

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

**MONDAY, NOVEMBER 18, 2019
2:30 P.M.**

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

Committee Members:

Mayor Jesse Arreguin, Councilmembers Kate Harrison and Susan Wengraf

AGENDA

Roll Call

Public Comment

Review of Agendas

- 1. Approval of Minutes: November 4, 2019**
- 2. Review and Approve Draft Agendas:**
 - a. 12/3/19 – 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 of Potential Revisions to the City Council Rules of Procedure and Order

9. Discussion of the Number of Members Appointed to Each Policy Committee

Items for Future Agendas

- Discussion of items to be added to future agendas

Adjournment – Next Meeting Monday, November 25, 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. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.*



**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

\* \* \*

I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on November 14, 2019.

A handwritten signature in black ink that reads "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, NOVEMBER 4, 2019**

**2:30 P.M.**

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

Committee Members:

Mayor Jesse Arreguin, Councilmembers Kate Harrison and Susan Wengraf

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

**Public Comment** – 2 speakers

## Review of Agendas

### 1. **Approval of Minutes: October 28, 2019**

**Action:** M/S/C (Harrison/Wengraf) to approve the minutes of 10/15/19.

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

### 2. **Review and Approve Draft Agendas:**

a. 11/19/19 – 6:00 p.m. Regular City Council Meeting

**Action:** M/S/C (Harrison/Wengraf) to authorize the City Manager to add a Time Critical agenda item to the November 19, 2019 Consent Calendar regarding a settlement agreement resulting from the October 29, 2019 closed session meeting.

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

**Action:** M/S/C (Harrison/Wengraf) to approve the agenda of the 11/19/19 regular meeting with the changes noted below.

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

- *Item Added: Authorized the City Manager to add an item regarding a settlement agreement.*
- *Item 10 BigBelly Budget Referral (Harrison) – Councilmember Bartlett added as a co-sponsor*
- *Item 16 Homeless Shelter Crisis (Arreguin) – Scheduled for the 11/19/19 Consent Calendar; Councilmembers Davila, Robinson, and Harrison added as co-sponsors*
- *Item 17 AstraZeneca Site (Davila) – Revised material submitted; Scheduled for the 11/19/19 Consent Calendar; Councilmember Hahn added as a co-sponsor*
- *Item 18 Cannabis Cryptocurrency (Bartlett) – Referred to the Budget & Finance Committee; Councilmember Robinson added as a co-sponsor*
- *Item 19 Electric Moped Ride-Share (Robinson) – Revised material submitted; Referred to the Facilities, Infrastructure, Transportation Environment & Sustainability Committee; Councilmember Bartlett added as a co-sponsor*

Order of Items on the Action Calendar

- Item 12 FY 2019 Year-End Results
- Item 13 Annual Appropriations Ordinance
- Item 14 goBerkeley Update
- Item 15a/b Allocation of Measure P Funds

- 3. Selection of Item for the Berkeley Considers Online Engagement Portal**
  - No item selected
- 4. Adjournments In Memory**
  - None

**Scheduling**

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

**Referred Items for Review**

*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 of Potential Revisions to the City Council Rules of Procedure and Order**

No action taken. Item continued to the next meeting.

**Items for Future Agendas**

- **Discussion of items to be added to future agendas – None**

**Adjournment**

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

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

Adjourned at 2:47 p.m.

**Communications**

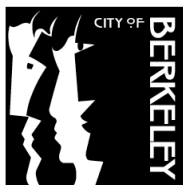
*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA.*

I hereby certify that the forgoing is a true and correct record of the Agenda and Rules Committee meeting held on November 4, 2019.

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Rose Thomsen, Deputy City Clerk

## DRAFT AGENDA



### BERKELEY CITY COUNCIL MEETING

**Tuesday, December 3, 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, (510) 981-6900.*

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

## Preliminary Matters

### Roll Call:

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

**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. Amend BMC Chapter 14.52 Adding the North Shattuck Metered Parking Area to the goBerkeley Program**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,678-N.S. amending Berkeley Municipal Code (BMC) Chapter 14.52 to add the North Shattuck metered parking area to the goBerkeley parking program.  
**First Reading Vote:** Ayes – Kesarwani, Davila, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison (recused).  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300
- 2. Contract: Michael Arcega for San Pablo Park Measure T1 Public Art Commission**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract for an amount not to exceed \$210,000, and any amendments thereto, with Michael Arcega for a public art commission for San Pablo Park.  
**Financial Implications:** Measure T1 Bond Fund - \$210,000  
Contact: Jordan Klein, Economic Development, (510) 981-7530



## Consent Calendar

**3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 3, 2019**

**From: City Manager**

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

**Financial Implications:** Various Funds - \$2,871,500

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

**4. Contract with Berkeley Food & Housing Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with vendor Berkeley Food & Housing Project (BFHP) to provide administrative services for Berkeley Mental Health (BMH) Flexible Spending Programs and the Russell Street Residence through June 30, 2021 in an amount not to exceed \$357,000.

**Financial Implications:** See report

Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400

**5. Contract Amendment: Bay Area Hearing Voices Network for Hearing Voices Support Groups**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with vendor Bay Area Hearing Voices Network (BAHVN) to provide Hearing Voices Support Groups through June 30, 2020 in an amount not to exceed \$68,442.

**Financial Implications:** See report

Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400

**6. Contract Amendment: Youth Spirit Artworks for Transition Age Youth (TAY) Case Management and Linkage Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with vendor Youth Spirit Artworks (YSA) to provide Transition Age Youth (TAY) case management and linkage services through June 30, 2020 in an amount not to exceed \$100,000.

**Financial Implications:** \$100,000

Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400

## Consent Calendar

- 7. Lease Agreement with 200 Marina Blvd, LLC for the Doubletree Hotel**  
**From: City Manager**  
**Recommendation:** Adopt: 1) first reading of an Ordinance authorizing the City Manager to execute the attached Ground Lease with 200 Marina Blvd, LLC, the owner of the Doubletree Hotel located at the Berkeley Marina for a 61-year term effective from January 10, 2020 through December 31, 2080; and 2) a Resolution approving a related Capital Improvement Agreement that 200 Marina Blvd, LLC contribute \$3 million to Marina street improvements.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 8. Lease Agreement: 200 Seawall Drive, Landry's RUI, LLC**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement and any amendments with Landry's RUI, LLC ("Landry's"), for the property at 200 Seawall Drive at the Berkeley Waterfront for a term of ten years with two five year options at an annual base rent of \$288,000/year, plus additional percentage rent of 3.5% for sales above \$1,500,000, and an improvements/maintenance rent credit of up to \$100,000/year for the first ten years to be used for specified building and parking lot maintenance.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 9. Contract: Trip Stop Sidewalk Repair, Inc. for FY2020 Sidewalk Inspection and Shaving Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments, extensions or other change orders with Trip Stop Sidewalk Repair, Inc. for FY2020 Sidewalk Inspection and Shaving Services, Specification No. 20-11345-C; for an amount not to exceed \$450,000.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300
- 10. Contract No. 31900082 Amendment: Silva Business Consulting Agreement for Provision of Real Property Management Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900082 with David L. Silva d.b.a. Silva Business Consulting for provision of various real property management services, increasing the contract by \$220,000 for a total not to exceed \$270,000. If approved, the amended contract will terminate January 31, 2022 or when funding limit is reached.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300

## Consent Calendar

- 11. Reimbursement Agreement with Wareham Development for Wareham's Construction of Public Facilities**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a reimbursement agreement (Attachment 1) and any amendments with Wareham Development for reimbursement of City's share of construction of a traffic signal at the intersection of San Pablo Avenue and Parker Street, and lane re-striping and associated signing and parking restrictions at the intersection of San Pablo Avenue and Dwight Street.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300
- 12. Transfer Tax Refund for 1638 Stuart Street**  
**From: Housing Advisory Commission**  
**Recommendation:** The Commission recommends that the City Council authorize the City Manager to grant a transfer tax refund of an estimated \$10,260 to the Bay Area Community Land Trust (BACLT) refund in support of the renovation of 1638 Stuart Street and BACLT's operation of the property as affordable housing.  
**Financial Implications:** See report  
Contact: Amy Davidson, Commission Secretary, (510) 981-5400
- 13. Authorization for Additional Public Works Commission Meeting in 2019**  
**From: Public Works Commission**  
**Recommendation:** Adopt a Resolution authorizing one additional meeting of the Public Works Commission Meeting in 2019.  
**Financial Implications:** None  
Contact: Nisha Patel, Commission Secretary, (510) 981-6300

## Council Consent Items

- 14. Reaffirming the Arctic National Wildlife Refuge Resolution**  
**From: Mayor Arreguin and Councilmember Hahn**  
**Recommendation:** Adopt a Resolution reaffirming Berkeley's position as supporting the preservation of the Arctic National Wildlife Refuge and refrain the City from conducting business with companies that purchases, leases, or develops oil fields within the Refuge.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Council Consent Items

15. **Adopt an Ordinance adding a new Chapter 9.50 to the Berkeley Municipal Code Requiring Legal Rights for Legal Tender** *(Reviewed by the Land Use, Housing & Economic Development Policy Committee)*  
**From: Councilmembers Harrison, Hahn, Davila, and Bartlett**  
**Recommendation:** Adopt an ordinance adding a new Chapter 9.50 to the Berkeley Municipal Code requiring legal rights for legal tender, requiring that all covered businesses accept cash.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
16. **Berkeley Public Library Foundation 18th Annual Authors Dinner: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Hahn**  
**Recommendation:** Adopt a resolution approving the expenditure of an amount not to exceed \$600 per Councilmember, including \$100 from Councilmember Hahn, to the Berkeley Public Library Foundation's 18th Annual Authors Dinner with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmember Hahn, and any other Councilmembers who would like to contribute. The Berkeley Public Library Foundation raises funds to support and enhance facilities, programs and services of the Berkeley Public Library. Proceeds from this event will subsidize library programs and fulfill the municipal public purpose of the library.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

## 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.*

### 17. **Adoption of the 2019 California Fire Code with Local Amendments – Second Reading**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt the second reading of Ordinance No.7,680-N.S. repealing and reenacting the Berkeley Fire Code, including amendments to the California Fire Code as outlined in the proposed ordinance, plus Appendix Chapters B (as amended by BMC 19.48.020, Amendments to the California Fire Code), D, E, F, L (as amended by BMC 19.48.020, Amendments to the California Fire Code) and O published by the International Code Council not included in the California Building Standards Code, as Berkeley Municipal Code Chapter 19.48.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

Contact: David Brannigan, Fire, (510) 981-3473

## Action Calendar- Public Hearings

- 18. Adoption of Berkeley Building Codes, including Local Amendments to California Building Standards Code**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing, and upon conclusion adopt the second reading of Ordinance No. 7,678-N.S. repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
- 19. Milvia Bikeway Project Conceptual Design**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving the conceptual design of the Milvia Bikeway Project, including installation of a protected bikeway and the removal or modification of traffic lanes and on-street parking, and specified changes from two-way to one-way traffic operations, as necessary, and directing the City Manager to direct staff to proceed with the detailed engineering design of the project.  
**Financial Implications:** None  
Contact: Phillip Harrington, Public Works, (510) 981-6300

## Action Calendar - New Business

- 20. Emergency Standby Officers for the Mayor and Councilmembers**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution confirming the appointment of Standby Officers for the Mayor and each Councilmember to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 68,454-N.S.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900

## Action Calendar - New Business

**21. Recommendation to Immediately Fund and Implement the Safe Passages Program and Additional Actions to Ensure Emergency Equipment Access to All Parts of the City**

**From: Disaster and Fire Safety Commission**

**Recommendation:** The recommendation as stated above from the Disaster and Fire Safety Commission (DFSC) to the Council includes the following seven components:

1. Allocate full funding of the Fire Department's Safe Passages Program;
2. Initiate immediate action;
3. Recognize that parking restrictions are necessary on some streets for the health and well-being of Berkeley residents;
4. Establish priorities for enacting parking restrictions;
5. Develop a departmental coordinated team effort;
6. Inform the public; and
7. Document and distribute the extent of the access and egress problem.

**Financial Implications:** See report

Contact: Keith May, Commission Secretary, (510) 981-3473

**22a. Taxi scripts to be provided to residents of Pathways/the STAIR Center**

**From: Homeless Commission**

**Recommendation:** The Homeless Commission recommends that taxi scripts be provided to persons referred to Pathways/ the STAIR Center and that continued taxi scripts be provided to Pathways/STAIR residents, during their stay, in order to insure safe, accessible transport.

Alternatively, the Commission recommends that transportation arrangements be made with ride share services such as Lyft or Uber, or a public shuttle system coordinated by the City of Berkeley and Alameda County.

**Financial Implications:** See report

Contact: Peter Radu, Commission Secretary, (510) 981-5400

**22b. Companion Report: Taxi scripts to be provided to residents of Pathways/the STAIR Center**

**From: City Manager**

**Recommendation:** The City Manager will ensure that STAIR Center staff are incorporating applications and access to existing community transportation programs, such as East Bay Paratransit and Berkeley Rides for Seniors and the Disabled, into routine provision of services to mobility-impaired STAIR guests.

**Financial Implications:** Staff time

Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400

**23a. Public Works Commission Recommendation for the Five-Year Paving Plan**

**From: Public Works Commission**

**Recommendation:** Adopt a resolution that recommends approval of the Five-Year Paving Plan for FY2020 to FY2024 as proposed by Staff and recommends the creation of a Long-Term Paving Master Plan.

**Financial Implications:** See report.

Contact: Nisha Patel, Commission Secretary, (510) 981-6300

## Action Calendar - New Business

**23b. Companion Report: Public Works Commission Recommendation for the Five-Year Street Rehabilitation Plan**

**From: City Manager**

**Recommendation:** Adopt a Resolution updating the City's Five-Year Street Rehabilitation Plan for FY 2020 to FY 2024 and refer to the City Manager consideration of a Long-Term Paving Master Plan to be started after the completion of the public process of T1 Phase 2. The City Council may consider the information put forth by the Public Works Commission relevant to adoption of the recommended plan.

**Financial Implications:** See report

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

## Council Action Items

**24. Considering Multi-year Bidding Processes for Street Paving** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*

**From: Mayor Arreguin, Councilmembers Hahn, Harrison, and Davila**

**Recommendation:** 1. Restate the recommendation approved at the December 11, 2018 Council meeting to create a two-year bidding process for street paving to realize savings by (a) reducing by 50% City staff time devoted to bidding and contracting processes over each two year period and (b) benefitting from reduced pricing which may be available for larger contracts that offer greater economies of scale and reduce contractors' bidding and contracting costs.

2. Short-term referral to the City Manager to explore the possibility, feasibility, costs, and benefits of bidding in increments of up to 5 years to encompass entire 5-year paving plans, or other ideas to more rationally and cost-effectively align the paving plan with budget cycles and reduce costs associated with frequent bid cycles for relatively small contracts.

**Financial Implications:** See report

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

## Action Calendar – Policy Committee Track Items

**25. Reappointment of Dr. P. Robert Beatty to the Alameda County Mosquito Abatement District Board of Trustees**

**From: Mayor Arreguin**

**Recommendation:** Adopt a Resolution reappointing Dr. P. Robert Beatty to the Board of Trustees of the Alameda County Mosquito Abatement District for a two-year term ending on January 1, 2022.

**Financial Implications:** None

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



## Action Calendar – Policy Committee Track Items

26. **Short Term Referral to the City Manager on how to establish a New Department: Climate Emergency Mobilization Department within 90 days**  
**From: Councilmember Davila**

**Recommendation:** Short Term Referral to the City Manager on how to establish a New Department: Climate Emergency Mobilization Department within 90 days with the following actions:

1. Establishment of a new department - Create a Climate Emergency Mobilization Department (CEMD) and transition existing city staff (current Chief Sustainability and Resilience Officers) into the new department. The CEMD is proposed to have oversight authority of existing departments and boards regarding planning and coordination of the City's response to climate change, including public education and outreach. In addition, the CEMD would measure and track ongoing greenhouse gas emissions and pollutants, develop an annual climate emissions budget and identify grant funding.
2. External Community Engagement - Provide a timeline for regular on-going town halls or neighborhood assemblies for external community engagement and collaboration to engage the community and allow for input on new policies and programs which affect "marginalized and front-line communities." As part of this process, the proposal further recommends that community capacity building in the form of training and education be provided, and that potential pilot projects be considered which could be tested in these communities.
3. A Report from the City Manager within 90 days regarding: The number of positions to adequately implement and operate the CEMD; and recommendations for funding in the upcoming fiscal year budget.

**Financial Implications:** See report

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

## Action Calendar – Policy Committee Track Items

- 27. Introduce an Ordinance terminating the sale of gasoline, diesel and natural gas passenger vehicles throughout the City of Berkeley by 2025**  
**From: Councilmember Davila**  
**Recommendation:** Adopt a resolution with the following actions:
1. Direct the City Attorney to prepare any draft ordinances to terminate the sale of gasoline, diesel and natural gas passenger vehicles throughout the City of Berkeley by 2025; this shall include the termination of purchasing these vehicles to support City fleets and, for the general public, a staged phase out such as cars over \$28K by 2023, cars over \$22K by 2024, and all cars by 2025, so as to actively create a used electric vehicle market for lower income customers.
  2. Short term referral to the City Manager and/or designee(s) to report to the City Council in 90 days, in consultation with other City Departments with the following information: (A) Feasibility of terminating the sale of gasoline, diesel and natural gas passenger vehicles; (B) ways to promote and facilitate the sale of all-electric vehicles in the City, particularly among low income communities, including the provision of local tax incentives and rebates; the simplification of building code requirements for chargers; and the establishment of charging stations and related infrastructure to support all-electric vehicles; (C) any “just transition” elements related to the above action, including the impact upon and opportunities for auto mechanics.
- Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
- 28. Oppose the Transportation and Handling of Coal and Petcoke in Our Communities**  
**From: Councilmembers Davila and Hahn**  
**Recommendation:** 1. Adopt a resolution opposing the transportation of coal through our community and send a Letter to the Richmond and Oakland City Councils, including California State Assemblymember Buffy Wicks and State Senator Nancy Skinner, in support of their efforts for a No Coal ordinance.  
2. Direct the City Attorney to prepare any draft ordinances using the attach sample ordinance  
**Financial Implications:** None  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
- 29. Urging the CPUC to Address Its Failure of Oversight and to Transform PG&E Into A Mutual Benefit Corporation**  
**From: Councilmembers Robinson, Harrison, Bartlett and Mayor Arreguin**  
**Recommendation:** Adopt a resolution urging the California Public Utilities Commission to address past failures of oversight and transform PG&E into a mutual benefit corporation with the long-term goal of public ownership.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

## Information Reports

30. **Condominium Conversion Program – Annual Report**  
**From: City Manager**  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
31. **Small Sites Program Update**  
**From: City Manager**  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
32. **Equal Pay: Classification and Compensation Process City Employees**  
**From: City Manager**  
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
33. **LPO NOD: 1581 Le Roy/#LMSAP2019-0004**  
**From: City Manager**  
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
34. **LPO NOD: 2234 Haste Street/#LMSAP2016-0002**  
**From: City Manager**  
Contact: Timothy Burroughs, Planning and Development, (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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Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

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

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

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

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

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

**COMMUNICATION ACCESS INFORMATION:**

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

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



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

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Housing Advisory Commission

CONSENT CALENDAR
December 3, 2019

To: Honorable Mayor and Members of the City Council
 From: Housing Advisory Commission
 Submitted by: Xavier Johnson, Chairperson, Housing Advisory Commission
 Subject: Transfer Tax Refund for 1638 Stuart Street

RECOMMENDATION

The Commission recommends that the City Council authorize the City Manager to grant a transfer tax refund of an estimated \$10,260 to the Bay Area Community Land Trust (BACLT) refund in support of the renovation of 1638 Stuart Street and BACLT's operation of the property as affordable housing.

