerning actions taken by boards and commissions that are required by law or ordinance to be presented to the Council within a deadline that does not permit compliance with the agenda timelines in BMC Chapter 2.06 or these rules.

4. Submission of Supplemental and Revised Agenda Material.

Berkeley Municipal Code Section 2.06.070 allows for the submission of supplemental and revised agenda material. Supplemental and revised material cannot be substantially new or only tangentially related to an agenda item. Supplemental material must be specifically related to the item in the Agenda Packet. Revised material should be presented as revised versions of the report or item printed in the Agenda Packet. Supplemental and revised material may be submitted for consideration as follows:

- a) Supplemental and revised agenda material shall be submitted to the City Clerk no later than 5:00 p.m. seven calendar days prior to the City Council meeting at which it is to be considered. Supplemental and revised items that are received by the deadline shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. five calendar days prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for citizen review or City Council-member evaluation.

- b) Supplemental and revised agenda material submitted to the City Clerk after 5:00 p.m. seven days before the meeting and no later than 12:00 p.m. one day prior to the City Council meeting at which it is to be considered shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. one day prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for citizen review or City Councilmember evaluation.

Commented [NML23]: Per Open Government Ordinance

~~a)~~

- b)c) After ~~5~~12:00 p.m. ~~seven~~one calendar days prior to the meeting, supplemental or revised reports may be submitted for consideration by delivering a minimum of 42 copies of the supplemental/revised material to the City Clerk for distribution at the meeting. Each copy must be accompanied by a completed supplemental/revised material cover page, using the form provided by the City Clerk. Revised reports must reflect a

comparison with the original item using track changes formatting. The material may be considered only if the City Council, by a two-thirds roll call vote, makes a factual determination that the good of the City clearly outweighs the lack of time for citizen review or City Council member evaluation of the material. Supplemental and revised material must be distributed and a factual determination made prior to the commencement of public comment on the agenda item in order for the material to be considered.

5. Scheduling a Presentation.

Presentations from staff are either submitted as an Agenda Item or are requested by the City Manager. Presentations from outside agencies and the public are coordinated with the Mayor's Office. The Agenda & Rules Committee may adjust the schedule of presentations as needed to best manage the Council Agenda.

Commented [NML24]: Reflects current practice, which is much less formal than deleted text.

~~Any request for a presentation to the Council will be submitted as an agenda item and follow the time lines for submittal of agenda reports. The agenda item should include general information regarding the purpose and content of the presentation; information on the presenters; contact information; and the length of the presentation. The request may state a preference for a date before the Council. The Agenda Committee will review the request and recommend a presentation date and allotted time based on the Council's schedule.~~

~~The City Clerk will notify the presenters of the date and time of the presentation and will coordinate use of any presentation equipment and receipt of additional written material.~~

D. Packet Preparation and Posting

1. Preparation of the Packet.

Not later than the thirteenth day prior to said meeting, the City Clerk shall prepare the packet, which shall include the agenda plus all its corresponding duplicated agenda items. No item shall be considered if not included in the packet, except as provided for in Section III.C.4 and Section III.D.4. Reports carried over, as Continued Business or Old Business need not be reproduced again.

Commented [NML25]: Inconsistent with OGO

2. Distribution and Posting of Agenda.

- a) The City Clerk shall post each agenda of the City Council regular meeting no later than 11 days prior to the meeting and shall post each agenda of a special meeting at least 24 hours in advance of the meeting in the official bulletin board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each agenda.
- b) The City Clerk shall also post agendas and annotated agendas of all City Council meetings and notices of public hearings on the City's website.
- c) No later than 11 days prior to a regular meeting, copies of the agenda shall be mailed by the City Clerk to any resident of the City of Berkeley who so requests in writing. Copies shall also be available free of charge in the City Clerk Department.

3. Distribution of the Agenda Packet.

The Agenda Packet shall consist of the Agenda and all supporting documents for agenda items. No later than 11 days prior to a regular meeting, the City Clerk shall:

- a) distribute the Agenda Packet to each member of the City Council;
- b) post the Agenda Packet to the City's website;
- c) place copies of the Agenda Packet in viewing binders in the office of the City Clerk and in the main branch of the Berkeley Public Library; and
- d) make the Agenda Packet available to members of the press.

4. Failure to Meet Deadlines.

- a) The City Clerk shall not accept any agenda item or revised agenda item after the deadlines established.
- b) Matters not included on the published agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:
 - A majority of the Council determines that the subject meets the criteria of "Emergency" as defined in Section III.B.5.
 - Two thirds of the Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda as required by law.
- c) Matters listed on the printed agenda but for which supporting materials are not received by the City Council on the eleventh day prior to said meeting as part of the agenda packet, shall not be discussed or acted upon.