FISCAL IMPACTS OF RECOMMENDATION

Since the Housing Advisory Commission took action, the transfer tax was paid at the originally estimated amount, \$10,260. There will be a cost of \$10,260 to the City for this action, plus staff time for contracts and other follow up actions.

CURRENT SITUATION AND ITS EFFECTS

Providing a Transfer Tax Refund for 1638 Stuart Street is a Strategic Plan Priority Project that will advance the City's goal to create affordable housing. BACLT submitted a letter addressed to the Housing Advisory Commission, requesting a refund of the transfer taxes for 1638 Stuart Street which will provide more funding to support the renovation of the property. BACLT is in the process of closing its Small Sites Program loan, which will pay for the renovation of eight residential units on the property that will be converted to long-term affordable housing.

McGee Avenue Baptist Church will maintain ownership of 1638 Stuart Street throughout the rehabilitation and operation as affordable housing. BACLT has entered into a 57-year lease with the Church in order to renovate and then operate the property for the length of the City's loan and regulatory agreement. The Church's transfer of the property to its affiliate LLC, and the recording of a memorandum of lease against the property trigger transfer taxes. The transfer taxes were calculated based on the value of the lease, and the City's portion of the taxes was \$10,260.

At the September 5, 2019 meeting of the Housing Advisory Commission, the commission voted to:

Action: M/S/C (Lord/Simon-Weisberg) recommend that City Council authorize the City Manager to grant an estimated \$10,260 to Bay Area Community Land Trust (BACLT) in the form of a transfer tax refund, in support of the renovation of 1638 Stuart Street and BACLT's operation of the property as affordable housing.

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

BACKGROUND

1638 Stuart Street is an eight-unit property that has been vacant for more than 20 years. Using Small Sites Program funds, BACLT will renovate the property and bring the units back into active use, restricting them to households earning up to 80% of the area median income. The property is dilapidated, and has extensive renovation needs. With construction costs continuing to increase, the project would benefit from a reduction in the amount of transfer taxes owed. The funds would be better used to support renovation needs, or for reserves that can help support the project's operations in the long term.

In 2014, City Council approved a transfer tax refund to the David Brower Center and Resources for Community Development related to the Oxford Plaza development when a transfer to an RCD-affiliated entity for refinancing triggered the transfer tax.

ENVIRONMENTAL SUSTAINABILITY

This project will go to funding affordable housing and help reduce vehicle miles traveled, since some of the future residents who are income-eligible and who work in Berkeley, will no longer need to commute from cities further away.

RATIONALE FOR RECOMMENDATION

The allocation of this funding will help in the preservation of eight units of affordable housing in the City of Berkeley.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions considered.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON

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



Office of the City Manager

CONSENT CALENDAR
December 3, 2019

To: Honorable Mayor and Members of the City Council
 From: Public Works Commission
 Submitted by: Ray Yep, Chairperson, Public Works Commission
 Subject: Authorization for Additional Public Works Commission Meeting in 2019

RECOMMENDATION

Adopt a Resolution authorizing one additional meeting of the Public Works Commission Meeting in 2019.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Public Works Commission requests approval to hold a Special Meeting on December 14, 2019, in addition to regularly scheduled Commission meetings, for the purpose of discussing its Fiscal Year (FY) 2020 Work Plan. Submission of this report for authorization of the additional meeting was approved by the Public Works Commission at its January 10, 2019 meeting. It was moved to approve by Nic Dominguez, and seconded by Jim McGrath. The other Commissioners present, John Hitchen, Shane Krpata, and Ray Yep, also voted yes to the approve the additional meeting. Matthew Freiberg and Sachu Constantine were absent from the meeting. The Public Works Commission had one Commission position unfilled. Margo Schueler abstained from voting.

BACKGROUND

Resolution No. 68,258-N.S. governs the number of meetings for boards and commissions and places the Public Works Commission in Category B with a maximum of 10 meetings per year. In 2019, the Commission held 9 regular meetings from January through October, and a meeting is scheduled in November.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental impacts or opportunities associated with this report.

RATIONALE FOR RECOMMENDATION

The additional meeting requested for December is an opportunity for the Commission to review and plan its activities, initiatives, and subcommittee assignments for the

remaining FY 2020 term. The work planning of the Commission advances the City Strategic Plan Priority Goal of providing state-of-the art, well maintained infrastructure, amenities, and facilities.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON

Nisha A. Patel, Secretary, Public Works Commission and Manager of Engineering,
Public Works, (510) 981-6406

Attachments:

1: Resolution

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

AUTHORIZING ADDITIONAL MEETING FOR THE PUBLIC WORKS COMMISSION

WHEREAS, Resolution No. 68,258-N.S. stipulates how many annual meetings are allowed for Berkeley's commissions and places the Public Works Commission in Category B, with a maximum of 10 meetings per year; and

WHEREAS, the Public Works Commission plans to hold another additional meeting in December to discuss its Work Plan for FY 2020.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council authorizes one additional meeting in 2019 for the Public Works Commission.



Office of the Mayor

CONSENT CALENDAR

December 3, 2019

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín, Councilmember Sophie Hahn

Subject: Reaffirming the Arctic National Wildlife Refuge Resolution

RECOMMENDATION

Adopt a Resolution reaffirming Berkeley's position as supporting the preservation of the Arctic National Wildlife Refuge and refrain the City from conducting business with companies that purchases, leases, or develops oil fields within the Refuge.

BACKGROUND

The Arctic National Wildlife Refuge, located in the northeast corner of Alaska, is the largest national wildlife refuge in the country, covering over 30,000 square miles (for comparison, the nine-county Bay Area covers an area just under 7,000 square miles). It is home to a wide array of wildlife, including 37 species of land mammals, 42 fish species, eight marine mammal species, and over 200 migratory and resident bird species. Many of these are endangered and are at risk from climate change. Founded in 1960, the Refuge serves as a crucial sanctuary for this wildlife. The Refuge is also home to the Gwich'in people, who depend on the land for their livelihood.

Oil drilling is allowed in parts of the Arctic National Wildlife Refuge, but only under the authorization of Congress. A provision in the December 2017 tax bill approved by Congress and signed into law by the President allowed for oil drilling along 1.5 million acres of the coastal areas of the Refuge. While the House passed H.R. 1146 – the Arctic Cultural and Coastal Plain Protection Act, to ban oil drilling in the area, this bill is currently stalled in the Senate. The Department of the Interior intends to conduct lease sales in the Refuge by the end of 2019, paving the way for major oil drilling operations.

On November 4, 2019, the United States formally began the process of leaving the Paris Agreement, which will take twelve months to complete. The Agreement, in which the United States will become the only country in the world to be a non-signatory, is seen as a critical step to prevent global temperatures rising above 2C from pre-industrial levels, with the goal of keeping levels below 1.5C. Reaching 2C would result in cataclysmic and irreversible damage to Earth's climate. The Arctic region is considered one of the most vulnerable areas in the world when it comes to the impacts of climate change. This is in part due to the feedback loop created by melting ice. Ice has a high albedo, meaning it reflects sunlight back into space. Less ice means more energy is absorbed by the Arctic Ocean, creating warmer temperatures that accelerates

further ice melt. Drilling in the Arctic will release significant amounts of methane, a potent greenhouse gas, which will further accelerate warming in the region.

On September 10, 2002, the City Council approved an item introduced by Councilmember Dona Spring that referred the City Manager to require the City from refraining from knowingly purchasing goods or services from a company that purchases leases or develops oil fields in the Refuge (Attachment 2). Under the City's Investment Policy, it has divested from publically traded fossil fuel companies, citing the City's responsibility to protect the lives and livelihoods of its inhabitants from the threat of climate change.

Given recent political decisions on the federal level to move forward with Arctic oil drilling and defiance of environmental regulations, along with the precarious condition the Arctic is in, it is essential to reaffirm the actions the City Council took in 2002.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

Preservation of the Arctic is vital in reducing the impacts of climate change.

CONTACT PERSON

Mayor Jesse Arreguin 510-981-7100

Attachments:

1: Resolution

2: September 10, 2002 Council Item on the Arctic National Wildlife Refuge

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

REAFFIRMING THE ARCTIC WILDLIFE NATIONAL REFUGE RESOLUTION

WHEREAS, the coastal plain of the Arctic Wildlife National Refuge is a pristine, unique and fragile ecosystem, home to some of the most spectacular wildlife in the United States, and one of the last remaining such places on the planet; and

WHEREAS, the Arctic Refuge is sacred to the Gwich'in people, who have lived near the area for almost a thousand generations, and depend on the Porcupine Caribou herd for food, clothing, and as a link to their traditional culture; and

WHEREAS, oil drilling in the Refuge is allowed only under authorization of Congress, which was provided in a provision in the December 2017 tax bill approved by Congress and signed into law by the President, allowing for drilling along 1.5 million acres of coastal area; and

WHEREAS, the Department of the Interior is expected to conduct lease sales in the Refuge by the end of 2019, paving the way for major oil drilling operations, despite the same Department under previous administrations warning that drilling in the Arctic Refuge would irreparably harm the Porcupine caribou herd, and therefore the Gwich'in way of life; and

WHEREAS, the Trump Administration has turned its back on environmental regulations, most notably beginning the process of withdrawing from the Paris Agreement, which is seen as an essential part of preventing runaway climate change; and

WHEREAS, the Arctic is in a precarious condition, being more vulnerable to climate change than other regions on the planet, due in part to the feedback loop created by melting ice that creates further warming, allowing for more ice melt; and

WHEREAS, in addition to the risk of oil spills and leaks, drilling produces methane, a potent greenhouse gas, which will further accelerate warming in the region; and

WHEREAS, the majority of Americans oppose opening the coastal plain of the Arctic Refuge for oil and gas drilling, as do the Gwich'in; and

WHEREAS, the City of Berkeley believes that it is irresponsible for a corporation to pursue drilling in one of the last remaining wild places in the United States and to threaten the rights of the Gwich'in; and

WHEREAS, the City of Berkeley wishes to spend its citizen's tax dollars in a manner that is socially and environmentally responsible; and

WHEREAS, in September 2002, the Berkeley City Council approved an item that referred the City Manager to require the City from refraining from knowingly purchasing goods or services from a company that purchases leases or develops oil fields in the Refuge; and

WHEREAS, under the City's Investment Policy, it has divested from publically traded fossil fuel companies, citing the City's responsibility to protect the lives and livelihoods of its inhabitants from the threat of climate change.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby reaffirms its commitment to not knowingly purchase goods or services from corporations that purchase leases or develop oil fields in the coastal plain of the Arctic National Wildlife Refuge.

REVISED CONSENT CALENDAR

Date:

7-16-02

To: Honorable Mayor and
Members of the City Council

From: Councilmember Dona Spring

Subject: THE ARCTIC WILDLIFE REFUGE RESOLUTION

RECOMMENDATION: That the City Council 1) refer to the City Manager a selective purchasing resolution requiring the City of Berkeley to refrain from knowingly purchasing goods or services from a company that purchase leases or develops oil fields in the coastal plain of the Arctic National Wildlife Refuge; 2) request that the City Manager write a letter to the head of the four company's that want to drill in the refuge informing them of the City Council's opposition to drilling in the Arctic National Wildlife Refuge; and 3) send a letter to Berkeley's federal elected officials urging them to support the Arctic Refuge Wilderness Bill and designate the coastal plain as a protected wilderness area.

BACKGROUND: At the July 23rd meeting one Council member thought this resolution was no longer needed but US PIRG says it is needed. Please see attached letter and resolution from the Public Interest Research Group (National Association of State PIRG). This referral would ask that the City Manager evaluate the possibility of the City of Berkeley boycotting the four major oil companies who have expressed a desire to drill for oil in the Arctic National Wildlife Refuge. Those companies are: BP Amoco, Chevron, Phillips Petroleum Company, ExxonMobil. The City of Berkeley apparently does not purchase gas from any of these companies. The attached resolution would return with the City Manager's report regarding this selective purchasing request.

FINANCIAL IMPLICATIONS: NONE

CONTACT PERSON: Councilmember Dona Spring 981 7140

-----Original Message-----

From: Erin Milfeit [mailto:emilfeit@vt.edu]
Sent: Wednesday, August 07, 2002 10:47 AM
To: Spring, Dona
Subject: ANWR Resolution (letter also faxed)

August 7, 2002

Dear Ms. Spring,

I'm writing this letter in response to your message last week. You stated that at the Berkeley City Council meeting held last Tuesday, another councilperson made the comment that the Arctic National Wildlife Drilling a "moot" issue, that Congress has decided that there would be no drilling allowed in the Arctic Refuge, and as a result, the Arctic National Wildlife Refuge Resolution is being held over until September. Let me provide you with an explanation as to why this resolution is important to protecting the Arctic Refuge.

Last summer, the U.S. House of Representatives passed a bill as part of the House energy plan that would open the coastal plain to oil drilling. But on April 18, 2002, the Senate defeated - 54 to 46 - Senator Murkowski's amendment to the Senate energy bill allowing drilling in the coastal plain of the Arctic Refuge. While the Senate vote was a huge victory for the Arctic Wilderness Campaign, in no way does it mean our battle is over.

A House - Senate conference committee has been appointed to reconcile the two energy bills. Since the House did include Arctic drilling, we cannot rule out the possibility that the House Conferees could push for it to be put on the final bill. Senator Tom Daschle has said that the Senate will not accept an energy bill that includes drilling in the Refuge. But there are a number of reasons to be concerned and continue our efforts to protect the Arctic Refuge because a number of things could occur that could result with Arctic drilling on the final energy bill.

The main point is that even if the resulting energy bill is passed and Arctic drilling is left out, this region is still vulnerable from being opened to

drilling in the future. This is why Representatives Ed Markey (D-Mass) and Nancy Johnson (R-Conn) and Senator Joe Lieberman (D-Conn) introduced the 2001 Arctic Wilderness Act. The Senate (S 411) and the (HR 1239) Arctic Wilderness Bill's would permanently protect the coastal plain of the Arctic Refuge from any future attempts to open it for drilling. We are pushing for support to pass these bills. Until that happens, the Arctic Refuge will continue to remain vulnerable to the oil industry.

When it is all said and done, the Arctic Wilderness is not a moot issue. It will not be a moot issue until Congress passes a bill to permanently protect it with a wilderness designation. By passing the ANWR Resolution, cities and counties will be sending a message to the oil industry- BP, ExxonMobil, Chevron Texaco, and Philips Petroleum- to stop pressuring Congress and the Administration to open the region. In addition, it sends a message to Congress and the Administration that the American people, those whom they represent, want to see it protected. This is why passing the Arctic National Wildlife Refuge Resolution is important.

I hope this clears up any questions you had. Please keep in touch in regards to your efforts to pass this resolution. We will keep you updated on our progress.

Sincerely,

Erin Milfeit
U.S. PIRG

CONSENT CALENDAR

Date: 7-16-02

To: Honorable Mayor and
Members of the City Council

From: Councilmember Dona Spring

Subject: THE ARCTIC WILDLIFE REFUGE RESOLUTION

RECOMMENDATION: That the City Council 1) refer to the City Manager a selective purchasing resolution requiring the City of Berkeley to refrain from knowingly purchasing goods or services from a company that purchase leases or develops oil fields in the coastal plain of the Arctic National Wildlife Refuge; 2) request that the City Manager write a letter to the head of the four company's that want to drill in the refuge informing them of the City Council's opposition to drilling in the Arctic National Wildlife Refuge; and 3) send a letter to Berkeley's federal elected officials urging them to support the Arctic Refuge Wilderness Bill and designate the coastal plain as a protected wilderness area.

BACKGROUND: Please see attached letter and resolution from the Public Interest Research Group (National Association of State PIRG). This referral would ask that the City Manager evaluate the possibility of the City of Berkeley boycotting the four major oil companies who have expressed a desire to drill for oil in the Arctic National Wildlife Refuge. Those companies are: BP Amoco, Chevron, Phillips Petroleum Company, ExxonMobil. The City of Berkeley may already boycott some of these companies. The attached resolution would return with the City Manager's report regarding this selective purchasing request.