E. Agenda Sequence and Order of Business

The Council agenda for a regular business meeting is to be arranged in the following order:

1. Preliminary Matters: (Ceremonial, Comments from the City Manager, [Comments from the City Auditor, Non-Agenda](#) Public Comment)
2. Consent Calendar
3. Action Calendar
 - a) Appeals
 - b) Public Hearings
 - c) Continued Business
 - d) Old Business
 - e) New Business

Commented [NML26]: Edits to reflect current order

~~f) Referred Items~~

4. Information Reports

~~4.5. Non-Agenda Public Comment~~

~~5.6. Adjournment Communications~~

~~6.7. Communications Adjournment~~

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

The ~~Agenda Committee~~ Agenda & Rules Committee shall have the authority to reorder the items on the Action Calendar regardless of the default sequence prescribed in this section.

F. Closed Session Documents

This section establishes a policy for the distribution of, and access to, confidential closed session documents by the Mayor and Members of the City Council.

1. Confidential closed session materials shall be kept in binders numbered from one to nine and assigned to the Mayor (#9) and each Councilmember (#1 to #8 by district). The binders will contain confidential closed session materials related to Labor Negotiations, Litigation, and Real Estate matters.
2. The binders will be maintained by City staff and retained in the Office of the City Attorney in a secure manner. City staff will bring the binders to each closed session for their use by the Mayor and Councilmembers. At other times, the binders will be available to the Mayor and Councilmembers during regular business hours for review in the City Attorney's Office. The binders may not be removed from the City Attorney's Office or the location of any closed session meeting by the Mayor or Councilmembers. City staff will collect the binders at the end of each closed session meeting and return them to the City Attorney's Office.
3. Removal of confidential materials from a binder is prohibited.
4. Duplication of the contents of a binder by any means is prohibited.
5. Confidential materials shall be retained in the binders for at least two years.
6. This policy does not prohibit the distribution of materials by staff to the Mayor and Councilmembers in advance of a closed session or otherwise as needed, but such materials shall also be included in the binders unless it is impracticable to do so.

G. Regulations Governing City Council Policy Committees

1A. Legislative Item Process

All agenda items begin with submission to the ~~Agenda Committee~~ Agenda & Rules Committee.

Full Council Track

Items under this category are exempt from ~~Agenda Committee~~ Agenda & Rules Committee discretion to refer them to a policy committee. Items in this category may be submitted for the agenda of any scheduled regular meeting pursuant to established deadlines (same as existing deadlines). Types of Full Council Track items are listed below.

- a. Items submitted by the City Manager and City Auditor
- b. Items submitted by Boards and Commissions
- c. Resolutions on Legislation and Electoral Issues relating to Outside Agencies/Jurisdictions
- d. Position Letters and/or Resolutions of Support/Opposition
- e. Donations from Councilmember District Office Budgets
- f. Referrals to the Budget Process
- g. Proclamations
- h. Sponsorship of Events
- i. Information Reports
- j. Presentations from Outside Agencies and Organizations
- k. Ceremonial Items
- ~~k.l. Committee~~ and Regional Body Appointments

Notwithstanding the exemption stated above, the ~~Agenda Committee~~ Agenda & Rules Committee, at its discretion, may route a Full Council Track item submitted by a Councilmember to a policy committee if the item has 1) a significant lack of background or supporting information, or 2) significant grammatical or readability issues.

The ~~Agenda Committee~~ Agenda & Rules Committee has discretion to determine if an item falls under a Full Council Track exception or if it will be processed as a Policy Committee Track item.

Policy Committee Track

Items submitted by Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the ~~Agenda Committee~~ Agenda & Rules Committee on a draft City Council agenda ~~(on a list)~~.

The ~~Agenda Committee~~ Agenda & Rules Committee must refer an item to a policy committee at the first meeting that the item appears before the ~~Agenda Committee~~ Agenda & Rules Committee.

Commented [NML27]: Regulations from the Policy Committee resolution are inserted in red text; changes to the resolution language are in track changes

Commented [NML28]: Clarification

Commented [NML29]: Standard administrative item

Commented [NML30]: Clarification

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& Rules Committee. The ~~Agenda Committee~~ Agenda & Rules Committee may only assign the item to a single policy committee.

For a Policy Committee Track item, the ~~Agenda Committee~~ Agenda & Rules Committee, at its discretion, may either route item directly to 1) the agenda currently under consideration, 2) one of the next three full Council Agendas (based on completeness of the item, lack of potential controversy, minimal impacts, etc.), or 3) to a policy committee.

Time Critical Track

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

The ~~Agenda Committee~~ Agenda & Rules Committee retains final discretion to determine the time critical nature of an item.

- a) Time Critical items submitted on the Full Council Track deadlines, that would otherwise be assigned to the Policy Committee Track, may bypass policy committee review if determined to be time critical. If such an item is deemed not to be time critical, it will be referred to a Policy Committee.
- b) Time Critical items on the Full Council Track or Policy Committee Track that are submitted at a meeting of the ~~Agenda Committee~~ Agenda & Rules Committee may go directly on a council agenda if determined to be time critical.

B2. Council Referrals to Committees

The full Council may refer any agenda item to a policy committee by majority vote.

3. Participation Rules for Policy Committees Pursuant to the Brown Act

- a. The quorum of a three-member policy committee is always two members. A majority vote of the committee (two 'yes' votes) is required to pass a motion.
- b. Two policy committee members may not discuss any item within the committee's subject matter jurisdiction outside of an open and noticed meeting.
- c. Notwithstanding paragraph (b) above, two members of a policy committee may co-author an item provided that one of the authors will not serve as a committee member for consideration of the item, and shall not participate in the committee's discussion of, or and action on the item. For purposes of the item, the appointed alternate will serve as a committee member in place of the non-participating co-author.

Commented [NML31]: New requirements due to re-evaluation of Brown Act applicability to policy committees

- d. All three members of a policy committee may not be co-authors of an item that will be heard by the committee.
- e. Only one co-author who is not a member of the policy committee may attend the committee meeting to participate in discussion of the item.
- f. If two or more non-committee members are present for any item or meeting, then all non-committee members may act only as observers and may not participate in discussion. If an author is present to participate in the discussion of their item, no other councilmembers may attend as observers.
- g. An item may be considered by only one policy committee before it goes to the full Council.

C4. Functions of the Committees

Committees shall have the following qualities/components:

- a. All committees are Brown Act bodies with noticed public meetings and public comment. Regular meeting agendas will be posted at least 72 hours in advance of the meeting.
- b. Minutes shall be available online.
- c. Committees shall adopt regular meeting schedules, generally meeting once or twice per month; special meetings may be called when necessary, in accordance with the Brown Act.
- d. Generally, meetings will be held at 2180 Milvia Street in publicly accessible meeting rooms that can accommodate the committee members, public attendees, and staff.
- e. Members are recommended by the Mayor and approved by the full Council no later than January 31 of each year. Members continue to serve until successors are appointed and approved.
- f. Chairs are elected by the Committee at the first regular meeting of the Committee after the annual approval of Committee members by the City Council. In the absence of the Chair, the committee member with the longest tenure on the Council will preside.
- f.g. The Chair, or a quorum of the Committee may call a meeting or cancel a meeting of the Policy Committee.
- g.h. Committees will review items for completeness in accordance with Section III.B.2 of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.
- i. Reports leaving a policy committee must adequately include budget implications, administrative feasibility, basic legal concerns, and staff resource demands in order to allow for informed consideration by the full Council.
- h.j. No final action may be taken on an item for which revised or supplemental materials were submitted at the meeting. Per Brown Act regulations, any such materials must

Commented [NML32]: Clarification of authority; reflects Charter

Commented [NML33]: Added for transparency and to avoid violations arising from submission of materials only tangentially related to the agendized items

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be direct revisions or supplements to the item that was published in the agenda packet.

Items referred to a policy committee from the ~~Agenda Committee~~Agenda & Rules Committee or from the City Council must be agendized for a committee meeting within 60 days of the referral date.

Within 120 days of the referral date, the committee must vote to either (1) accept the author's request that the item remain in committee until a date certain (more than one extension may be requested by the author); or (2) send the item to the ~~Agenda Committee~~Agenda & Rules Committee to be placed on a Council Agenda with a Committee recommendation consisting of one of the four options listed below.

1. Positive Recommendation (recommending Council pass the item as proposed),
2. Qualified Positive Recommendation (recommending Council pass the item with some changes),
3. Qualified Negative Recommendation (recommending Council reject the item unless certain changes are made) or
4. Negative Recommendation (recommending the item not be approved).

The Policy Committee's ~~will include their~~ recommendation will be included in a ~~new~~separate section of the report template for that purpose.

A Policy Committee may not refer an item under its consideration to a city board or commission.

Commented [NML34]: Clarification of authority. Commissions are advisory to the Full Council

The original Council author of an item referred to a Policy Committee is responsible for revisions and resubmission of the item back to the full Council. Items originating from the City Manager are revised and submitted by the appropriate city staff. Items from Commissions are revised and resubmitted by the members of the Policy Committee. Items and Recommendations originating from the policy committee are submitted to the agenda process by the members of the committee.

Commented [NML35]: Clarification of responsibility for shepherding items through process

A policy committee may refer an item to another policy committee for review. The total time for review by all policy committees is limited to the initial 120-day deadline.

Commented [NML36]: Inconsistent with Brown Act – review by two committees would result in an illegal serial meeting

If a policy committee does not take final action by the 120-day deadline, the item is returned to the ~~Agenda Committee~~Agenda & Rules Committee and appears on the next available Council agenda. The ~~Agenda Committee~~Agenda & Rules Committee may leave the item on the agenda under consideration or place it on the next Council agenda. Items appearing on a City Council agenda due to lack of action by a policy committee may not be

Commented [NML37]: Closes "endless loop" loophole

referred to a policy committee and must remain on the full Council agenda for consideration.