FINANCIAL IMPLICATIONS: NONE

CONTACT PERSON: Councilmember Dona Spring 981 7140

JUL-08-2002 11:48

U.S. FIRE

202 340 2401 11:07:00

The Arctic National Wildlife Refuge Resolution

WHEREAS, the coastal plain of the Arctic National Wildlife Refuge is a pristine, unique and fragile ecosystem, home to some of the most spectacular wildlife in the United States, and one of the last remaining such places on the planet; and

WHEREAS, the Arctic Refuge is sacred to the Gwich'in people, who have lived near the area for almost a thousand generations, and depend on the Porcupine Caribou herd for food, clothing, and as a link to their traditional culture; and

WHEREAS, the U.S. Department of Interior has concluded that drilling in the Arctic Refuge would irreparably harm the Porcupine caribou herd, and therefore the Gwich'in way of life; and

WHEREAS, the U.S. Geological Survey estimates that the Arctic Refuge contains less than six months worth of economically recoverable oil, yet using the oil companies' real-world investment criteria it appears that no oil can profitably be recovered; and

WHEREAS, former CIA Director R. James Woolsey testified that Arctic Refuge oil is too vulnerable to be pursued; and

WHEREAS, oil spills and leaks will continue to occur regardless of improvements in technology, and the Arctic Refuge can not withstand the damage that would result from oil and gas drilling; and

WHEREAS, it is in the interest of the American people to protect and preserve such rare treasures for future generations; and

WHEREAS, the majority of Americans oppose opening the coastal plain of the Arctic Refuge for oil and gas drilling, as do the Gwich'in; and

WHEREAS, the {city/county} believes that it is irresponsible for a corporation to pursue drilling in one of the last remaining wild places in the United States and to threaten the rights of the Gwich'in Indians; and

WHEREAS, the {city/county} wishes to spend its citizen's tax dollars in a manner that is socially and environmentally responsible,

BE IT RESOLVED THAT, should the U.S. Congress ever allow oil or gas drilling in the coastal plain of the Arctic Refuge, the {city/county} shall not knowingly purchase goods or services from corporations that purchase leases or develop oil fields in the coastal plain of the Arctic National Wildlife Refuge.

JUL 08 2002 11:47

U.S. PIRG

202 546 9707 F.02/00



U.S. Public Interest Research Group

National Association of State PIRGs

July 8, 2002

Ms. Dona Spring
2180 Milvia St.
Berkeley, CA 94704

Board of Directors

- Alaska PIRG
- California PIRG
- Colorado PIRG
- Connecticut PIRG
- Florida PIRG
- Georgia PIRG
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- Maryland PIRG
- Massachusetts PIRG
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- Montana PIRG
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- New Jersey PIRG
- New Mexico PIRG
- New York PIRG
- North Carolina PIRG
- Ohio PIRG
- Oregon State PIRG
- Pennsylvania PIRG
- Rhode Island PIRG
- Vermont PIRG
- Washington PIRG
- Wisconsin PIRG

Dear Councilwoman Spring:

We are writing to urge you to sponsor a selective purchasing resolution asking the city of Berkeley to refrain from knowingly purchasing goods or services from companies that purchase leases or develop oil fields in the coastal plain of the Arctic National Wildlife Refuge, if Congress permits drilling in this region.

The coastal plain of the Arctic Refuge is the only five percent of Alaska's North Slope, America's Arctic- that has not been opened to drilling. The Arctic Refuge supports large populations of caribou, muskoxen, polar, black and brown bears, and at least 134 species of migratory birds.

The Arctic Refuge is sacred to the Gwich'in Indians, the people of the caribou. The Porcupine caribou herd is central to their way of life. The Department of Interior warns that drilling in the Arctic Refuge could harm or displace up to 40 percent of the caribou herd. Drilling in the Arctic Refuge would therefore damage or destroy a culture that has flourished for almost a thousand generations.

Congress and the Bush Administration have considered opening this region to drilling under pressure from the oil industry. However, the U.S. Geological Survey estimates that the Arctic Refuge contains less than six months worth of economically recoverable oil. Using the oil companies' own real-world investment criteria, however, it appears that no oil can profitably be recovered from this pristine wilderness. It's simply too expensive. (For more information, see False Profits: The Business Case Against Drilling in the Arctic National Wildlife Refuge at www.savethearctic.com)

It is imperative that the Arctic Refuge, one of the last wild places of the United States and sacred land of the Gwich'in Indians, is protected from the oil industry, which is pouring millions of dollars into political campaigns to have this area opened for drilling. The companies with an interest in drilling in the Arctic Refuge include BP, ExxonMobil, ChevronTexaco, and Phillips Petroleum.

Selective purchasing decisions of cities, counties and universities across the nation have been effective in changing corporate behavior. The most successful selective purchasing campaigns at the local level have forced companies to refrain from investing in activities in Burma, including PepsiCo, Motorola, Hewlett Packard, Phillips Electronics, Eastman Kodak, and Apple Computer. Purchasing resolutions also resulted in several oil companies not renewing leases in Burma, including ARCO, Amoco, BHP Petroleum, Royal Dutch Shell and Petro-Canada. With your help in championing this effort in your council, we too can achieve similar success.

U.S. PIRG ■ 218 D Street, SE ■ Washington, DC 20003 ■ (202) 546-9707 ■ uspirg@pirg.org ■ www.pirg.org

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JUL-08-2002 11:50

U.S. FIRM

202 340 2401 F.00/00

Oil Drilling In The Arctic Refuge Is Not Needed

Opening the coastal plain of the Arctic Refuge will not solve our energy problems.

The U.S. Geological Survey assessment of the coastal plain estimates that the oil found in the Arctic Refuge would meet the petroleum needs of the United States for less than 6 months.

Increasing the average fuel efficiency of cars and trucks by 2 percent per year would save at least twice as much oil as would be found in the Refuge. Increased auto fuel efficiency would also limit the amount of carbon dioxide emitted into the atmosphere. Scientists have reached a virtual consensus that the burning of carbon fuels is heating up the atmosphere and leading to climate changes unparalleled in human history.

Special Interest's Effort To Open The Arctic Refuge For Drilling

BP Amoco, ExxonMobil, Chevron and Phillips Petroleum, some of the largest corporations on Earth, stand to make billions of dollars if Congress permits them to drill in the Refuge. To win approval for drilling, these companies are using their virtually unlimited amounts of money, insider access, media, high-priced public relations firms, and raw political power.

- Since 1994, oil and gas companies have donated more than \$92 million in campaign contributions to candidates running for Congress and President. BP Amoco, ExxonMobil, Chevron and Phillips Petroleum donated more than \$9 million to candidates during the last election.
- In 1997 alone the oil and gas industry spent \$51.7 million on high-paid lobbyists and purchasing meals, travel, and other favors for decision-makers and their staffs, according to a study by the Associated Press.

Save America's Arctic

Oil drilling in an area as unique and sensitive as the Arctic Refuge makes about as much sense as filling in the Grand Canyon or plugging-up Old Faithful.

The four oil companies planning to drill in the Refuge must be convinced that it is not in America's interest to spoil the Refuge.

The best way to save the Arctic Refuge is for Congress to pass the Arctic Wilderness Bill. This bill would protect the Arctic Refuge from oil drilling by adding 1.5 million acres to the National Wilderness Preservation System, barring oil and gas exploration in the region and protecting the coastal plain forever.

How You Can Help Protect The Arctic National Wildlife Refuge



1. Contact the heads of the four companies that want to drill in the Refuge and urge them to abandon their plans. Tell them that drilling is too dirty and dangerous for an area as pristine and unique as the Arctic Refuge. (see sample letter at right and addresses below)
2. Contact your representative and senators and urge them to support the Arctic Refuge Wilderness Bill and designate the coastal plain as a protected wilderness area.

Dear (see names below),

It is too dirty and dangerous to drill for oil in an area as pristine and unique as the Arctic National Wildlife Refuge. I urge (BP Amoco/ExxonMobil/Chevron/Phillips Petroleum) to voluntarily cancel oil and gas drilling plans for the Arctic Refuge and support wilderness designation for the coastal plain.

Drilling in the Arctic would pollute and industrialize one of the last pristine areas left in the United States. It supports large populations of caribou, musk ox, bears, wolves, porcupines, and thousands of migrating birds. The 152,000 Porcupine River caribou herd migrates to the refuge each year. The U.S. Department of the Interior warns that drilling in the Refuge could harm up to 40 percent of the caribou herd.

It doesn't make sense to damage one of America's last wild places for six months worth of oil. I urge you to cancel your drilling plans and endorse the Arctic Refuge Wilderness Bill.

Sincerely,
Name and Address

Oil Corporation Addresses

Sir John Browne
BP Amoco p.l.c.
Britannic House 1, Finsbury Circus
London EC2M 7BA
1-800-UTELLBP
http://www.bpamoco.com/_nav/email/

Mr. David J. O'Reilly, C.E.O.
Chevron
575 Market St.
San Francisco, CA 94105-2856
1-800-962-1223
chevweb@chevron.com

Mr. James J. Muhr, C.E.O.
Phillips Petroleum Company
411 South Keeler Avenue
Bartlesville OK, 74004
(918) 661-6600
p66help@ppco.com

Chairman Leo R. Raymond
ExxonMobil
5959 Las Colinas Blvd.
Irving TX, 75309
1-800-662-4592

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Kate Harrison
Councilmember District 4

CONSENT CALENDAR
December 3rd, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmembers Harrison, Hahn, Davila, and Bartlett
Subject: Adopt an Ordinance adding a new Chapter 9.50 to the Berkeley Municipal Code Requiring Legal Rights for Legal Tender

RECOMMENDATION

Adopt an ordinance adding a new Chapter 9.50 to the Berkeley Municipal Code requiring legal rights for legal tender, requiring that all covered businesses accept cash.

POLICY COMMITTEE RECOMMENDATION

On November 7, 2019, the Land Use, Housing & Economic Development Committee adopted the following action: M/S/C (Hahn/Droste) to move the item with revisions as submitted with a positive recommendation. Vote: All Ayes.

FISCAL IMPACTS OF RECOMMENDATION

Some staff time necessary for outreach to businesses, and for processing claims in the event a violation is brought.

Following outreach, this ordinance will be largely self-enforced, with possible assistance from the Alameda County Department of Weights and Measures to check for the existence of a cash box during yearly inspections.

ENVIRONMENTAL SUSTAINABILITY

Consistent with sustainability goals.

BACKGROUND

For many Berkeley residents, particularly those who are denied access to credit or are unable to obtain bank accounts, the ability to purchase goods and services is depends on the ability to pay in cash. According to the 2017 Unbanked and Underbanked Households Survey,¹ 17% of all African American households and 14% of all Latino households in the United States had no bank account. Cash is an accessible medium of exchange in America, and stores not accepting cash payment systematically excludes segments of the population that are largely low-income people of color. Cashless business models may also have significant detrimental impacts on young people who do

¹ <https://www.fdic.gov/householdsurvey/>

not meet age requirements for credit cards, for the elderly (many of whom have not transitioned to credit and digital payment modes or have restricted their access to them to avoid credit scams), and for other vulnerable groups such as homeless and immigrant populations.

Recently, San Francisco² joined Philadelphia³ and New Jersey⁴ in requiring that all brick-and-mortar businesses in the jurisdiction accept cash. As of today, there are few stores in Berkeley that do not accept cash, and so now is a good opportunity to guarantee that these discriminatory practices are not permitted in our City.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

Consistent with the City's Strategic Plan goal of championing social and racial equity.

RATIONALE FOR RECOMMENDATION

A ban on cashless establishments permits all to participate in Berkeley's economy, particularly the homeless and very poor.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

The Sealer of the Weights and Measures Division, and the Sealer's employees, agents, or other designees, has the authority to enforce this Article. Additionally, the ordinance may be enforced through a private right of action. The obligation of compliance shall fall only on the business. No employee or independent contractor shall be held liable for any violation of this Article.

CONTACT PERSON

Kate Harrison, District 4 510-981-7140

ATTACHMENT:

- 1: Proposed Ordinance Adding BMC Chapter 9.50
- 2: "Citing Civil Rights, Cities Are Banning Cashless Retail"

² <https://www.courthousenews.com/%EF%BB%BFsan-francisco-will-require-stores-to-accept-cash/>

³ <https://6abc.com/politics/bill-looks-to-require-philly-businesses-to-accept-cash/5121309/>

⁴ <https://www.wbgo.org/post/bill-would-require-nj-retailers-accept-cash-payments#stream/0>

ORDINANCE NO. –N.S.

ADDING A NEW CHAPTER 9.50 TO THE BERKELEY MUNICIPAL CODE
REQUIRING BUSINESSES TO ACCEPT CASH

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

Section 1. That Chapter 9.50 of the Berkeley Municipal Code is added to read as follows:

Chapter 9.50

LEGAL RIGHTS FOR LEGAL TENDER

Sections:

9.50.010 Findings and Purpose

9.50.020 Definitions

9.50.030 Covered Businesses Required to Accept Cash

9.50.040 Exceptions

9.50.050 Enforcement

9.50.060 Severability

9.50.010 Findings and Purpose.

The Council finds and declares as follows:

- A. The City of Berkeley is committed to providing its community with transactional access to the goods and services provided by Berkeley's businesses. For many City residents, such as those unable to obtain bank accounts, the ability to engage in consumer transactions, including goods and services vital to health and safety, depends on the ability to pay with legal cash tender established by the federal government of United States.
- B. Cashless business models present significant detrimental impacts to vulnerable groups, especially low-income people, as they require financial institution-sponsored payment in credit or debit cards, or other non-cash forms of payment.
- C. Cash payment, in the form of the United States Dollar, has been the official legal tender since 1792 and shall be recognized by businesses alongside other forms of legal tender.
- D. It is the intent of the Council to ensure Berkeley's economy is inclusionary and accessible to everyone, including those who lack access to non-cash forms of payment.

9.50.020 Definitions.

- A. Covered Business shall mean any Drugstore, Food Products Store, or Retail Products Store operating at a fixed, permanent, physical premises. Covered businesses do not include any transactions occurring in an Itinerant Restaurant as defined in BMC 12.04.010.
- B. "Cash" means United States currency, in the form of both paper Federal Reserve Notes and metal coins.
- C. "Drugstore" shall have the same meaning as defined in BMC 23F.04.010.
- D. "Food Products Store" shall have the same meaning as defined in BMC 23F.04.010.
- E. "Retail Products Store" shall have the same meaning as defined in BMC 23F.04.010.

9.50.030 Covered Businesses Required to Accept Cash.

- A. Except as set forth in 9.50.040, every Covered Business within the City must accept payment in Cash, if offered, for any transaction involving the purchase of any tangible good and/or service.
- B. Except as set forward in 9.50.040, a Covered Business may not charge a fee or place any other condition on its acceptance of Cash as required by subsection A.

9.50.040 Exceptions.

The provisions set forward in this Act shall not apply in cases of:

- A. Suspected counterfeit currency. A Covered Business may refuse to accept Cash that the business reasonably suspects to be counterfeit.

- B. Large denominations. A Covered Business may refuse to accept Cash in any denomination larger than a twenty dollar note, but shall otherwise accept any combination of Federal Reserve Notes and metal coins in connection with any transaction.
- C. Single transactions above \$500. Where a single transaction involves the purchase of one or more goods and/or services, the total price of which (including tax) exceeds \$500, a Covered Business must accept Cash that is offered as payment for any amount up to and including \$500, but may refuse to accept Cash that is offered as payment for the remainder of the amount due.
- D. Reservations made without cash. Where a Covered Business requires the purchaser make an appointment or reservation using a noncash form of payment (such as a credit or debit card), the business may require that the transaction in question be paid for using the noncash payment already on file.

9.50.050 Enforcement.

- A. The obligation to ensure that a Covered Business complies with this Chapter 9.50 shall fall only on the business or, in the case that the owners of the business are responsible for a policy or practice causing a violation of this Chapter, on the owner or owners of the business. No employee or independent contractor working at a Covered Business shall be held liable for any violation of this Chapter.
- B. Each transaction or attempted transaction in which a Covered Business fails to accept Cash shall constitute a separate violation of this Chapter.
- C. Any aggrieved person who believes the provisions of this Chapter have been violated shall have the right to file an action for injunctive relief and/or damages. In any action to enforce the provisions of the chapter, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs.
- D. The City may issue an Administrative Citation pursuant to Chapter 1.28 of the Berkeley Municipal Code for any violation of this Chapter. The amount of this fine shall be determined as specified below:
 - a. For a first violation, an infraction punishable by a fine not exceeding \$100 and not less than \$50.
 - b. For a second violation within a twelve month period, an infraction punishable by a fine not exceeding \$200 and not less than \$100.
 - c. For a third violation within a twelve month period, an infraction punishable by a fine not exceeding \$1,000 and not less than \$500.

9.50.060 Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not

having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase of this Chapter, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases is declared invalid or unconstitutional.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King, Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

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Philadelphia, San Francisco, and Washington in banning them.

In February, New York City Councilmember Ritchie Torres introduced legislation that would prohibit retail establishments from refusing to accept payments in cash. The council hasn't made a decision on the bill yet, but Torres is confident that it will pass by mid-year. If it does, cashless businesses could face fines of up to \$500 for every violation.

The legislation protects consumer choice of payment, but the conversation surrounding the bill echoes that of many nationwide challenges to the movement toward a cashless economy: A cashless business discriminates against low-income people, and often they are people of color and undocumented immigrants.

In New York City, the majority of the nearly 12 percent of unbanked and 25 percent underbanked residents are people of color. Close to 17 percent of black New Yorkers and 14 percent of Latinx New Yorkers are unbanked, compared to just 3 percent of white New Yorkers. This policy brings a bigger question to life in New York: Considering the fact that the majority of New Yorkers without bank accounts are people of color, is closing off services to the unbanked racial discrimination?

Recently, cities across the country have been issuing legislation to stymie the growing number of cashless businesses, and some locales have decades-old laws preventing cashless retail. Philadelphia just signed off on a law at the end of February, which goes into effect July 1, that would require shops to take cash, with fines up to \$2,000. Also in February, both houses of New Jersey's state legislature passed a similar bill and are only awaiting the governor's signature. San Francisco has recently proposed a similar ordinance, and Washington D.C. and Chicago have also introduced legislation that would make it illegal to discriminate against cash as a form of payment. A Massachusetts law dating to 1978 says that retailers cannot "discriminate against a cash buyer by requiring the use of credit," and Pennsylvania's 1984 Cash Consumer Protection Act made it illegal for businesses to refuse services to people without credit cards.

Considering that the majority of New Yorkers without bank accounts are people of color, is closing off services to the unbanked racial discrimination?

The lawmakers behind these bills across the country are concerned that the cashless trend discriminates against low-income residents and people of color, as communities of color have higher percentages of unbanked: In California, 20.4 percent of black households and 14.6 percent of Latinx households are unbanked, and Philadelphia's rates are similar to New York's.

The federal Civil Rights Act mandates that all persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, and privileges, advantages, and accommodations of any place of public accommodation without discrimination or segregation on the ground of race, color, religion, or national origin.

A business can refuse service as long as their policies aren't purposely discriminating against a person's race, religion, sex, or national origin, which owners of cashless institutions would argue their policies aren't. A number of cities posit their laws as preventing discrimination against low-income people, but low-income people aren't a protected group.