Non-legislative or discussion items may be added to the Policy Committee agenda by members of the Committee with the concurrence of a quorum of the Committee. These items are not subject to the 120-day deadline for action.

Commented [NML38]: Clarification

Once the item is voted out of a policy committee, the final item will be resubmitted to the agenda process by the author, and it will return to the Agenda Committee ~~Agenda & Rules Committee~~ on the next available agenda. The ~~Agenda Committee~~ Agenda & Rules Committee may leave the item on the agenda under consideration or place it on the following Council agenda. Only items that receive a Positive Recommendation can be placed on the Consent Calendar.

Commented [NML39]: Clarification

The lead author may request expedited committee review for items referred to a committee. Criteria for expedited review is generally to meet a deadline for action (e.g. grant deadline, specific event date, etc.). If the committee agrees to the request, the deadline for final committee action is 45 days from the date the item first appeared on the committee agenda.

5D. Number and Make-up of Committees

Six committees are authorized, each comprised of three ~~Ce~~ councilmembers with a fourth Councilmember appointed as an alternate. Each Councilmember and the Mayor will serve on two committees. The committees are as follows:

Commented [NML40]: This will allow two members of a policy committee to co-author an item. The Alternate will substitute for one of the co-authors while the item is heard by the policy committee.

1. Agenda and Rules Committee
2. Budget and Finance Committee
3. Facilities, Infrastructure, Transportation, Environment, and Sustainability
4. Health, Life Enrichment, Equity, and Community
5. Land Use, Housing, and Economic Development
6. Public Safety

The ~~Agenda Committee~~ Agenda & Rules Committee shall establish the policy committee topic groupings, and may adjust said groupings periodically thereafter in order to evenly distribute expected workloads of various committees.

All standing policy committees of the City Council are considered "legislative bodies" under the Brown Act and must conduct all business in accordance with the Brown Act.

Commented [NML41]: Clarification

6E. Role of City Staff at Committee Meetings

Committees will be staffed by appropriate City Departments and personnel. As part of the committee process, staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item. Staff analysis at

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the Policy Committee level is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

IV. CONDUCT OF MEETING

A. Comments from the Public

Public comment will be taken in the following order:

- An initial ten-minute period of public comment on non-agenda items, after the commencement of the meeting and immediately after Ceremonial Matters and City Manager Comments.
- Public comment on the Consent and Information Calendars.
- Public comment on action items, appeals and/or public hearings as they are taken up under procedures set forth in the sections governing each below.
- Public comment on non-agenda items from any speakers who did not speak during the first round of non-agenda public comment at the beginning of the meeting.

Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. A speaker wishing to yield their time shall stand and identify themselves, shall be recognized by the chair, and announce publicly their intention to yield their time. Disabled persons shall have priority seating in the front row of the public seating area.

A member of the public may only speak once at public comment on any single item, unless called upon by the Mayor or a Councilmember to answer a specific inquiry.

1. Public Comment on Consent Calendar and Information Items.

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar," or move "Consent Calendar" items to "Action." Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent."

The Council will then take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. A speaker may only speak once during the period for public comment on Consent Calendar and Information items. 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.

2. Public Comment on Action Items.

After the initial ten minutes of public comment on non-agenda items and public comment and action on consent items, the public may comment on each remaining item listed on the agenda for action as the item is taken up.

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.

If ten or fewer persons are interested in speaking, each speaker 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.

[This procedure also applies to public hearings except those types of public hearings specifically provided for in this section.](#)

3. Appeals Appearing on Action Calendar.

With the exception of appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission, appeals from decisions of City commissions appear on the "Action" section of the Council Agenda. Council determines whether to affirm the action of the commission, set a public hearing, or remand the matter to the commission. Appeals of proposed special assessment liens shall also appear on the "Action" section of the Council Agenda. Appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission are automatically set for public hearing and appear on the "Public Hearings" section of the Council Agenda.

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants [of a single appeal](#) collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. [If there are multiple appeals filed, each appellant or group of appellants shall have seven minutes to comment.](#) Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment. In the case of an appeal of proposed special assessment lien, the appellant shall have seven minutes to comment.

After the conclusion of the seven-minute comment periods, members of the public may comment on the appeal. Comments from members of the public regarding appeals shall be limited to one minute per speaker. Any person that addressed the Council during one of the seven-minute periods may not speak again during the public comment period on the appeal. Speakers may yield their time to one other speaker, however, no speaker shall have more than two minutes. Each side shall be informed of this public comment procedure at the time the Clerk notifies the parties of the date the appeal will appear on the Council agenda.

Commented [NML42]: Reflects existing due process standards

4. Public Comment on Non Agenda Matters.

Immediately following Ceremonial Matters and the City Manager Comments and prior to the Consent Calendar, persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting.

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.

Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.

For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers by subject. The Presiding Officer will generally request that persons wishing to speak, line up at the podium to be recognized to determine the number of persons interested in speaking at that time. Each speaker will be entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate given the number of speakers.

~~According to the current Rules and Procedures Pursuant to this document, no~~ Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items. If any agenda item remains unfinished at 11:00 p.m. or the expiration of any extension after 11:00 p.m., it will be referred to the ~~Agenda Committee~~ [Agenda & Rules Committee](#) for scheduling pursuant to Chapter II, Section F. In that event, the meeting shall be automatically extended for up to fifteen (15) minutes for public comment on non-agenda items.

5. Ralph M. Brown Act Pertaining to Public Comments.

The "Brown Act" prohibits the Council from discussing or taking action on an issue raised during Public Comment, unless it is specifically listed on the agenda. However, the Council may refer a matter to the City Manager.

B. Consent Calendar

There shall be a Consent Calendar on all regular meeting agendas on which shall be included those matters which the Mayor, ~~C~~ouncilmembers, boards, commissions, City Auditor and City Manager deem to be of such nature that no debate or inquiry will be necessary at the Council meetings. Ordinances for second reading may be included in the Consent Calendar.

IV. CONDUCT OF MEETING

It is the policy of the Council that ~~C~~eouncilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of consent calendar items can be minimized.

Consent Calendar items may be moved to the Action Calendar by the Council. Action items may be reordered at the discretion of the Chair with the consent of Council.

C. Information Reports Called Up for Discussion

Reports for Information designated for discussion at the request of any ~~Councilmember~~council member shall be added to the appropriate section of ~~the Reports for Action~~ Calendar and may be acted upon at that meeting or carried over as pending business until discussed or withdrawn. The agenda will indicate that at the request of any ~~Councilmember~~council member a Report for Information may be acted upon by the Council.

D. Communications

Letters from the public will not appear on the Council agenda as individual matters for discussion but will be distributed as part of the Council agenda packet with a cover sheet identifying the author and subject matter and will be listed under "Communications." _

All such communications must have been received by the City Clerk no later than 5:00 p.m. fifteen days prior to the meeting in order to be included on the agenda.

In instances where an individual forwards more than three pages of email messages not related to actionable items on the Council agenda to the Council to be reproduced in the "Communications" section of the Council packet, the City Clerk will not reproduce the entire email(s) but instead refer the public to the City's website or a hard copy of the email(s) on file in the City Clerk Department.

All communications shall be simply deemed received without any formal action by the Council. A ~~Councilmember~~council member may refer a communication to ~~staff~~ the City Manager for action, if appropriate, or prepare a consent or action item for placement on a future agenda.

Communications related to an item on the agenda that are received after 5:00 p.m. fifteen days before the meeting are published as provided for in Chapter III.C.4.

Commented [NML43]: Clarification per OGO

E. Public Hearings for Land Use, Zoning, Landmarks, and Public Nuisance Matters

The City Council, in setting the time and place for a public hearing, may limit the amount of time to be devoted to public presentations. Staff shall introduce the public hearing item and present their comments.

Following any staff presentation, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Members shall also submit a report of such contacts in writing prior to the commencement of the hearing. Such reports shall include a brief statement describing the name, date, place, and content of the contact. Written reports shall be available for public review

in the office of the City Clerk prior to the meeting and placed in a file available for public viewing at the meeting.

This is followed by five-minute presentations each by the appellant and applicant. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have five minutes to comment and the applicant shall have five minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons supporting the action of the board or commission on appeal shall have five minutes to comment. In the case of a public nuisance determination, the representative(s) of the subject property shall have five minutes to present.

Commented [NML44]: Same as above

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.

If ten or fewer persons are interested in speaking, each speaker 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. Any person that addressed the Council during one of the five-minute periods may not speak again during the public comment period on the appeal. 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.

Commented [NML45]: Current practice. Matches existing language for appeals above.

F. Work Sessions

The City Council may schedule a matter for general Council discussion and direction to staff. Official/formal action on a work session item will be scheduled on a subsequent agenda under the Action portion of the Council agenda.

In general, public comment at Council work sessions will be heard after the staff presentation, for a limited amount of time to be determined by the Presiding Officer.

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. If ten or fewer persons are interested in speaking, each speaker 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.

After Council discussion, if time permits, the Presiding Officer may allow additional public comment. During this time, each speaker will receive one minute. Persons who spoke during the prior public comment time may be permitted to speak again.

G. Public Discussions

Commented [NML46]: Unnecessary. A "public discussion" must still occur at a noticed meeting which is regulated by the Brown Act, OGO, and this document.

IV. CONDUCT OF MEETING

~~The City Council may, from time to time, schedule a matter for public discussion and may limit the amount of time to be devoted to said discussions. At the time the public discussion is scheduled, the City Council may seek comment from others if they so determine.~~

H. Protocol

People addressing the Council may first give their name in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No one other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a ~~Councilmember~~council member except through the Presiding Officer.

V. PROCEDURAL MATTERS

A. Persons Authorized to Sit at Tables

No person, except City officials, their representatives and representatives of boards and commissions shall be permitted to sit at the tables in the front of the Council Chambers without the express consent of the Council.