A sign on the door of a Dig Inn dining and take-out establishment in New York City. (Rebecca Bellan/CityLab)

A capitalist economy breeds wealth discrimination: Many of the cashless institutions in NYC are not moderately priced. Theoretically anyone can buy a \$12 salad at Sweetgreen, one of the cashless pioneers, yet can they really? But the resulting exclusion of New Yorkers of color and the undocumented, based on their lack of a bank account, still counts as discrimination, according to Marie Napoli, a lawyer and civil rights advocate.

However, Napoli said the ban on cashless likely wouldn't stand up in Supreme Court should one of the cash-free businesses choose to bring the issue to higher courts. "The clash between businesses' right to refuse service, and other compelling interests have resulted in allowing these forms of discrimination to continue," Napoli told CityLab.

Cash-free businesses generally cite increased efficiency, saving time and money by cutting out the need for armored cars to transport cash, and safety of their employees against the threat of robbery as reasons for adopting cashless policies.

“It saddens me that a decision made for the best interest of my employees could be misconstrued as classist or discriminatory,” said Michelle Gauthier, founder of quick-food restaurant Mulberry & Vine with five locations in New York, at the New York City Council hearing on February 14. Gauthier said her original reasoning behind going cashless was to protect employees and remove the burden of dealing with cash on a daily basis. She said she’s never turned away a customer for an inability to pay. “Many of my employees are the same people I’m supposedly discriminating against, yet they wholeheartedly agree with my decision to go cashless.”

“In the end, I think the need for equity outweighs the efficiency gains of a cashless business model. Human rights takes precedence over efficiency gains.”

At the same hearing, Leo Kremer, co-owner of Dos Toros Taqueria, testified that his business decided to go cashless for a host of reasons, including past robberies and his customers’ tendency to pay with plastic. Cash transactions, Kremer said, made up less than 10 percent of overall transactions. He said Dos Toros pays their employees \$15 an hour, and provides benefits and room for growth. This has been easier to do, Kremer says, with the increased efficiency and self-sustainability resulting from going cashless. “For a business, running an efficient operation is the difference between staying open and shutting down.”

Yet Torres, whose Bronx city council district includes some of the New York’s poorest neighborhoods, said to CityLab that, “In the end, I think the need for equity outweighs the efficiency gains of a cashless business model. Human rights takes precedence over efficiency gains.”

“Cashless institutions encourage a FinTech Jim Crow by restricting the places where people of color can shop, eat, and receive basic services,” said Edgard Laborde, deputy political director of the Retail Wholesale Department Store Union (RWDSU), during his testimony. “By refusing to serve communities of color, cashless establishments carve out niches in gentrified neighborhoods through cash exclusion in an already unaffordable city.”

Poor and low-income New Yorkers face numerous barriers in accessing banking. The poorest neighborhoods of New York's five boroughs have the fewest bank branches in the city. Andy Collado, assistant director of services at The Financial Clinic in Sunset Park Brooklyn, an organization that helps the working poor navigate financial systems, said that there is only one bank branch operating in his neighborhood. And while technically the ID NYC card that can be issued to undocumented New Yorkers enables them to open a bank account, Collado said that most of his undocumented clients—about a third of the total clientele—are unaware of this information, and less than 30 percent of banks and credit unions in the city accept ID NYC as valid identification.

“Should we accept, as opponents of this bill do, that there are just some places where undocumented New Yorkers can't shop or buy food?” said Collado. Despite the fact that the undocumented don't have the same federal protections against discrimination as citizens do, Collado told CityLab that he thinks they should have the same rights, as our neighbors and fellow residents, when it comes to the operating of their lives. “We are a sanctuary city,” he said in a phone interview. “We want to create the safest environment and one of freedom for whoever comes into this state.”

Some might say that the cashless naysayers sound a bit apocalyptic. After all, not every business has gone cashless. There are other places to buy a salad or a cup of coffee, and at least one representative of a group that helps undocumented New Yorkers navigate financial hurdles said they haven't noticed complaints, but as it becomes more widespread that could change.

“I certainly don't think [this bill] is the right long-term solution. The future does not lie in this direction. The future lies in giving people free debit cards and financial inclusion.”

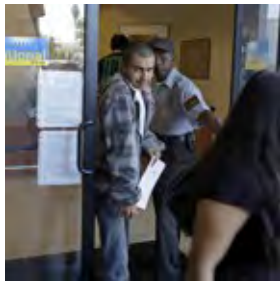
How close are we to a cashless NYC really? To speculate on such a question, one could look to countries that are on the fast track to becoming cashless. In Sweden, bills and coins make up only 1 percent of the economy. Trends in the U.S. show a preference among Americans for plastic. A report from the Federal Reserve found that in 2017, debit and credit card payments made up 48 percent of transactions, with cash making up 30 percent. However, households that made under \$25,000 annually used cash for more than half of their transactions.

“We are already where Sweden was five to seven years ago, and given another five to seven years, we will be where Sweden is now,” said Kenneth Rogoff, a Harvard economics professor and author of *The Curse of Cash: How Large Denomination Bills Aid Crime and Tax Evasion Constrain Monetary Policy*.

“It seems to me there’s a paradigm shift to a cashless business model,” said Torres in a phone interview. “A company like Amazon could surely spread the model more widely, and Amazon is intent on opening more Amazon Go stores in major cities like New York. It might seem like it’s at the margins at the moment, but the trend could spread a lot faster than people might think.”

Yet, when it has served their interests, Amazon has figured out a way to sell even its online products to the unbanked as it does in Kenya, where it is pioneering a program to allow people without debit, charge, or credit cards to pay for its products at Western Union so that it can access the vast unbanked market there.

Recommended



The Tax on Black and Brown Customers When Dealing With Community Banks

BRENTIN MOCK /
DAVID
MONTGOMERY
JUN 21, 2018



Who Wins When Cash Is No Longer King?

SIDNEY FUSSELL
DEC 26, 2018



“I certainly don’t think [this bill] is the right long-term solution,” said Rogoff. “The future does not lie in this direction. The future lies in giving people free debit cards and financial inclusion.” He cited the case of India. The country launched a program to decrease the number of unbanked and saw the percentage decrease from 47 percent of adults in 2014 to 20 percent unbanked in 2017 according to the World Bank Global Findex Report. “If India can manage to give people free debit cards, so can the U.S.” Rogoff said.

Casey Adams, director of City Legislative Affairs for the NYC Department of Consumer Affairs, stressed that financial inclusion should be prioritized with unbanked and underbanked New Yorkers connected to safe and affordable financial products.

“For these New Yorkers, the financial challenges go further and deeper than an inability to use cash to purchase goods and services at retail establishments,” he said.

About the Author

Rebecca Bellan

**SOPHIE HAHN**

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CONSENT CALENDAR

December 3, 2019

To: Honorable Members of the City Council
 From: Councilmember Sophie Hahn
 Subject: Berkeley Public Library Foundation 18th Annual Authors Dinner: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION

Adopt a resolution approving the expenditure of an amount not to exceed \$600 per Councilmember, including \$100 from Councilmember Hahn, to the Berkeley Public Library Foundation's 18th Annual Authors Dinner with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmember Hahn, and any other Councilmembers who would like to contribute. The Berkeley Public Library Foundation raises funds to support and enhance facilities, programs and services of the Berkeley Public Library. Proceeds from this event will subsidize library programs and fulfill the municipal public purpose of the library.

BACKGROUND

Two decades ago, the Berkeley Public Library Foundation incorporated as a nonprofit dedicated to raising private funds necessary to turn the Berkeley Public Library into the library our community envisioned. In 2003, The Library Foundation hosted the first Authors Dinner, created in part to showcase completion of the expansion and renovation of the Central Library.

The Authors Dinner is one of Berkeley's marquee annual fundraising events. The evening features up to 30 prominent and diverse local authors.

On Saturday, February 8, 2020, the Berkeley Public Library Foundation will host the 18th Annual Authors Dinner, with Honorary Chair Michael Lewis, at the Historic Berkeley City Club, 2315 Durant Avenue, Berkeley. Additional information can be found at: <https://bplf.org/events/authors-dinner-2020/>.

FINANCIAL IMPLICATIONS

No General Fund impact; a total of up to \$5,400 is available from Councilmembers' discretionary budgets.

ENVIRONMENTAL SUSTAINABILITY

This item is consistent with the City's vision on sustainability. The Berkeley Public Library provides green, energy efficient, modern neighborhood spaces for the Berkeley community.

CONTACT INFORMATION

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

ATTACHMENTS

1: Resolution

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

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE
EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT
TO PROVIDE PUBLIC SERVICES FOR MUNICIPAL PUBLIC PURPOSE

WHEREAS, the Berkeley Public Library Foundation, a nonprofit organization dedicated to amplifying public investment in the Berkeley Public Library to make a great public library extraordinary, through its 18th Annual Authors Dinner, seeks funds to subsidize library services for the City of Berkeley; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: The Berkeley Public Library Foundation raises funds to ensure the excellence of the buildings, services, collections, and programs at all five locations of Berkeley Public Library; 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 \$600 per office shall be granted to the Berkeley Public Library Foundation, through its 18th Annual Authors Dinner to support the Berkeley Public Libraries and their programs.



Disaster and Fire Safety Commission

ACTION CALENDAR

December 3, 2019

To: Honorable Mayor and Members of the City Council

From: Disaster and Fire Safety Commission

Submitted by: Gradiva Couzin, Chairperson, Disaster and Fire Safety Commission

Subject: Recommendation to Immediately Fund and Implement the Safe Passages Program and Additional Actions to Ensure Emergency Equipment Access to All Parts of the City

RECOMMENDATION

The recommendation as stated above from the Disaster and Fire Safety Commission (DFSC) to the Council includes the following seven components:

1. Allocate full funding of the Fire Department's Safe Passages Program;
2. Initiate immediate action;
3. Recognize that parking restrictions are necessary on some streets for the health and well-being of Berkeley residents;
4. Establish priorities for enacting parking restrictions;
5. Develop a departmental coordinated team effort;
6. Inform the public; and
7. Document and distribute the extent of the access and egress problem.

FISCAL IMPACTS OF RECOMMENDATION

Exact costs and staff time are to be determined. This program is expected to require a substantial investment of staff time from multiple departments, including the City Attorney, Fire Department, Public Works and the Police Department - Parking Enforcement.

CURRENT SITUATION AND ITS EFFECTS

1. Funding the Fire Department's Safe Passages Program:

On February 5, 2019: At a Council Work Session, Fire Chief Brannigan described the Fire Department's Safe Passages Program as follows:

"The Berkeley Safe Passages pilot program is designed to blend traditional parking restrictions with innovative road markings and signage. Many roads in Fire Zones 2 and 3 are too narrow for parking and safe passage of vehicles when emergencies arise. Three locations will be selected to demonstrate Keep Clear corridors, no parking zones, and pedestrian access so that staff and the public can evaluate the efficacy and impact of Safe Passage corridors."

The Chief listed three actions that needed to be done for the Safe Passages Program:

- Identify, paint, and provide signage for new “Keep Clear” pinch points on streets
- Expand “No Parking” areas throughout dangerously narrow streets
- Identify funding for additional capacity for parking enforcement

2. There is a clear historic need for immediate action:

There is consensus among fire officials throughout California that while the risk of fire is high throughout the entire year, and communities must be ever vigilant, the months in the fall are the times of the greatest danger.

This is born out historically as shown by the following list of the top 10 most destructive wildfires in California ranked by structures (homes, commercial properties, barns, garages, sheds, etc.) destroyed since 1900. Please note that 80% occurred in the months of October through December:

<u>Destroyed</u>	<u>Date</u>	<u>Deaths</u>	<u>Structures</u>
1. Camp Fire (Butte)	Nov 2018	86	18,804
2. Tubbs Fire (Napa, Sonoma)	Oct 2017	22	5,636
3. Tunnel Fire (Alameda)	Oct 1991	25	2,900
4. Cedar Fire (San Diego)	Oct 2003	15	2,820
5. Valley Fire (Lake, Napa, Sonoma)	Sept 2015	4	1,955
6. Witch Fire (San Diego)	Oct 2007	2	1,650
7. Woolsey Fire (Ventura)	Nov 2018	3	1,643
8. Carr Fire (Shasta, Trinity)	July 2018	8	1,614
9. Nuns (Sonoma)	Oct 2017	3	1,355
10. Thomas (Ventura, Santa Barbara)	Dec 2017	2	1,063

The 1923 fire in Berkeley occurred on September 17th and, according to notarized affidavits at the time, the first house to be destroyed was at 125 Shasta Road (presumably this address was in the upper portion of Shasta Road), and the second

was at 1350 Tamalpais Road. The fire destroyed around 640 structures of which 584 were homes and depending on which article is sourced, it burned to around Oxford or to Hearst at Shattuck before the strong northeasterly wind shifted. Most articles about this fire state that it was stopped only because of the wind shift. The origin of the fire is said to have come into Berkeley from Wildcat Canyon, somewhere around Inspiration Point, or possibly close to where Fire Station 7 is now located, 3000 Grizzly Peak Blvd. It is interesting to note that while the origin of this fire was never determined, one of the factors mentioned was that the City Council had declined that year to pay for the usual allocation to fund a fire break along the City's northern border.

At that time, the City of Berkeley had a total population of 56,000. Today's current population is approximately 122,000.

In addition, Berkeley is among those communities in the State that are at high risk from earthquakes. It is likely that fires will occur after such an event. The Hayward Fault runs north to south in the eastern part of our community. This area, known as the Alquist-Priolo Zone, is well-mapped. The vulnerable mapped quake areas also include identified liquefaction zones in West Berkeley. According to the USGS website, they have found evidence of 11 major earthquakes along the Hayward Fault over the past 1,900 years: The last six (in years 1134, 1317, 1475, 1629, 1725 and 1856) occurred at average intervals of 150 years. The 150th year anniversary following the 1856 quake occurred on October 21, 2018. In 1856, there were 24,000 residents living in the area, today there are close to 3 million, which places the Hayward Fault in the category of being highly dangerous due to potential death and injuries to residents and the adverse economic impacts to the communities that lie within the fault area. It is important to note that the USGS website states much can be done to prevent loss of life and reduce economic impact, IF local jurisdictions and populations take action to prepare ahead of time.

3. The importance of enacting as official City policy in all appropriate documents the recognition that parking restrictions on streets that impede emergency equipment access are necessary for the health and well-being of Berkeley residents:

Although full documentation is difficult to establish, it can be established that the City has known of emergency equipment access problems for at least 41 years. In March 1978, a 29-year old woman lost her life and world-renowned conductor George Cleve suffered severe burns when fire equipment was hampered in responding to a house fire on Tamalpais Road. Despite years of knowing about the access problem and numerous recommendations and referrals, some, but not all narrow streets in Berkeley have had parking restrictions enacted. Examples of that history are as follows:

On June 24, 2005, Berkeley attorney, Paul M. Schwartz wrote a letter "placing the City of Berkeley on notice" about hazardous conditions that continued to exist on Tamalpais Road. He wrote that when two cars are parked across from one another, fire equipment

access is denied, that blockages caused by dumpsters and construction equipment exist, and he suggested ways to alleviate such situations. He wrote that this was “a formal request” for the City to “create a parking plan for this street that assures the safety of all individuals and protection of property.”

On February 9, 2016 the Council approved a January 12, 2016 recommendation from DFSC requesting that they:

“refer to staff the Design of a parking restriction program in the Hills Fire Zone to ensure access for emergency vehicles and to allow for safe evacuations in an emergency and to hold public meetings to get community input in the design of such a program

That report stated:

“Today we are 24 years after the devastating Oakland Hills Fire and 50 years after concern was first expressed for the safety of residents given the conditions that will save lives in the Berkeley Hills”

On November 28, 2017 the City Council asked the DFSC and the City Manager’s Office to explore developing a five-year plan for expanded disaster preparedness services which specifically included limiting parking to one side of streets narrower than 26 feet.

On January 30, 2018: The City Council asked the City Manager to study and evaluate in consultation with relevant Commissions several fire safety and prevention measures which included a “red curb program to address specific identified conditions on streets that are impassable by Emergency Vehicles or present unusual ingress or egress challenges.”

On March 28, 2018: The DFSC recommended that the City Council review some 80 items listed on a spread sheet regarding wildfires. Eight of the items pertained to parking, one of which was identified as “immediate priority” which is to:

Item 9: Enforce CVC 22514 for stopping or parking near a fire hydrant, including adding proper signage and/or red paint.

The other seven parking-related items are:

#8: Design and Propose a tailored red-curb program to address specific identified conditions on streets impassable by emergency vehicles or present ingress or egress challenges.

#10: Complete installation of blue reflectors marking location of fire hydrants.

#11: Have Beat Police Officers ticket hydrant infractions when making rounds in the hills fire zone.

#12: Adopt parking restrictions on narrow streets in hills fire zone.

#13: Limit parking one side of street narrower than 26 feet.

#14: Restrict parking on red flag days, similar to the LA Red Flag restricted parking program.

#15: Have traffic control personnel randomly canvass hills fire zones to ensure parking compliance.

On February 27, 2019: The DFSC approved submitting comments for the Local Hazard Mitigation Plan update to “recommend coordination with other City plans including the General Plan, the Climate Action Plan and Zero Waste Plan, addition of maps including narrow streets and pinch points and improving the plan’s maps via the City’s GIS portal, inclusion of a transparent process to real homeless, ESL and disabled population and inclusion of a list of priority goals for each of the upcoming years of the 5-year plan.”

There can be no doubt that many streets in Berkeley’s Hazardous Fire Zones are too narrow and/or winding to accommodate both unrestricted on-street parking and access by emergency response vehicles, and while parked cars are the main culprit intruding on access, the problem is exacerbated by lack of sidewalks, on-street storage of trash bins and intruding vegetation, and construction and delivery vehicles. Additionally, even in areas where parking has been restricted, there have been instances of non-compliance, particularly involving parking that hinders access to fire hydrants. This situation creates a life-safety hazard in the hills in all emergency situations, but especially in a wildfire scenario, when rapid evacuation of residents will be necessary.

4. Establish priorities for enacting parking restrictions:

As parking restrictions on narrow streets that impede emergency equipment access involve a large area, it is recommended that a ranking system be created. Such a system would place a higher priority on locations within Hazardous Fire Zones which have particularly dangerous conditions and designation of streets that are established as, or will be, potential evacuation routes. Since not all work will be able to be done at the same time, the purpose of such ranking will be to enable the City to proceed in an orderly fashion which will first place such restrictions on streets where they will be most effective in saving lives.

5. Develop a departmental coordinated team effort

Enactment and implementation of a program of ensuring emergency access to all properties in the City of Berkeley will require coordination among many Departments. Particularly Police, Public Works, Zero Waste and Transportation. It is recommended that the Fire Department have the lead position in such an effort but that the duties and responsibilities of each department in the team be fully defined.

Further, deadlines for completion of tasks must be established in order to receive progress reports from appropriate departments at regular intervals until the completion especially of:

- installing signs and other markers which indicate No Parking or Stopping Zones around fire hydrants
- installing pavement markers to identify hydrant locations – particularly important for guiding mutual aid responders who are unfamiliar with Berkeley streets
- developing and implementation of the enforcement of new parking restrictions, including ticketing and towing

Enforcement of restrictions by the Police Department is of high import because the public must fully understand that violation of parking regulations is of such seriousness that it will be enforced consistently. Additionally, over and above those issues, there needs to be a definition of Police Department responsibility in an early evacuation plan for vulnerable residents (seniors and disabled) who may require not only early notice but also auto-related assistance in evacuation, as well as use of the announcement system in police cars as an integral part of the City's alert system both for red flag days and impending fire danger.

6. Inform the Public

It is recommended that the City institute a broad public outreach campaign which includes direct mailing to property owners with instructions to notify any tenants of properties or in homes of affected properties, all rental agencies including those that offer short term rentals such as Abnb, all job and home care placement agencies, and all news and social media that the City is undertaking a program of new parking restrictions in the Hazardous Fire Zones and other areas which impede emergency access vehicles.

7. Assess and document the extent of the access and egress problem

Produce a current and accurate map that displays:

- all narrow streets without parking restrictions along with their width
- all narrow streets with parking restrictions already in place
- “pinch-points” on other streets that constrain emergency equipment access
- major streets and “collector” streets planned for use in evacuation

- include pathways if technically possible within such a map. If not possible, attach a separate map identifying the exact location of pathways
- indications of the priority ranking as that information becomes available

This map shall be available to the public and kept up to date as the status changes. As a visual example, this map will assist residents to understand the need for parking restrictions. It will also serve as an information tool that would be helpful to residents during an emergency.

BACKGROUND

During the Council discussion of the 2020-2021 budget, the Council received a recommendation from the Council Committee on Budget and Finance that funding for the Safe Passages Program should be deferred and that the City should seek grants for this program. The City's website indicates that the recommendation from the Council Committee was adopted, but that the Safe Passages Program would be reviewed again in November 2019 and grant funding would be considered.

Because of concerns generated by the disastrous recent wildfires around our City and the increased fire danger due to the heavy vegetation fuel level generated by rains earlier in the year, the Fire Department began to evaluate and document the problem of emergency equipment access on the many narrow roads in the City's designated high fire risk areas. While that process has begun, it has been significantly hampered by the lack of adequate staffing. The DFSC also points out that seeking grant funding to do this work would take a considerable amount of time before any action would occur.

ENVIRONMENTAL SUSTAINABILITY

More parking restrictions in residential areas of the City may have a positive environmental impact by reducing the use of private vehicles for transportation.

In addition to potentially saving lives and property, providing improved access for firefighting equipment may reduce the spread of house-fires and wildland-urban interface fires, reducing the pollution, hazardous waste, loss of habitat, and other environmental damage caused by uncontrolled fire

RATIONALE FOR RECOMMENDATION

As seen in the years of background and the multiple times that parking restrictions have been recommended by the DFSC and by Council, we believe there appears to be a

consensus that narrow streets that impede emergency vehicle access are a threat to life safety in Berkeley, and that parking restrictions are needed to address this problem.

Given the many years that the City has been aware of this problem, it is perplexing that no action has been taken to complete what needs to be done, nor has funding been allocated for the Safe Passages program. This issue must not be delayed any further. It is time to recognize the reality of the often-repeated statement that “it is impossible to evacuate everyone safely at the same time,” and with that recognition, take immediate action.

ALTERNATIVE ACTIONS CONSIDERED

In the DFSC recommendation from 2016, “Restrict Parking in the Hills Hazardous Fire Area” numerous alternative actions were considered and discussed with staff, following models used in other jurisdictions including LA, Pasadena, Santa Barbara, and Mill Valley.

CITY MANAGER

The City Manager refers the recommendations of the Commission’s Report to the budget process.

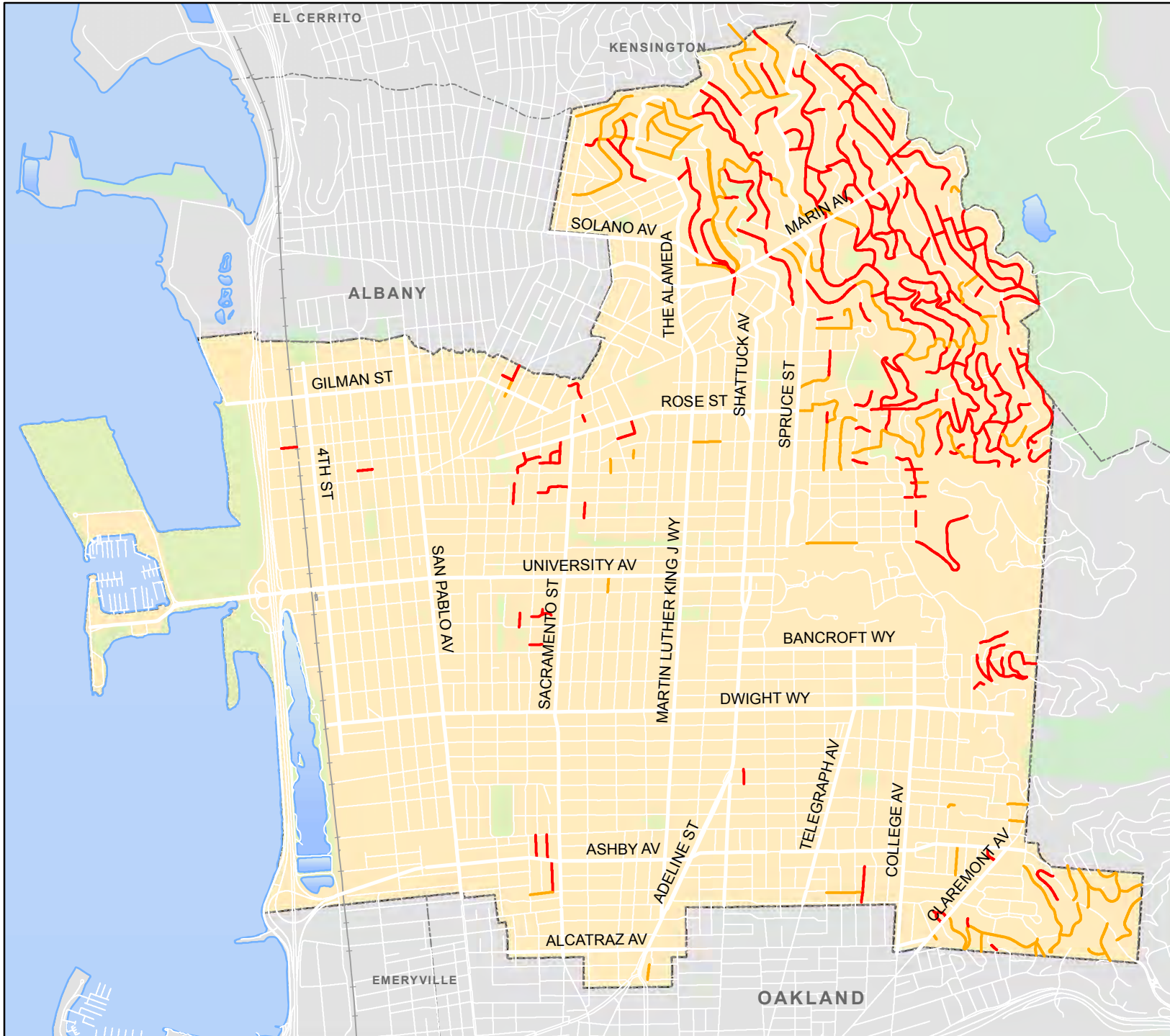
CONTACT PERSON

Keith May, Secretary, Disaster and Fire Safety Commission, 510-981-5508

Attachments:

1: Fire Access Map: Streets with Pavement Width Less than 26 Feet

FIRE ACCESS MAP



- Pavement Width Less than 24 ft
- Pavement Width Less than 26 ft
- Parks
- City Limits

This map is for reference purposes only. Care was taken in the creation of this map, but it is provided "AS IS". Please contact the City of Berkeley to verify map information or to report any errors.

October 2, 2015

0 1,000 2,000 Feet

CITY OF BERKELEY
 Land Use Planning Division
 Dept of Planning & Development
 2120 Milvia Street, 2nd Floor
 Berkeley, CA 94704

TOTAL LENGTH (FEET) 231,679

Street Name	Beginning Location	Ending Location	Lanes	Fire Code	Pavement Width (ft)	Pavement Length (ft)
ACACIA AVE (5-98)	CRAGMONT AVE	EUCLID AVE	2	R	22	500
ACROFT CT (1400-1499)	ACTON ST	DEAD END (ACTON ST)	2	R	20	270
ACTON CIR (2-7)	DEAD END (ACTON CRESCENT)	ACTON CRESCENT	2	R	21	120
ACTON CIR (1401-1480)	ACTON ST	EAST DEAD END (ACTON ST)	2	R	21	470
AJAX PL (1-20)	AJAX LANE	SUMMIT RD	2	R	20	240
ALAMO AVE (5-98)	SPRUCE ST	HALKIN LANE	2	R	20	840
ALTA RD (20-60)	SPRUCE ST	CRAGMONT AVE	2	R	22	390
ALVARADO RD (145-617)	BRIDGE RD	NORTH CITY LIMIT AB WILLOW WK	2	R	24	1890
ALVARADO RD (1-59)	TUNNEL RD	NORTH CITY LIMIT	2	R	24	770
ALVARADO RD (111-142)	NORTH CITY LIMIT	BRIDGE RD	2	R	24	450
ARCADE AVE (1-6)	GRIZZLY PEAK BLVD	FAIRLAWN DR	2	R	23	310
ARCH ST	SPRUCE ST	SCENIC AVE	2	R	25	820
ARDEN RD (9-100)	MOSSWOOD RD	PANORAMIC WAY	2	R	15	610
ARLINGTON AVE (700-974)	THOUSAND OAKS BLVD	THE CIRCLE	2	C	25	2940
ATLAS PL (1-10)	HILL RD	SUMMIT RD	2	R	20	200
AVALON AVE (3016-3017)	CLAREMONT BLVD	CLAREMONT AVE	2	R	25	300
AVENIDA DR (27-33)	OLYMPUS AVE	QUEENS RD	2	R	20	145
AVENIDA DR (1-27)	CAMPUS DR	OLYMPUS AVE	2	R	23	300
AVENIDA DR (41-191)	QUEENS RD	GRIZZLY PEAK BLVD	2	R	18	1315
AVIS RD (20-68)	SAN ANTONIO AVE	SAN LUIS RD	2	R	16	440
BATAAN AVE (900-920)	7TH ST	8TH ST	2	R	22	330
BATEMAN ST (3015-3071)	WEBSTER ST	108 N/O PRINCE ST.	2	R	14	411
BONNIE LN (10-95)	HILLDALE AVE	MARIN AVE	2	R	18	750
BRET HARTE RD (12-51)	KEITH AVE	CREGMONT AVE	2	R	21	300
BRET HARTE RD (131-198)	CRAGMONT AVE	KEELER RD	2	R	17	750
BROOKSIDE CT (152-156)	DEAD END NR BROOKSIDE DR	BROOKSIDE DR	2	R	22	110
BROOKSIDE DR (110-190)	CLAREMONT AVE	CLAREMONT AVE	2	R	22	535
BUENA AVE (1705-1738)	MCGEE AVE	CYPRESS ST	2	R	23	400
BUENA VISTA WAY	DELMAR AVE	260' NORTH OF PRIVATE PROP	2	R	22	470
BUENA VISTA WAY (2500-3025)	EUCLID AVE	DEL MAR AVE	2	R	24	3775
CAMPUS DR (1205-1238)	SHASTA RD	QUAIL AVE	2	R	22	370
CAMPUS DR (1250-1298)	QUAIL AVE	GLENDALE AVE	2	R	22	385
CAMPUS DR (1405-1456)	DELMAR AVE	AVENIDA DRIVE	2	R	21	525
CAMPUS DR (1462-1511)	AVENIDA DR	PARNASSUS RD	2	R	22	540
CAMPUS DR (1521-1590)	PARNASSUS RD	DEAD END, U C PLOT 82	2	R	19	760
CAMPUS DR (1300-1405)	GLENDALE AVE	DELMAR AVE	2	R	22	1090
CANYON RD (15-67)	RIM ROAD (UC CAMPUS)	DEAD END	2	R	15	583
CAPISTRANO AVE (1901-1937)	THE ALAMEDA	CONTRA COSTA AVE	2	R	16	1075
CATHERINE DR (1420-1475)	KEONCREST DR	KEONCREST DR	2	R	23	410
CEDAR ST (2710-2716)	LA LOMA AVE	END ABOVE LA VEREDA	2	R	12	515
CLAREMONT CRES (1-26)	ASHBY AVE	CLAREMONT AVE	2	R	20	410

TOTAL LENGTH (FEET) 231,679

Street Name	Beginning Location	Ending Location	Lanes	Fire Code	Pavement Width (ft)	Pavement Length (ft)
CODORNICES RD (40-100)	DEAD END (EUCLID AVE)	EUCLID AVE	2	R	15	600
COLORADO AVE (42-99)	VERMONT AVE	MICHIGAN AVE	2	R	24	260
COLORADO AVE (24-32)	BOYNTON AVE	VERMONT AVE	2	R	24	250
COLUMBIA CIR (1-22)	COLUMBIA PATH	FAIRLAWN DR	2	R	21	230
COMSTOCK CT (1526-1537)	JAYNES ST	CEDAR ST	2	R	24	300
CONTRA COSTA AVE (712-929)	YOSEMITE RD	SOLAND	2	R	18	2775
CONTRA COSTA AVE (939)	SOLANO	LOS ANGELES AVE	2	R	24	150
CORONA CT (2310-2358)	ARCH ST	DEAD END (ARCH ST)	2	R	22	320
CRAGMONT AVE (1000-1032)	SANTA BARBARA RD	EUCLID AVE	2	R	22	830
CRAGMONT AVE (900-996)	MARIN AVE	SANTA BARBARA RD	2	R	23	1110
CRAGMONT AVE (1041-1099)	EUCLID AVE	BRET HARTE RD	2	R	20	1420
CRAGMONT AVE (1100-1106)	BRET HARTE RD	SHASTA RD	2	R	21	1625
CRAGMONT AVE (471-897)	GRIZZLY PEAK BLVD	MARIN AVE	2	C	22	4100
CRAGMONT AVE	SPRUCE ST	MARIN AVE	2	R	24	1050
CRESTON RD (600-798)	GRIZZLY PEAK BLVD	SUNSET LANE	2	R	22	1910
CRESTON RD (821-1097)	SUNSET LANE	GRIZZLY PEAK BLVD	2	R	22	1910
CYCLOTRON RD	HIGHLAND PL	DEAD END (CYCLOTRON RD)	2	R	23	140
CYPRESS ST (1404-1417)	ROSE ST	BUENA AVE	2	R	22	325
DEL MAR AVE (2-100)	BUENA VISTA WAY	GLENDALE AVE	2	R	21	795
DOHR ST (2905-2950)	RUSSELL ST	ASHBY AVE	2	R	22	489
EL CAMINO REAL (1-118)	DOMINGO AVE	THE UPLANDS	2	R	25	1840
EL CAMINO REAL (151-220)	THE UPLANDS	DEAD END ABOVE THE UPLANDS	2	R	24	320
EL PORTAL CT (5-11)	DEAD END (LA LOMA AVE)	LA LOMA AVE	2	R	18	250
EOLA ST (1702-1715)	VIRGINIA ST	FRANCISCO ST	2	R	22	325
ETON CT (1-15)	CLAREMONT AVE	DEAD END (CLAREMONT AVE)	2	R	25	150
EUCALYPTUS RD (1-29)	HILLCREST RD	SOUTH CITY LIMIT	2	R	25	440
EUCLID AVE	BEG OF DIVIDED ROAD	END OF DIVIDED ROAD	2	R	18	850
EUCLID AVE	CRAGMONT AVE	HILLDALE AVE	2	R	20	1240
FAIRLAWN DR (249-293)	AVENIDA DR	OLYMPUS DR	2	R	20	615
FAIRLAWN DR (9-231)	QUEENS RD	AVENIDA DR	2	R	21	1645
FOREST LN (1-95)	HILLDALE AVE	KEELER AVE	2	R	19	520
FOREST LN (106-263)	KEELER AVE	CRESTON RD	2	R	22	1160
FOUNTAIN WALK (1011)	SANTA BARBARA RD	SPRUCE ST	2	R	23	1150
GARBER ST (2710-3020)	CLAREMONT BLVD	EAST CITY LIMIT (TANGLEWOOD)	2	R	24	4505
GLEN AVE (1202-1299)	EUNICE ST	CORNER BETWEEN SUMMER/ARCH	2	R	22	620
GLEN AVE (2201-2323)	CORNER BETWEEN SUMMER/ARCH	SPRUCE ST	2	R	24	380
GLENDALE AVE (1400-1444)	LA LOMA AVE	DEL MAR AVE	2	R	22	875
GREENWOOD TER (1-1491)	ROSE ST	BUENA VISTA WAY	2	R	17	850
GRIZZLY PEAK BLVD	FAIRLAWN DR	GRIZZLY PEAK BLVD	2	R	24	700
HALKIN LN (27-70)	SPRUCE ST	CRAGMONT AVE	2	R	20	515
HAWTHORNE TER (2501-2535)	LE ROY AVE	EUCLID AVE	2	R	22	365