B. Decorum

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council Dais without consent. Any written communications addressed to the Council shall be delivered to the City Clerk for distribution to the Council. ~~message to or contact with any member of the Council while the Council is in session shall be through the City Clerk.~~

Commented [NML47]: Clarification that Clerk forwards written communications only, not verbal messages

C. Enforcement of Decorum

When the public demonstrates a lack of order and decorum, the presiding officer shall call for order and inform the person(s) that the conduct is violating the Rules of Order and Procedure and provide a warning to the person(s) to cease the disruptive behavior. Should the person(s) fail to cease and desist the disruptive conduct, the presiding officer may call a five (5) minute recess to allow the disruptions to cease.

If the meeting cannot be continued due to continued disruptive conduct, the presiding officer may have any law enforcement officer on duty remove or place any person who violates the order and decorum of the meeting under arrest and cause that person to be prosecuted under the provisions of applicable law.

D. Precedence of Motions

When a question is before the Council, no motion shall be entertained except:

1. To adjourn,
2. To fix the hour of adjournment,
3. To lay on the table,
4. For the previous question,
5. To postpone to a certain day,
6. To refer,
7. To amend,
8. To substitute, and

9. To postpone indefinitely.

These motions shall have precedence in order indicated. Any such motion, except a motion to ~~adjourn~~, amend, or substitute, shall be put to a vote without debate.

Commented [NML48]: Motion to adjourn is not debatable pursuant to Roberts Rules

E. Roberts Rules of Order

Roberts Rules of Order have been adopted by the City Council and apply in all cases except the precedence of motions in Section V.D shall ~~supercede~~supersede.

F. Rules of Debate

1. Presiding Officer May Debate.

The presiding officer may debate from the chair; subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of that person acting as the presiding officer.

2. Getting the Floor - Improper References to be avoided.

Members desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine themselves to the question under debate.

3. Interruptions.

A member, once recognized, shall not be interrupted when speaking unless it is to call a member to order, or as herein otherwise provided. If a member, while speaking, were called to order, that member shall cease speaking until the question of order is determined, and, if in order, the member shall be permitted to proceed.

4. Privilege of Closing Debate.

The ~~Councilmember~~council member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate. When a motion to call a question is passed, the ~~Councilmember~~council member moving adoption of an ordinance, resolution or other action shall have three minutes to conclude the debate.

5. Motion to Reconsider.

A motion to reconsider any action taken by the Council may be made only during the same session on the day such action is taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made ~~and seconded~~ by a member one of the prevailing sides, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council.

Commented [NML49]: Must happen at the same meeting, not just the same day.

Commented [NML50]: Inconsistent with Roberts Rules. Requiring a seconder to be on the prevailing side could infringe on a single member's right to reconsider their vote.

6. Repeal or Amendment of Action Requiring a Vote of Two-Thirds of Council, or Greater.

Any ordinance or resolution which is passed and which, as part of its terms, requires a vote of two-thirds of the Council or more in order to pass a motion pursuant to such an ordinance or resolution, shall require the vote of the same percent of the Council to repeal or amend the ordinance or resolution.

G. Debate Limited

1. ~~Except as provided in Section V.F.b hereof, e~~ Consideration of each matter coming before the Council shall be limited to 20 minutes from the time the matter is first taken up, at the end of which period consideration of such matter shall terminate and the matter shall be dropped to the foot of the agenda, immediately ahead of ~~Good of the City Information Reports~~; provided that either of the following two not debatable motions shall be in order:
 - a) A motion to extend consideration which, if passed, shall commence a new twenty-minute period for consideration; or
 - b) If there are one or more motions on the floor, the previous question, which, if passed, shall require an immediate vote on pending motions.
2. The time limit set forth in subparagraph ~~a-1~~ hereof shall not be applicable to any public hearing, public discussion, Council discussion or other especially set matter for which a period of time has been specified (in which case such specially set time shall be the limit for consideration) or which by applicable law (e.g. hearings of appeals, etc.), the matter must proceed to its conclusion.
3. In the interest of expediting the business of the City, failure by the Chair or any ~~Councilmember~~ council member to call attention to the expiration of the time allowed for consideration of a matter, by point of order or otherwise, shall constitute unanimous consent to the continuation of consideration of the matter beyond the allowed time; provided, however, that the Chair or any ~~Councilmember~~ council member may at any time thereafter call attention to the expiration of the time allowed, in which case the Council shall proceed to the next item of business, unless one of the motions referred to in ~~subparagraph Section a-4D~~ hereof is made and is passed.

H. Motion to Lay on Table

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a member voting with the majority and with consent of two-thirds of the members present.

I. Division of Question

If the question contains two or more propositions, which can be divided, the presiding officer may, and upon request of a member shall, divide the same.