TOTAL LENGTH (FEET) 231,679

Street Name	Beginning Location	Ending Location	Lanes	Fire Code	Pavement Width (ft)	Pavement Length (ft)
HAWTHORNE TER (1400-1598)	EUCLID AVE	CEDAR ST	2	R	24	1465
HEARST AVE (2309-2451)	ARCH ST	EUCLID AVE	2	A	25	1160
HIGH CT (1101-1151)	DEAD END	OAK ST	2	R	24	710
HIGHLAND PL (1730-1771)	LE CONTE AVE	RIDGE RD	2	R	13	280
HILGARD AVE (2709)	LA LOMA AVE	LA VEREDA	2	R	10	180
HILGARD AVE (2725-2808)	LA VEREDA	DEAD END	2	R	24	340
HILL CT (2501-2525)	EUCLID AVE	DEAD END (EUCLID AVE)	2	R	14	310
HILL RD (80-185)	DEAD END NR AJAX LANE	GRIZZLY PEAK BLVD (SOUTH)	2	R	17	510
HILL RD (11-75)	SHASTA RD	DEAD END	2	R	14	530
HILLCREST CT (2-18)	THE FOOTWAY	HILLCREST RD	2	R	20	190
HILLCREST RD	CLAREMONT AVE	ROANOK RD	2	R	25	3150
HILLCREST RD (6-240)	ROANOK RD	DEAD END ABOVE ROANOK RD	2	R	24	390
HILLDALE AVE (900-998)	MARIN AVE	REGAL RD	2	R	20	1265
HILLDALE AVE (630-876)	GRIZZLY PEAK BLVD	MARIN AVE	2	R	21	1870
HILLSIDE CT (11-23)	DEAD END (HILLSIDE AVE)	HILLSIDE AVE	2	R	16	290
HILLVIEW RD (1100-1149)	WOODSIDE RD	PARK HILLS RD	2	R	22	1265
HOPKINS CT (2-39)	ALBINA AVE	HOPKINS ST	2	R	22	570
JEFFERSON AVE (2015-2060)	UNIVERSITY AVE	ADDISON ST	2	R	24	335
JUANITA WAY (1505-1569)	ROSE ST	CEDAR ST	2	R	23	595
KEELER AVE (1064-1099)	STERLING AVE	BRET HARTE RD	2	R	18	400
KEELER AVE (1000-1049)	MILLER AVE	POPPY LANE	2	R	18	600
KEELER AVE (900-998)	MARIN AVE	MILLER AVE	2	R	19	1025
KEELER AVE (700-893)	GRIZZLY PEAK BLVD	MARIN AVE	2	R	20	1350
KEELER AVE (1101-1199)	BRET HARTE RD	SHASTA RD	2	R	23	1760
KEITH AVE (1001-1067)	SPRUCE ST	EUCLID AVE	2	C	22	1472
KEITH AVE (1075-1202)	EUCLID AVE	SHASTA RD	2	C	25	2570
KENTUCKY AVE (433-494)	MARYLAND AVE	MICHIGAN AVE	2	R	18	840
KEONCREST DR (1410-1558)	ROSE ST	ACTON ST	2	R	23	950
LA LOMA AVE (1343-1401)	QUARRY RD	ROSE ST	2	C	22	400
LA VEREDA RD (1550-1595)	LA LOMA AVE	CEDAR ST	2	R	15	550
LA VEREDA RD (1601-1736)	CEDAR ST	DEAD END ABOVE VIRGINIA ST	2	R	15	820
LATHAM LN (125-130)	CRESTON RD	OVERLOOK RD	2	R	21	275
LATHAM LN (11-70)	MILLER AVE	GRIZZLY PEAK	2	R	21	550
LINCOLN ST (1400-1483)	ACTON ST	SACRAMENTO ST	2	R	22	750
LOS ANGELES AVE (1928-1992)	THE CIRCLE	CONTRA COSTA AVE	2	R	24	845
M L KING JR WAY (3333-3359)	63RD ST	MARTIN LUTHER KING JR WAY	2	R	24	520
MAGNOLIA ST (2930-2970)	ASHBY AVE	WEBSTER ST	2	R	24	660
MARIN AVE (2314-2457)	SPRUCE ST	EUCLID AVE	2	C	23	1050
MARIN AVE (2520-2637)	EUCLID AVE	GRIZZLY PEAK BLVD	2	C	23	1078
MARIN AVE (2006-2275)	THE CIRCLE	SPRUCE ST	2	C	23	1646
MENDOCINO AVE (811-965)	ARLINGTON AVE	LOS ANGELES AVE	2	R	22	1650

TOTAL LENGTH (FEET) 231,679

Street Name	Beginning Location	Ending Location	Lanes	Fire Code	Pavement Width (ft)	Pavement Length (ft)
MENLO PL (1-51)	THOUSAND OAKS BLVD	SANTA ROSA AVE	2	R	25	490
MENLO PL (53-90)	SANTA ROSA AVE	THE ALAMEDA	2	R	24	450
MICHIGAN AVE (401-500)	MARYLAND AVE	SPRUCE ST	2	R	24	1480
MIDDLEFIELD RD (1000-1019)	THE CROSSWAYS	THE SHORTCUT	2	R	21	360
MIDDLEFIELD RD (1020-1050)	THE SHORTCUT	PARK HILLS RD	2	R	21	410
MILLER AVE (959-1190)	HILLDALE AVE	SHASTA RD	2	R	21	3510
MILLER RD	HILLDALE AVE	SHASTA RD	2	R	21	3510
MIRAMONTE CT (1358-1367)	ADA ST	SOUTH DEAD END (ADA ST)	2	R	21	180
MONTROSE RD (1-44)	SAN LUIS RD	SANTA BARBARA RD	2	R	23	375
MONTROSE RD (101-194)	SANTA BARBARA RD	SPRUCE ST	2	R	24	640
MOSSWOOD RD (1-48)	PANORAMIC WAY	DEAD END ABOVE ARDEN RD	2	R	15	800
MUIR WAY (3-16)	GRIZZLY PEAK BLVD	PARK HILLS RD	2	R	25	385
NORTH ST (1501-1515)	NORTH DEAD END (JAYNES ST)	JAYNES ST	2	R	24	155
NORTHAMPTON AVE (4-98)	SANTA BARBARA RD	SPRUCE ST	2	R	23	1150
NORTHBRAE TUNNEL	SANTA BARBARA RD	SPRUCE ST	2	R	23	1150
NORTHGATE AVE (1-99)	DEAD END (NORTHGATE PATH)	SHASTA RD	2	R	21	880
OAK ST (2301-2395)	ARCH ST	HIGH CT	2	R	24	660
OAK ST (2410)	DEAD END	OAK ST	2	R	24	710
OAKRIDGE RD (10-92)	TUNNEL RD	DEAD END (OAK RIDGE STEPS)	2	R	17	1200
OLYMPUS AVE (1530-1590)	FAIRLAWN DR	DEAD END (U C PLOT 82)	2	R	21	760
OLYMPUS AVE (1451-1520)	AVENIDA DR	FAIRLAWN DR	2	R	21	1140
OVERLOOK RD (964-1072)	END NORTH OF THE CROSSWAYS	PARK HILLS RD	2	R	22	1715
OXFORD ST (807-850)	INDIAN ROCK AVE	MARIN AVE	2	R	23	975
OXFORD ST (900-1053)	MARIN AVE	LOS ANGELES AVE	2	R	23	1400
PAGE ST (648)	2ND ST	RAILROAD TRACKS	2	R	16	345
PALM CT (2817-2828)	KELSEY ST	DEAD END (KELSEY ST)	2	R	25	150
PANORAMIC WAY (1-61)	CANYON RD	1ST TURN	2	R	17	670
PANORAMIC WAY (62-130)	1ST TURN	ARDEN RD	2	R	15	1215
PANORAMIC WAY (136-367)	ARDEN RD	EAST CITY LIMIT	2	R	15	1695
PARK HILLS RD (1002-1042)	WILDCAT CANYON RD	MIDDLEFIELD RD	2	R	22	850
PARK HILLS RD (1141-1180)	PARK GATE	SHASTA RD	2	R	22	920
PARK HILLS RD (1051-1131)	MIDDLEFIELD RD	PARK GATE	2	R	22	1305
PARNASSUS CT (5-12)	PARNASSUS RD	DEAD END (PARNASSUS RD)	2	R	22	210
PARNASSUS RD (2-100)	DEL MAR AVE	CAMPUS DR	2	R	24	1145
POPLAR ST (10-190)	CRAGMONT AVE	HILLDALE AVE	2	R	20	1240
POPPY LN (8-80)	HILLDALE AVE	KEELER AVE	2	R	22	860
PRINCE ST (1401-1490)	ACTON ST	STANTON ST	2	R	24	523
PRINCE ST (2436-2511)	DANA ST	BATEMAN ST	2	R	24	771
QUAIL AVE (60-90)	CAMPUS DR	QUEENS RD	2	R	21	325
QUAIL AVE (1-39)	NORTHGATE AVE	CAMPUS DR	2	R	21	340
QUEENS RD (1200-1260)	SHASTA RD	QUAIL AVE	2	R	22	640

Streets with Pavement Width less than 26 feet

TOTAL LENGTH (FEET) 231,679

Street Name	Beginning Location	Ending Location	Lanes	Fire Code	Pavement Width (ft)	Pavement Length (ft)
QUEENS RD (1263-1345)	QUAIL AVE	FAIRLAWN DR	2	R	21	880
QUEENS RD (1355-1444)	FAIRLAWN DR	AVENIDA DR	2	R	21	1075
REGAL RD (931-990)	EUCLID AVE	CRAGMONT AVE	2	R	22	1325
REGAL RD (801-894)	SPRUCE ST	MARIN AVE	2	R	24	1050
REGAL RD (900-925)	MARIN AVE	EUCLID AVE	2	R	24	550
ROANE	EUCLID AVE	CRAGMONT AVE	2	R	22	1325
ROANOKE RD (20-46)	HILLCREST RD & THE UPLANDS	SOUTH CITY LIMIT	2	R	24	300
ROBLE CT (5-40)	DEAD END (ROBLE RD)	ROBLE RD	2	R	24	430
ROBLE RD (6-59)	TUNNEL RD	SOUTH CITY LIMIT (ROBLE CT)	2	R	24	920
ROCK LN (1-95)	POPLAR ST	CRAGMONT AVE	2	R	22	800
ROSE ST (2555-2707)	LE ROY AVE	LA LOMA AVE	2	R	15	750
ROSE ST (2224-2333)	SPRUCE ST	SCENIC AVE	2	R	25	820
ROSEMONT AVE (1-10)	CRESTON RD	VISTAMONT AVE	2	R	23	460
ROSLYN CT (2-19)	THE SOUTH CROSSWAYS	CHABOLYN TERRACE	2	R	20	150
RUGBY AVE (355-371)	NORTH CITY LIMIT (VERMONT)	VERMONT AVE	2	R	25	210
SAN ANTONIO AVE (1901-1940)	ARLINGTON AVE	300 FT +/- EAST OF AVIS RD	2	R	17	525
SAN ANTONIO AVE (1800-1891)	SAN RAMON AVE & THE ALAMEDA	ARLINGTON AVE	2	R	24	865
SAN BENITO RD (900-954)	MARIN AVE	SPRUCE ST	2	R	24	810
SAN DIEGO RD (743-824)	SOUTHAMPTON AVE	INDIAN ROCK AVE	2	R	19	1850
SAN FERNANDO AVE (614-686; 1930)	ARLINGTON AVE	YOSEMITE RD	2	R	24	1055
SAN JUAN AVE (1815-1895)	SANTA CLARA AVE	SAN FERNANDO AVE	2	R	24	900
SAN LUIS RD (501-846)	ARLINGTON AVE	INDIAN ROCK AVE	2	R	22	3430
SAN MATEO RD (7-96)	DEAD END (SOMERSET PL)	INDIAN ROCK AVE	2	R	24	780
SAN MIGUEL AVE (600-630)	THOUSAND OAKS BLVD	SANTA ROSA AVE	2	R	22	470
SAN RAMON AVE (1800-1895)	SAN ANTONIO AVE & THE ALAMEDA	SAN FERNANDO AVE	2	R	24	1060
SANTA BARBARA RD (501-630)	ARLINGTON AVE	FLORIDA AVE	2	R	23	1040
SANTA BARBARA RD (551-699)	SPRUCE ST	CRAGMONT AVE	2	R	24	605
SANTA BARBARA RD (900-948)	MARIN AVE	SPRUCE ST	2	R	24	510
SANTA CLARA AVE (945; 951-993)	SAN RAMON AVE	THOUSAND OAKS BLVD	2	R	24	870
SANTA ROSA AVE (551-699)	MENLO PLACE	SAN LORENZO AVE	2	R	22	1735
SCENIC AVE (1350-1589)	ROSE ST	CEDAR ST	2	R	24	1720
SENIOR AVE (3-48)	FAIRLAWN DR	GRIZZLY PEAK BLVD	2	R	24	700
SHASTA RD (2701-2737)	TAMALPAIS RD	KEITH AVE	2	R	20	565
SHASTA RD (3000-3085)	PARK GATE	EAST CITY LIMIT (GOLF COURSE)	2	C	20	565
SHASTA RD (2601-2699)	TAMALPAIS RD AND ROSE ST	TAMALPAIS RD	2	R	22	1540
SHASTA RD (2800-2827)	CRAGMONT AVE	KEELER AVE	2	C	25	680
SHASTA RD (2834-2925)	KEELER AVE	QUEENS RD	2	C	24	1315
SHASTA RD (2931-2998)	QUEENS RD	GRIZZLY PEAK BLVD	2	C	25	1130
SHASTA RD (2740-2798)	KEITH AVE	CRAIGMONT AVE	2	C	24	1000
SHATTUCK AVE (800-840)	INDIAN ROCK AVE	MARIN AVE	2	R	24	615
SHATTUCK AVE (900-964)	MARIN AVE	LOS ANGELES AVE	2	R	24	950

TOTAL LENGTH (FEET) 231,679

Street Name	Beginning Location	Ending Location	Lanes	Fire Code	Pavement Width (ft)	Pavement Length (ft)
SOLANO AVE	SANTA BARBARA RD	SPRUCE ST	2	R	23	1150
SOMERSET PL (30-49)	SOUTHAMPTON AVE	DEAD END (JOHN HINKEL PARK)	2	R	22	425
SOMERSET PL (2)	ARLINGTON AVE	SAN LUIS RD	2	R	24	2050
SOUTHAMPTON AVE (221-260)	SAN LUIS RD	SANTA BARBARA RD	2	R	22	4000
SOUTHAMPTON AVE (11-180)	ARLINGTON AVE	SAN LUIS RD	2	R	24	2050
SPRING WAY (1402-1418)	DEAD END	SCENIC AVE	2	R	18	260
STANTON ST (2907-2952)	RUSSELL ST	ASHBY AVE	2	R	22	560
STANTON ST (3001-3053)	ASHBY AVE	PRINCE ST	2	R	23	706
STERLING AVE (1050-1195)	KELLER	SHASTA RD	2	R	20	2310
STEVENSON AVE (5-69)	GRIZZLY PEAK BLVD	MILLER AVE	2	R	24	520
STODDARD WAY (25-40)	DEAD END	GRIZZLY PEAK BLVD	2	R	20	260
SUMMIT LN (6-12)	SUMMIT RD NR GRIZZLY PEAK	DEAD END	2	R	6	180
SUMMIT RD	AJAX LANE	ATLAS PL	2	R	20	240
SUMMIT RD (1500-1545)	GRIZZLY PEAK BLVD	END SOUTH OF GRIZZLY PEAK BL	2	R	18	740
SUMMIT RD (1300-1498)	ATLAS PL	GRIZZLY PEAK BLVD	2	R	23	2530
SUNSET LN (50-70)	WOODMONT RD	WILDCAT CANYON RD	2	R	17	318
SUNSET LN (4-6)	GRIZZLY PEAK BLVD	WOODMONT RD	2	R	17	344
TAMALPAIS RD (1-190)	SHASTA RD	ROSE ST	2	R	22	2075
TEVLIN ST (1200-1306)	NORTH CITY LIMIT	WATKINS ST	2	R	18	300
TEVLIN ST (1248-1305)	WATKINS ST	END SOUTH OF GILMAN ST	2	R	25	425
THE ALAMEDA (500-597)	SAN ANTONIO AVE	THOUSAND OAKS BLVD	2	R	24	1385
THE BRIDGE RD (9-30)	ALVARADO RD	TUNNEL RD	2	R	24	450
THE CRESCENT (2-60)	PARK HILLS RD (NORTH)	PARK HILLS RD (SOUTH)	2	R	20	1020
THE CROSSWAYS (202-209)	OVERLOOK RD	MIDDLEFIELD RD	2	R	21	230
THE SHORT CUT	MIDDLEFIELD RD	PARK HILLS RD	2	R	22	200
THE SPIRAL (304-319)	DEAD END	WILDCAT CANYON RD	2	R	25	305
THE UPLANDS (220-305)	EL CAMINO REAL	TUNNEL RD	2	R	25	1048
THOUSAND OAKS BLVD (1601-1665)	COLUSA AVE	VINCENTE AVE	2	C	20	380
THOUSAND OAKS BLVD (1666-1797)	VINCENTE AVE	THE ALAMEDA	2	C	24	850
TOMLEE DR (1355-1380)	JUANITA WAY	ACTON ST	2	R	23	330
TWAIN AVE (1-71)	KEELER AVE	STERLING AVE	2	R	18	740
VALLEJO ST (6-52)	THE ALAMEDA	SAN RAMON AVE	2	R	24	460
VALLEY ST (2150-2183)	NORTH DEAD END (ALLSTON)	ALLSTON WAY	2	R	23	375
VASSAR AVE (350-399)	NORTH CITY LIMIT (KENTUCKY)	KENTUCKY AVE	2	R	23	375
VASSAR AVE (401-486)	KENTUCKY AVE	SPRUCE ST	2	R	24	1160
VERMONT AVE (424-499)	MARYLAND AVE	COLORADO AVE	2	R	25	750
VERMONT AVE (300-420)	DEAD END (VERMONT)	MARYLAND	2	R	24	780
VICENTE RD (1-95)	EAST CITY LIMIT NR GRAND VIEW	TUNNEL RD	2	R	24	1310
VICENTE RD (150-181)	ALVARADO RD	EAST CITY LIMIT NR GRAND VIEW	2	R	24	550
VINCENTE AVE (750-814)	COLUSA AVE	PERALTA AVE	2	R	24	1000
VINCENTE AVE (451-595)	NORTH END (VINCENTE WALK)	THOUSAND OAKS BLVD	2	R	24	1400

TOTAL LENGTH (FEET) 231,679

Street Name	Beginning Location	Ending Location	Lanes	Fire Code	Pavement Width (ft)	Pavement Length (ft)
VINE ST	COLUSA AVE	PERALTA AVE	2	R	24	1000
VIRGINIA GDNS (1-22)	NORTH DEAD END (CEDAR)	VIRGINIA ST	2	R	20	470
VIRGINIA ST (2701-2711)	LA LOMA AVE	DEAD END (AT LA VEREDA)	2	R	17	220
VISALIA AVE (1500-1598)	WEST CITY LIMIT (NEILSON)	COLUSA AVE	2	R	24	325
VISALIA AVE (1606-1697)	COLUSA AVE	VINCENTE AVE	2	R	24	890
VISTAMONT AVE (520-669)	WOODMONT AVE	WOODMONT AVE NR SUNSET LANE	2	R	18	2410
WALKER ST (2701-2708)	DERBY ST	WARD ST	2	R	18	330
WATKINS ST (1341-1350)	NEILSON ST	TEVLIN ST	2	R	22	250
WHITAKER AVE (1-99)	MILLER AVE	STERLING AVE	2	R	18	550
WILSON CIR (2-14; 1579)	OLYMPUS DR	WILSON WALK	2	R	23	180
WOODMONT AVE (515-581)	WILDCAT CANYON & GRIZZLY PEAK	ROSEMONT AVE	2	R	20	1355
WOODMONT AVE (600-691)	ROSEMONT AVE	SUNSET LANE	2	R	20	1700
WOODMONT AVE (800)	SUNSET LANE	DEAD END	2	R	12	1950
WOODMONT CT (1-5)	WOODMONT AVE (NORTH)	WOODMONT AVE (SOUTH)	2	R	23	285
WOODSIDE RD (1051-1155)	THE CRESCENT	PARK HILLS RD	2	R	22	1450
YOSEMITE RD (1800-1891)	THE ALAMEDA	SAN FERNANDO AVE	2	R	24	870



Homeless Commission

ACTION CALENDAR

December 3, 2019

To: Honorable Mayor and Members of the City Council

From: Homeless Commission

Submitted by: Carole Marasovic, Chair, Homeless Commission

Subject: Taxi scripts to be provided to residents of Pathways/the STAIR Center

RECOMMENDATION

The Homeless Commission recommends that taxi scripts be provided to persons referred to Pathways/ the STAIR Center and that continued taxi scripts be provided to Pathways/STAIR residents, during their stay, in order to insure safe, accessible transport.