J. Addressing the Council

~~Any person desiring to address the Council shall first secure the permission of the presiding officer to do so.~~ Under the following headings of business, unless the presiding officer rules otherwise, any ~~qualified and~~ interested person shall have the right to address the Council in accordance with the following conditions and upon obtaining recognition by the presiding officer:

1. Written Communications.

Commented [NML51]: Exactly restated later in same paragraph

Commented [NML52]: Not sure what could be meant by "qualified"

Interested parties or their authorized representatives may address the Council ~~by in the form of~~ written communications in regard to matters of concern to them ~~by submitting their written communications at the meeting, or prior to the meeting pursuant to the deadlines in Chapter III.C.4.~~

~~Communications pertaining to an item on the agenda which are received by the City Clerk after the deadline for inclusion in the Council Agenda packet and through 5:00 p.m. seven calendar days prior to the meeting shall be compiled into a supplemental communications packet. The supplemental communications packet shall be made available to the City Council, public and members of the press no later than five days prior to the meeting.~~

~~Communications received by the City Clerk after the aforementioned deadline and by noon on the day of a Council meeting shall be duplicated by the City Clerk and submitted to the City Council at the meeting if related to an item which is on the agenda for that meeting. Communications submitted at the Council meeting will be included in the public viewing binder and in the Clerk Department the day following the meeting.~~

Commented [NML53]: Described elsewhere and unnecessary here.

2. Public Hearings.

Interested persons or their authorized representatives may address the Council by reading protests, petitions, or communications relating to matters then under consideration.

3. Public Comment.

Interested persons may address the Council on any issue concerning City business during the period assigned to Public Comment.

K. Addressing the Council After Motion Made

When a motion is pending before the Council, no person other than a ~~Councilmember~~council member shall address the Council without first securing the permission of the presiding officer or Council to do so.

VI. FACILITIES

A. Council Chamber Capacity

~~Council Chamber~~ Attendance at council meetings shall be limited to the posted seating capacity of the meeting location~~thereof~~. Entrance to the ~~City Hall~~ meeting location will be appropriately regulated by the City Manager on occasions when ~~the Council Chamber~~ capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the ~~Council Chamber~~ meeting room except to address the Council, and sitting on the floor shall not be permitted. ~~The Council proceedings may be conveyed by loudspeaker to those who have been unable to enter the Council Chambers.~~

Commented [NML54]: Updated to reflect new locations of meetings and to not be as specific with regards to meeting locations

B. Alternate Facilities for Council Meetings

The City Council shall approve in advance a proposal that a Council meeting be held at a facility other than the ~~City Council Chambers~~ School District Board Room.

If the City Manager has reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the ~~City Council Chambers~~ Board Room and insufficient time exists to secure the approval of the City Council to hold the meeting at an alternate facility, the City Manager shall make arrangements for the use of a suitable alternate facility to which such meeting may be recessed and moved, if the City Council authorizes the action.

If a suitable alternate facility is not available, the City Council may reschedule the matter to a date when a suitable alternate facility will be available.

Alternate facilities are to be selected from those facilities previously approved by the City Council as suitable for meetings away from the ~~City Council Chambers~~ Board Room.

C. Signs, Objects, and Symbolic Materials

Objects and symbolic materials such as signs which do not have sticks or poles attached or otherwise create any fire or safety hazards will be allowed within the ~~Council Chamber~~ meeting location during Council meetings.

D. Fire Safety

Exits shall not be obstructed in any manner. Obstructions, including storage, shall not be placed in aisles or other exit ways. Hand carried items must be stored so that such items do not inhibit passage in aisles or other exit ways. Attendees are strictly prohibited from sitting in aisles and/or exit ways. Exit ways shall not be used in any way that will present a hazardous condition.

E. Overcrowding

Admittance of persons beyond the approved capacity of a place of assembly is prohibited. When the ~~Council Chambers~~ meeting location has ~~have~~ reached the posted maximum capacity, additional attendees shall be directed to the designated overflow area.

APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

Purpose

To establish a uniform policy regarding the naming and renaming of existing and future parks, streets, pathways and other public facilities.

Objective

A. 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.

Section 1 – Lead Commission

The City Council designates the following commissions as the 'Lead Commissions' in overseeing, evaluating, and ultimately advising the Council in any naming or renaming of a public facility. The lead commission shall receive and coordinate comment and input from other Commissions and the public as appropriate.

Board of Library Trustees

Parks and Recreation Commission –Parks, recreation centers, camps, plazas and public open spaces

Public Works Commission –Public buildings (other than recreation centers), streets and bridges or other structures in the public thoroughfare.

Waterfront Commission –Public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.

Section 2 – General Policy

- A. Newly acquired or developed public facilities shall be named immediately after acquisition or development to ensure appropriate public identity.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. Public facilities that are renamed must follow the same criteria for naming new facilities. In addition, the historical significance and geographical reference of the established name should be considered when weighing and evaluating any name change.
- D. The City encourages the recognition of individuals for their service to the community in ways that include the naming of activities such as athletic events, cultural presentations, or annual festivals, which do not involve the naming or renaming of public facilities.
- E. Unless restricted by covenant, facilities named after an individual should not necessarily be considered a perpetual name.

Section 3 – Criteria for Naming of Public Facilities

When considering the naming of a new public facility or an unnamed portion or feature within an already named public facility (such as a room within the facility or a feature within an established park), or, the renaming of an existing public facility the following criteria shall be applied:

- A. Public Facilities are generally easier to identify by reference to adjacent street names, distinct geographic or environmental features, or primary use activity. Therefore, the preferred practice is to give City-owned property a name of historical or geographical significance and to retain these names.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. The naming of a public facility or any parts thereof in recognition of an individual posthumously may only be considered if the individual had a positive effect on the community and has been deceased for more than 1 year.
- D. When a public facility provides a specific programmatic activity, it is preferred that the activity (e.g. skateboard park, baseball diamond) be included in the name of the park or facility.
- E. When public parks are located adjacent to elementary schools, a name that is the same as the adjacent school shall be considered.
- F. When considering the renaming of an existing public facility, in addition to applying criteria A-E above, proper weight should be given to the fact that: a name lends a site or property authenticity and heritage; existing names are presumed to have historic significance; and historic names give a community a sense of place and identity, continuing through time, and increases the sense of neighborhood and belonging.

Section 4 –Naming Standards Involving a Major Contribution

When a person, group or organization requests the naming or renaming of a public facility, all of the following conditions shall be met:

- A. An honoree will have made a major contribution towards the acquisition and/or development costs of a public facility or a major contribution to the City.
- B. The honoree has a record of outstanding service to their community
- C. Conditions of any donation that specifies that name of a public facility, as part of an agreement or deed, must be approved by the City Council, after review by and upon recommendation of the City Manager.

Section 5 –Procedures for Naming or Renaming of Public Facilities

- A. Any person or organization may make a written application to the City Manager requesting that a public facility or portion thereof, be named or renamed.
 - 1. Recommendations may also come directly of the City Boards or Commissions, the City Council, or City Staff.
- B. The City Manager shall refer the application to the appropriate lead commission as defined in Section 1 of the City's policy on naming of public facilities, for that commission's review, facilitation, and recommendation of disposition.
 - 1. The application shall contain the name or names of the persons or organization making the application and the reason for the requested naming or renaming.
- C. The lead commission shall review and consider the application, using the policies and criteria articulated to the City Policy on Naming and Renaming to make a recommendation to Council.
 - 1. All recommendations or suggestion will be given the same consideration without regard to the source of the nomination
- D. The lead commission shall hold a public hearing and notify the general public of any discussions regarding naming or renaming of a public facility.

APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

1. Commission action will be taking at the meeting following any public hearing on the naming or renaming.
- E. The commission's recommendation shall be forwarded to Council for final consideration.

The City of Berkeley Policy for Naming and Renaming Public Facilities was adopted by the Berkeley City Council at the regular meeting of January 31, 2012.

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the [Agenda Committee](#) ~~Agenda & Rules Committee~~ to request that the author of an item provide “additional analysis” if the item as submitted evidences a “significant lack of background or supporting information” or “significant grammatical or readability issues.”

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
 - a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
 - b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
 - c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
 - d. Fiscal impacts of the recommendation;
 - e. A description of the current situation and its effects;
 - f. Background information as needed;
 - g. Rationale for recommendation;
 - h. Alternative actions considered;
 - i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
 - j. Person or persons to contact for further information, with telephone number. If the author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

Guidelines for City Council Items:

1. Title
 2. Consent/Action/Information Calendar
 3. Recommendation
 4. Summary Statement/Current situation and its effects
 5. Background
 6. Review of Existing Plans, Programs, Policies and Laws
 7. Actions/Alternatives Considered
 8. Consultation/Outreach Overview and Results
 9. Rationale for Recommendation
 10. Implementation, Administration and Enforcement
 11. Environmental Sustainability
 12. Fiscal Impacts
 13. Outcomes and Evaluation
 14. Contact Information
 15. Attachments/Supporting Materials
-

1. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. Recommendation

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options include:

- Adopt first reading of ordinance
- Adopt a resolution
- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
- Referral to a Commission or to a Standing or Ad Hoc Council Committee
- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

4. Summary Statement/ “Current situation and its effects”

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):
Winter rains are lasting longer than expected. Berkeley’s winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley’s winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.

5. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. Review of Existing Plans, Programs, Policies and Laws

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan

- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

7. Actions/Alternatives Considered

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

8. Consultation/Outreach Overview and Results

- Review/list external and internal stakeholders that were consulted
 - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
 - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, Clerk, etc.
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

9. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented,

but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

10. Implementation, Administration and Enforcement

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

11. Environmental Sustainability

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal Impacts

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

13. Outcomes and Evaluation

State the specific outcomes expected, if any (i.e., "*it is expected that 100 homeless people will be referred to housing every year*") and what reporting or evaluation is recommended.

14. Contact Information

15. Attachments/Supporting Materials