Alternatively, the Commission recommends that transportation arrangements be made with ride share services such as Lyft or Uber, or a public shuttle system coordinated by the City of Berkeley and Alameda County.

FISCAL IMPACTS OF RECOMMENDATION

Staff would have to identify the costs of this recommendation. It should be easy to implement and far less costly than the potential loss of a life from an accident crossing the railroad tracks or injuries to persons walking the distance between the bus routes and Pathways/the STAIR Center.

CURRENT SITUATION AND ITS EFFECTS

The Pathways STAIR Center is located in a remote area of West Berkeley. The two closest bus line stops, the 72 and the 51, stop eight streets and seven streets away, respectively.

Walking to Pathways also requires walking across railroad tracks, challenging for able-bodied persons, particularly in late hours, and even more challenging for persons with disabilities. Pathways has been identified as a low-barrier shelter so that persons residing there can enter and leave at all hours.

BACKGROUND

Approximately fifty persons reside at Pathways/the STAIR Center at any one time. Pathways is currently the primary navigation center for housing unhoused persons. Former and current Pathways residents often describe the challenge of walking from remote bus lines and the dangers of safely crossing the nearby railroad tracks. Many Pathway residents have serious physical disabilities, with and without equipment.

Transportation to and from Pathways is difficult for them. Residents staying at Pathways come and go freely and need to leave the navigation center to conduct everyday business and make appointments. Some return late in the evening.

At our September 11, 2019 regular meeting, the Homeless Commission approved the report, "Taxi scripts to be provided to residents of Pathways/the STAIR Center," with the following motion:

Action: M/S/C Hill/ Mulligan to approve the report to Council with the following amendments: (i) add "..., as well as public shuttle system coordinated by the City of Berkeley and Alameda County" to the last sentence under the Recommendation section, and (ii) remove the sentence under the Alternative Actions Considered section, and replace it with "We considered changes to the AC Transit bus routes."

Vote: Ayes: Hill, Mulligan, Marasovic, Hirpara, Kealoha-Blake, Hollyman, Behm-Steinberg.
Noes: None. *Abstain:* None. *Absent:* None.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental impacts as the taxis or ride shares providing transportation services are already operative in Berkeley.

RATIONALE FOR RECOMMENDATION

The Homeless Commission believes that persons staying at Pathways, particularly given their disability and aging status, need accessible, safe transportation. Potential injuries or possible deaths from crossing the railroad tracks also need to be avoided.

ALTERNATIVE ACTIONS CONSIDERED

We considered changes to the AC Transit bus routes.

CITY MANAGER

See companion report.

CONTACT PERSON

Brittany Carnegie, HHCS, Community Services Specialist II, (510) 981-5415



Public Works Commission

ACTION CALENDAR
December 3, 2019

To: Honorable Mayor and Members of the City Council

From: Public Works Commission

Submitted by: Ray Yep, Chair, Public Works Commission

Subject: Public Works Commission Recommendation for the Five-Year Paving Plan

RECOMMENDATION

Adopt a resolution that recommends approval of the Five-Year Paving Plan for FY2020 to FY2024 as proposed by Staff and recommends the creation of a Long-Term Paving Master Plan.

SUMMARY

This Report to Council is comprised of three sections:

1. Recommendations on the City's Proposed 5-Year Paving Plan
2. Report to Council on requested actions from 2017 and 2018
3. Recommendation from the Public Works Commission (PWC) to address the on-going paving condition deficit through the creation and implementation of a Long-Term Paving Master Plan.

The City of Berkeley's Street Rehabilitation and Repair Policy (Street Policy) requires that a 5-year paving plan be reviewed each year and adopted formally by the City Council, with advice from the PWC. The Rehabilitation Plan (commonly called the Paving Plan) for FY 2020 to FY 2024 has been reviewed by the PWC and it is recommending adoption of all five years of the plan.

At their meetings in December 2017 and 2018, City Council directed Staff to coordinate with the PWC on the items outlined in their motions. A progress report on the action items was submitted to Council on July 24, 2018. All of the action items have been worked on and this report highlights the status.

Berkeley's streets are in an "at-risk" condition, far from the City's target of having our streets in "good" condition, and continue to decline year on year. The PWC recommends that a master plan be prepared to understand the funding and resources needed to improve Berkeley's streets to a "good" condition.

FISCAL IMPACTS OF RECOMMENDATION

This Paving Plan is based on the Adopted Biennial Budget for Fiscal Years 2020 & 2021, and on the following estimated available funding levels from all sources, including State Transportation (Gas) Tax, Measure B, Measure BB, Measure F, and the General Fund.

Five-Year Paving Program Funding Sources by Year, in \$					
Fund Description	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
State Transportation Tax	495,303	495,303	495,303	495,303	495,303
State Transportation Tax –SB1	1,500,000	1,700,000	1,700,000	2,000,000	2,000,000
Measure B - Local Streets & Roads	700,000	1,000,000	700,000	0	0
Measure BB – Local Streets & Roads	2,200,000	1,700,000	2,000,000	2,700,000	2,700,000
Measure F Vehicle -Registration Fee	155,000	155,000	155,000	155,000	155,000
Capital Improvement Fund	1,925,000	1,925,000	1,925,000	1,925,000	1,925,000
TOTAL	6,975,303	6,975,303	6,975,303	7,272,303	7,272,303

In addition to the City's program funding, additional grant and bond funding has been made available for paving in FY 2020 and 2021, summarized below.

Other Funding for Paving by Year, in \$					
Funding Source	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Measure T1 approved	7,500,000	1,000,000	0	0	0
Grants	2,777,000	1,200,000	0	0	0
TOTAL	10,277,000	2,200,000	0	0	0

The PWC is recommending the preparation of a Long-Term Paving Master Plan. This is currently not budgeted and a request to fund the work needs to be prepared and submitted.

CURRENT SITUATION AND ITS EFFECTS

In December 2017 and 2018, the PWC made recommendations on the 5-year paving plan and provided a detailed analysis of Berkeley's street condition in our reports to Council. Based on the city-wide Pavement Condition Index (PCI), Berkeley's streets continue to be evaluated as "at risk," and do not meet the City's target to be in "good" condition. Council requested certain analysis and action be taken.

This report addresses the following topics:

1. Recommendations on the City's Proposed 5-Year Paving Plan
2. Report to Council on requested actions from 2017 and 2018

3. Recommendation from the Public Works Commission (PWC) to address the on-going paving condition deficit through the creation and implementation of a Long-Term Paving Master Plan.

Review of 5-year Paving Plan

A significant amount of street paving was done in the summer of 2019. This includes the paving delayed from 2018, the paving approved for 2019, and paving the Panoramic Hill area.

Staff prepared a list of paving projects for the new 5-year planning period (FY 2020 – 2024). This was prepared using guidance from Berkeley’s Street Rehabilitation Policy, StreetSaver program analysis, knowledge of what has been accomplished in recent years, and available funding. The proposed plan is summarized as follows.

	FY2020	FY2021	FY2022	FY2023	FY2024	Total	% of Total
<u>Square Footage of Paving</u>							
Arterials, sq. ft.	84,360	0	77,580	6,600	0	168,540	6
Collectors, sq. ft.	400,480	6,900	58,810	63,250	163,170	754,710	26
Residential, sq. ft.	284,758	477,584	474,528	366,739	365,668	1,969,277	68
Total sq. ft.	769,598	546,584	610,918	436,589	528,838	2,892,527	100
<u>Miles</u>							
Arterials, miles	0.32	0.00	0.41	0.04	0.00	0.77	5
Collectors, miles	1.77	0.51	0.23	0.62	0.81	3.94	24
Residential, miles	1.58	3.33	2.39	2.17	1.93	11.40	71
Total miles	3.67	3.84	3.03	2.83	2.74	16.11	100
<u>Cost</u>							
Arterials, \$millions	\$0	\$0	\$0.896	\$0.078	\$0	\$0.974	3
Collectors, \$millions	\$2.521	\$0.881	\$0.956	\$1.290	\$1.946	\$7.594	24
Residential, \$millions	\$3.744	\$5.041	\$2.996	\$3.252	\$3.957	\$18.990	60
Discretionary, \$millions	\$0	\$1.046	\$1.046	\$1.091	\$1.091	\$4.274	13
Total cost, \$millions	\$6.265	\$6.968	\$5.894	\$5.711	\$6.994	\$31.832	100

The above summary does not include \$7.5 million in FY 2020, and \$1 million in FY 2021 from Measure T1 funding. It also does not include \$3.98 million in grant funding in FY2020 and FY2021.

The PWC paving subcommittee discussed the plan with Public Works Department staff and we have the following comments.

1. The Paving Plan uses asphalt paving technology. As such, the plan is not contributing to reducing greenhouse gas emissions. The PWC encourages staff to use greener and more sustainable technologies to help meet our climate action

goals. One suggestion is to start calling this a “street surface treatment plan” and not paving plan.

2. Staff prepared a process flow diagram that describes the inputs used to prepare the 5-year paving plan. This document provides a high-level overview of all the work that staff puts into the development of the paving plan and it has been very informative for the PWC. This has been included as Attachment 3 to this report for Council’s review.
3. Many of the City’s streets with the lowest PCI are residential streets. The proposed plan by staff shifts more focus of the paving plan to residential streets. While this is outside of the City’s Paving Policy for allocation of paving funds by street type, this plan helps address the roads that are in the greatest need and will do the most to improve the City-wide average PCI. The PWC believes that on a long-term basis, the Paving Policy is still valid to prioritize funding for arterials, collectors, bike routes, and bus routes. The following is a breakdown as compared to the Paving Policy:

	Cost Breakdown Per Paving Policy	Cost Breakdown Per 5-Year Paving Plan (FY2020-2024)
Arterial streets	10%	3%
Collector streets	50%	24%
Residential streets	25%	60%
Discretionary	15%	13%

4. The plan was reviewed with the City of Berkeley’s Bicycle Plan 2017. Of the total length of streets to be paved, 5.8 miles (36%) are current or future bike routes. However, of those 5.8 miles, 1.6 miles (27%) are on Hopkins or Cedar and just doing the pavement does not bring the streets to the requirements of the Berkeley Bicycle Plan. To complete the bikeways on these streets, additional funding is needed from the Transportation Division and a project is needed prior to paving beginning on these streets. The plan was also reviewed with the Transportation Commission and with their concerns about bike routes.
5. The PWC has reviewed the plan for contiguous streets and that the work is bundled for cost effective implementation. This is balanced with having the paving work be spread across all Council Districts of the City. Over the 5-year Paving Plan, the cost is distributed between 7% to 16% for each District.
6. The PWC agrees with including the streets that were approved under Phase 1 of Measure T1. However, the PWC recommends that bond funds be used only for work that will last for at least as long as the duration of the bond repayment period (this would be 40 years in the case of projects funded by Measure T-1 bond proceeds). Road treatments that match this recommendation only include full street reconstruction work, as other standard maintenance may extend the life of these assets beyond the duration of the bond repayment period. Maintenance work, such

as overlays, cape and slurry seals, should be funded from the Paving Program funds or the General Fund.

7. Specific attention should be given to the Adeline Corridor Specific Plan and its proposed changes to the street alignment. The street will be repaved using Measure T1 funds. This means that changes to the street may occur before the debt financing is paid off.
8. The PWC agrees that 15% of the available funding should be reserved for discretionary and/or demonstration projects. The PWC is in the process of developing a recommendation for criteria to help prioritize projects to be funded with the discretionary reserve.

Progress with Council Requested Actions

At their meetings in December 2017 and 2018, City Council directed Staff to coordinate with the PWC on the items outlined in their motions. A progress report on the action items was submitted to Council on July 24, 2018. Progress continues to be made on the action items and we would like to highlight the following.

1. Use of life cycle cost analysis – The City received a grant from the Metropolitan Transportation Commission (MTC) for technical assistance to evaluate life cycle cost analysis for street paving technologies. The MTC has retained Pavement Engineering Inc. (PEI) to conduct the analysis. The PWC paving sub-committee is working closely with PEI and staff on the study. The study will evaluate the life cycle cost of asphalt and alternative technologies, including permeable pavement, and will consider multiple benefits from each. These benefits, called externalities, include considerations for attenuating storm water peak flows, improving water quality, reducing traffic speeds, enhanced public safety, and reducing greenhouse gas emissions. PEI's analysis is projected to be completed in fall 2019.
2. Use of 15% discretionary and demonstration funds – The PWC paving sub-committee is working with staff to identify potential sites for permeable pavement projects or alternative durable pavement technologies. We are developing a matrix of criteria and candidate locations. The criteria include current condition, soil permeability, constructability, location attributes, life cycle cost analysis, and other factors. An allocation of 15% discretionary and demonstration funds has been included in FY2021-2024.
3. Work with consultants who have experience with long-lasting innovative technologies – The City retained several new on-call civil engineering consultants in 2018. The consultants include Bellecci and Associates, Harrison Engineering Inc., Pavement Engineering Inc., and Mark Thomas Company. All of these firms have demonstrated experience with long-lasting innovative and green infrastructure.
4. Report to Council on funding sources for scheduled and completed paving – A report to Council was made on September 10, 2019 on the breakdown of paving costs.

5. Annual report to Council on Measure M – The Public Works Department staff will prepare a report on the performance of Measure M at the completion of the 2019 paving season and the completion of the Woolsey Street stormwater cistern project.
6. Consult with Transportation Commission – Members from the Transportation Commission have participated at the PWC’s paving sub-committee meetings and a presentation of the 5-year paving plan was given to the Transportation Commission on June 20, 2019.

Master Plan to Improve the Condition of Berkeley’s Streets

The current citywide average PCI is 58 on a scale of 100, and is firmly in the “at risk,” category. Streets in this category tend to degrade at a more accelerated rate than those in a “good” or “fair” condition. Under the proposed paving plan, the PCI is estimated to dip to 52 by 2023. This is far from the City’s target of having our streets in “good” condition (PCI of 70 -79), and it is clear that action is needed to reverse this trend before our road fall into “failing” condition. Below is a summary of the current conditions of Berkeley’s streets by road type. This information was prepared by staff and PEI.

Section/Area	PCI in 2019
Overall system	58
Arterial streets	66
Collector streets	64
Residential streets	55
Bus routes	66
Bike lanes	62

The PWC recommends that a master plan be prepared to understand the funding and resources needed to improve Berkeley’s streets to a “good” condition. The master plan should represent street paving priorities that align with the values of the city and should consider the following:

1. Update the Street Policy – The policy was last updated in 2009. The policy should be reviewed and updated to incorporate current thinking about using life cycle cost analysis, Vision Zero, equity, sustainable multi-benefit technologies, the Bicycle Plan recommendations, Climate Action Plan, Resilience Strategy, Local Hazard Mitigation Plan, and other factors. With these considerations in mind, the updated policy should include new performance metrics that capture the diverse objectives the City holds for our road network.
2. A long-term paving capital plan – The Master Plan should include a 40-year paving or road surfacing plan to help the City identify the most efficient path to move the current PCI from “at risk” to “good.” This approach spans two cycles of typical asphalt roads expected useful life, and allows for decisions on street surfacing to be

optimized for the greatest bang for our buck over the full life of our assets, rather than the current short-term approach.

3. Equity -- The City's Street Policy calls for street paving to be equitably allocated among the City's nine districts. This is a worthy goal; however, the policy stops there and does not provide a clear method for how to evaluate equity. Should it be measured by dollars spent, miles paved, miles treated, the average PCI in a district, and should this equity be for each year of the paving plan over the full five years of the paving plan, or measured retrospectively? The Master Plan will propose a more definitive metric that will provide a clear directive to staff moving forward and provide the community with enhanced transparency in the City's paving decisions.
4. Financing Strategy -- Lack of funding for street paving plays a major role in the overall condition of the City's streets. As part of the Master Plan, the work should include a long-term funding gap analysis, a financial plan to address the funding gap, a cost-of-service rate study to develop recommended rates needed to sustainably finance the Paving Program, and an impact fee analysis to allow the City to recoup the cost of accelerated wear on our roads imposed by heavy vehicles. We also recommend the master plan include an evaluation of grant funding opportunities.
5. Public Engagement -- Public feedback is critical to the successful implementation of any City Plan. The Master Plan should provide guidance for public engagement strategies that will allow the collection and synthesis of public feedback regarding the future of the City streets.

The recommendation to approve both the 5-year paving plan and the recommendation for a Paving Master Plan and to forward it to Council was discussed by the Public Works Commission at its July 11, 2019 meeting.

Action: M/S/C (Schueler/Dominguez)

Vote: (8 Ayes: Yep, Schueler, Dominguez, Hitchen, Constantine, Krpata, Erbe, Freiberg; 0 Noes; 1 Absent: McGrath; 0 Abstain)

ENVIRONMENTAL SUSTAINABILITY

Permeable pavers provide a way of reducing the volume of storm water entering the City storm drain system; improving the quality of urban runoff from the roadway that is conveyed to local creeks and the Bay; and reducing greenhouse gas emissions by installing a durable product that requires less maintenance than traditional asphalt concrete.

Full Depth Reclamation (FDR), a cost-effective alternative to traditional street reconstruction methods, is planned for use in several of the streets selected for rehabilitation. It recycles much of the existing pavement on site, and incorporates it into the pavement subgrade, thereby reducing truck trips to and from construction sites.

In addition, the Paving Plan includes repair of the City's deteriorating storm drain infrastructure that minimizes degradation of water quality in local creeks and the Bay. These repairs are consistent with the City of Berkeley's 2011 Watershed Management Plan. Furthermore, the Paving Plan also proposes approximately 5.8 miles of improvements to bicycle routes, and improvements to sidewalk and curb ramps adopted from the Bicycle and Pedestrian Plans. These steps result in lower emissions of greenhouse gases into the environment, which is consistent with the goals of the 2009 Berkeley Climate Action Plan.

RATIONALE FOR RECOMMENDATION

It is the policy of the City of Berkeley that there shall be a Five-year Street Rehabilitation Plan for the entire City to be adopted by the City Council. Further, the proposed plan provides for much needed street infrastructure improvements that are consistent with the City's Street Policy.

ALTERNATIVE ACTIONS CONSIDERED

None

CITY MANAGER REPORT

See companion report.

CONTACT PERSON

Ray Yep, Chair, Public Works Commission (510) 318-4894

Nisha Patel, Manager of Engineering (510) 981-6406

Joe Enke, Supervising Civil Engineer (510) 981-6411

Attachments:

1. Resolution

Exhibit A: Five-Year Street Rehabilitation Plan Update to Council, July 24, 2018

2. 5-Year Paving Plan Process Flow Diagram

Attachment 1

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

APPROVAL OF THE FIVE-YEAR PAVING PLAN FOR FY 2020 TO FY2024 AND
RECOMMENDATION FOR THE CREATION OF A LONG-TERM PAVING MASTER
PLAN

WHEREAS, the Street Rehabilitation Policy, Resolution No. 55,384-N.S. approved on May 22, 1990, requires there be a Five-Year Street Paving Plan for the entire City to be adopted by the City Council, and

WHEREAS, the City Council requests advice from the Public Works Commission on the Five-Year Paving Plan; and

WHEREAS, on July 11, 2019, the Public Works Commission voted to approve submitting the FY 2020 to FY2024 Five-year Paving Plan to City Council, attached as Exhibit A;

WHEREAS, the condition of Berkeley's streets are at an "at risk" condition and a long-term strategy is needed to improve the condition to the "good" level,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the FY 2020 to FY2024 Five-Year Paving Plan attached as Exhibit A hereof and the request to create a long-term paving master plan, are hereby adopted.

Exhibit A: Five-Year Paving Plan for FY2020 to FY2024

EXHIBIT A
5-YEAR STREET REHABILITATION PLAN FOR FY 2020 TO FY 2024

Revised: 05/22/2019

Fiscal Year	Street ID	Section ID	Street Name	From	To	Class	Treatment (from StreetSaver)	Updated Total Cost	District	P	Mileage	Current PCI	Last M&R Date	Last M&R	Last Paved
2020	321100	30	CEDAR ST	6TH ST	SAN PABLO AVE	C	Reconstruct	\$ 1,239,036	1	3C*	0.31	27	10/1/1994	O -	MILL AND OVERLAY W/FABRIC
2020	320685	10	MARINA BLVD	SPINNAKER WAY	UNIVERSITY AVE	C	Heavy Mtce		1	N	0.43	58	9/1/1986	A - AC	OVERLAY
2020	735382	60	MILVIA ST	BLAKE ST	RUSSELL ST	R	Heavy Rehab	\$ 764,300	3	3E	0.44	28	9/1/1993	A - AC	RECONSTRUCT SURFACE (AC)
2020	516492	75	ROSE ST	LE ROY AVE	LA LOMA AVE	R	Reconstruct	\$ 205,000	6	N	0.14	0		A - AC	
2020	319525	35	SANTA FE AVE	GILMAN ST	CORNELL AVE & PAGE	R	Heavy Rehab	\$ 409,600	1	3C*	0.27	49	7/1/1995	A - AC	RECONSTRUCT STRUCTURE (AC)
2020	319525	30	SANTA FE AVE	NORTH CITY LIMIT	GILMAN ST	R	Light Mtce	\$ 37,355	1	3C*	0.11	60	8/31/2004	O -	MILL AND THIN OVERLAY
2020	115532	77	SHASTA RD	GRIZZLY PEAK BLVD	PARK GATE	C	Heavy Rehab	\$ 86,667	6	N	0.05	14	11/1/1988	A - AC	RECONSTRUCT SURFACE (AC)
2020	115532	79	SHASTA RD	PARK GATE	EAST CITY LIMIT (GOLF	C	Reconstruct	\$ 234,789	6	N	0.11	10	11/1/1988	A - AC	RECONSTRUCT SURFACE (AC)
2020	320686	10	SPINNAKER WAY	BREAKWATER DR	MARINA BLVD	R	Reconstruct	\$ 1,000,000	1	N	0.28	24	8/1/1991	A - AC	OVERLAY
2020	213386	22	MONTEREY AVE	THE ALAMEDA	HOPKINS ST	C	Heavy Rehab	\$ 960,667	5	2A	0.57	54	11/30/2011	A - AC	MILL AND OVERLAY
2020	933653	40	WARD ST	SAN PABLO AVE	ACTON ST	R	Reconstruct	\$ 1,328,400	2	N	0.31	20	9/1/1991	A - AC	MILL AND OVERLAY W/FABRIC
2020	320620	15	UNIVERSITY AVE	MARINA BLVD	WEST FRONTAGE RD	C	Reconstruct		1, 2	N	0.30	0	12/1/1989	A - AC	OVERLAY
2020	729533	55	SHATTUCK AVE	CENTER ST	ALLSTON WAY	A	Reconstruct		4		0.06	2	7/1/1994	O -	MILL AND OVERLAY W/FABRIC
2020	729533	57	SHATTUCK AVE (SB)	CENTER ST	UNIVERSITY AVE	A	Reconstruct		4		0.13	12	7/1/1994	O -	MILL AND OVERLAY W/FABRIC
2020	729007	64	ADDISON ST	SHATTUCK AVE	SHATTUCK AVE	R	Heavy Rehab		4		0.03				
2020	729051	52	BERKELEY SQUARE	ADDISON ST	CENTER ST	A	Heavy Rehab		4		0.06				
2020	729535	50	SHATTUCK SQUARE	UNIVERSITY AVE	ADDISON	A	Heavy Rehab		4		0.07	28	7/1/1994	O -	MILL AND OVERLAY W/FABRIC
								\$ 6,265,814			3.69				

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; and N for none.

*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A
5-YEAR STREET REHABILITATION PLAN FOR FY 2020 TO FY 2024

Revised: 05/22/2019

Fiscal Year	Street ID	Section ID	Street Name	From	To	Class	Treatment (from StreetSaver)	Updated Total Cost	District	P	Mileage	Current PCI	Last M&R Date	Last M&R	Last Paved
2021	940005	70	ACTON ST	ASHBY ST	66TH ST	R	Light Mtce	\$ 83,640	2	N	0.23	60	8/29/2007	A - AC	RECONSTRUCT STRUCTURE (AC)
2021	516020	30	ARCADE AVE	GRIZZLY PEAK BLVD	FAIRLAWN DR	R	Heavy Rehab	\$ 63,378	6	N	0.06	7	6/1/1995	O -	MILL AND OVERLAY W/FABRIC
2021	628042	78	BANCROFT WAY	BOWDITCH ST	COLLEGE AVE	C	Heavy Mtce	\$ 161,036	7	3C*	0.13	62	12/1/1990	O -	MILL AND OVERLAY W/FABRIC
2021	627042	80	BANCROFT WAY	COLLEGE AVE	PIEDMONT AVE	C	Heavy Rehab	\$ 254,076	7	3C*	0.13	57	12/1/1990	O -	MILL AND OVERLAY W/FABRIC
2021	829102	60	CENTER ST	MARTIN LUTHER KING	MILVIA ST	R	Heavy Rehab	\$ 315,645	4		0.13	59	7/1/1991	A - AC	RECONSTRUCT SURFACE (AC)
2021	729102	63	CENTER ST	MILVIA ST	SHATTUCK	R	Heavy Rehab	\$ 564,000	4	2A*	0.13	72	7/1/1991	A - AC	RECONSTRUCT SURFACE (AC)
2021	111127	10	CRESTON RD	GRIZZLY PEAK BLVD	SUNSET LANE	R	Heavy Mtce	\$ 93,378	6	N	0.36	67	6/1/1995	A - AC	RECONSTRUCT STRUCTURE (AC)
2021	115127	20	CRESTON RD	SUNSET LANE	GRIZZLY PEAK BLVD	R	Heavy Mtce	\$ 116,258	6	N	0.36	64	11/1/1988	A - AC	RECONSTRUCT SURFACE (AC)
2021	728140	50	DANA ST	BANCROFT WAY	DWIGHT WAY	R	Heavy Rehab	\$ 467,400	7	2A to 2B*	0.25	51	12/1/1989	O -	MILL AND OVERLAY W/FABRIC
2021	739141	70	DEAKIN ST	ASHBY AVE	PRINCE ST	R	Light Mtce	\$ 45,920	3	N	0.16	76	4/3/2008	A - AC	RECONSTRUCT STRUCTURE (AC)
2021	736141	68	DEAKIN ST	RUSSELL ST	ASHBY AVE	R	Light Rehab	\$ 109,200	3	N	0.10	57	7/1/1988	O -	MILL AND OVERLAY W/FABRIC
2021	940148	70	DOHR ST	ASHBY AVE	PRINCE ST	R	Heavy Rehab	\$ 176,569	2	N	0.14	53	10/1/1992	A - AC	RECONSTRUCT STRUCTURE (AC)
2021	115344	80	LATHAM LANE	MILLER AVE	GRIZZLY PEAK	R	Heavy Mtce	\$ 38,500	6	N	0.10	61	6/1/1994	A - AC	RECONSTRUCT STRUCTURE (AC)
2021	115380	70	MILLER AVE	HILLDALE AVE	SHASTA RD	R	Light Rehab	\$ 425,880	6	N	0.66	58	6/1/1994	A - AC	RECONSTRUCT STRUCTURE (AC)
2021	830491	58	ROOSEVELT AVE	CHANNING WAY	DWIGHT WAY	R	Light Rehab	\$ 172,480	4	N	0.13	65	12/1/1989	A - AC	RECONSTRUCT SURFACE (AC)
2021	728584	50	TELEGRAPH AVE	BANCROFT WAY	DWIGHT WAY	C	Heavy Rehab	\$ 473,060	7	3C*	0.25	52	7/1/1988	O -	MILL AND OVERLAY W/FABRIC
2021	931657	55	WEST ST	BANCROFT WAY	DWIGHT WAY	R	Heavy Mtce	\$ 263,822	2	N	0.25	65	10/1/1994	O -	MILL AND OVERLAY W/FABRIC
2021	320528	47	2ND ST	DELAWARE ST	HEARST AVE	R	Reconstruct	\$ 775,833	1	N	0.09	2	NA		
2021	320528	48	2ND ST	HEARST AVE	UNIVERSITY AVE	R	Heavy Rehab	\$ 762,222	1	N	0.09	46	NA		
2021	920528	50	2ND ST	UNIVERSITY AVE	ADDISON ST	R	Heavy Rehab	\$ 560,000	2	N	0.09	0	8/27/1997		MILL AND OVERLAY W/FABRIC
2021			15% DISCRETIONARY					\$ 1,046,295							
								\$ 6,968,593			3.84				

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; and N for none.

*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A
5-YEAR STREET REHABILITATION PLAN FOR FY 2020 TO FY 2024

Revised: 05/22/2019

Fiscal Year	Street ID	Section ID	Street Name	From	To	Class	Treatment (from StreetSaver)	Updated Total Cost	District	P	Mileage	Current PCI	Last M&R Date	Last M&R	Last Paved
2022	931073	50	BROWNING ST	ADDISON ST	DWIGHT WAY	R	Heavy Rehab	\$ 911,600	2	N	0.50	63	10/1/1995	O -	MILL AND OVERLAY W/FABRIC
2022	638115	70	COLLEGE AVE	ASHBY AVE	SOUTH CITY LIMIT	A	Heavy Rehab	\$ 896,480	8	N	0.41	51	8/23/2000	A - AC	RECONSTRUCT STRUCTURE (AC)
2022	729152	60	DURANT AVE	MILVIA ST	SHATTUCK AVE	C	Reconstruct	\$ 693,355	4	N	0.13	0	11/1/1992	O -	MILL AND OVERLAY W/FABRIC
2022	729152	64	DURANT AVE	SHATTUCK AVE	FULTON ST	C	Heavy Rehab	\$ 262,880	4	N	0.10	28	8/12/1997	O -	MILL AND OVERLAY W/FABRIC
2022	728180	50	ELLSWORTH ST	BANCROFT WAY	DWIGHT WAY	R	Reconstruct	\$ 422,400	7	N	0.25	20	11/1/1992	O -	MILL AND OVERLAY W/FABRIC
2022	736180	60	ELLSWORTH ST	DWIGHT WAY	WARD ST	R	Light Mtce	\$ 129,360	7	N	0.38	83	5/11/2011	A - AC	RECONSTRUCT SURFACE (AC)
2022	736180	65	ELLSWORTH ST	WARD ST	ASHBY AVE	R	Light Mtce	\$ 99,307	3	N	0.29	87	5/11/2011	A - AC	RECONSTRUCT SURFACE (AC)
2022	736227	60	FULTON ST	DWIGHT WAY	BLAKE ST	R	Heavy Mtce	\$ 76,128	3	3E*	0.06	61	6/1/1993	O -	MEDIUM AC OVERLAY (2 INCHES)
2022	736227	61	FULTON ST	BLAKE ST	PARKER ST	R	Heavy Mtce	\$ 27,840	3	3E*	0.07				
2022	736227	63	FULTON ST	PARKER ST	STUART ST	R	Heavy Mtce	\$ 321,592	3	3E*	0.25	61	2/1/1992	O -	THIN AC OVERLAY(1.5 INCHES)
2022	835431	65	OTIS ST	RUSSELL ST	ASHBY AVE	R	Heavy Rehab	\$ 224,000	3	N	0.13	61	4/1/2001	A - AC	RECONSTRUCT STRUCTURE (AC)
2022	736561	70	STUART ST	FULTON ST	HILLEGASS AVE	R	Heavy Rehab	\$ 784,000	7	N	0.46	54	11/13/1998	A - AC	RECONSTRUCT STRUCTURE (AC)
2022			15% DISCRETIONARY					\$ 1,046,295							
								\$ 5,895,237			3.03				

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; and N for none.

*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A
5-YEAR STREET REHABILITATION PLAN FOR FY 2020 TO FY 2024

Revised: 05/22/2019

Fiscal Year	Street ID	Section ID	Street Name	From	To	Class	Treatment (from StreetSaver)	Updated Total Cost	District	P	Mileage	Current PCI	Last M&R Date	Last M&R	Last Paved
2023	729042	65	BANCROFT WAY	SHATTUCK AVE	FULTON ST	C	Heavy Rehab	\$ 277,778	4	4*	0.09	32	8/7/1997	O -	MILL AND OVERLAY W/FABRIC
2023	729042	60	BANCROFT WAY	MILVIA WAY	SHATTUCK AVE	C	Heavy Rehab	\$ 359,836	4	N	0.13	28	12/1/1989		MILL AND OVERLAY W/FABRIC
2023	736140	65	DANA ST	BLAKE ST	WARD ST	R	Light Rehab	\$ 454,080	7	3E*	0.25	45	7/30/2008	A - AC	RECONSTRUCT STRUCTURE (AC)
2023	739186	60	EMERSON ST	ADELINE ST	SHATTUCK AVE	R	Light Rehab	\$ 180,320	3	N	0.15	65	4/1/2001	A - AC	RECONSTRUCT STRUCTURE (AC)
2023	839191	60	ESSEX ST	ADELINE ST	TREMONT ST	R	Heavy Mtce	\$ 76,160	3	N	0.06	76	4/1/2001	A - AC	RECONSTRUCT STRUCTURE (AC)
2023	739191	62	ESSEX ST	TREMONT ST	SHATTUCK AVE	R	Light Rehab	\$ 129,920	3	N	0.11	62	4/1/2001	A - AC	RECONSTRUCT STRUCTURE (AC)
2023	637217	80	FOREST AVE	COLLEGE AVE	CLAREMONT BLVD	R	Heavy Rehab	\$ 600,000	8	N	0.36	50	8/1/1996	A - AC	RECONSTRUCT STRUCTURE (AC)
2023	516340	36	LA LOMA AVE	ROSE ST	BUENA VISTA WAY	C	Heavy Rehab	\$ 248,827	6	N	0.16	36	6/1/1995	O -	MILL AND OVERLAY W/FABRIC
2023	516340	38	LA LOMA AVE	BUENA VISTA WAY	CEDAR ST	C	Heavy Rehab	\$ 221,340	6	N	0.14	51	6/1/1995	O -	MILL AND OVERLAY W/FABRIC
2023	834371	65	MC GEE AVE	DERBY ST	RUSSELL ST	R	Light Rehab	\$ 461,992	3	N	0.25	60	12/10/1998	A - AC	RECONSTRUCT STRUCTURE (AC)
2023	834371	60	MC GEE AVE	DWIGHT WAY	DERBY ST	R	Light Rehab	\$ 302,400	3	N	0.26	59	7/1/1988	O -	THIN OVERLAY w/FABRIC
2023	319293	47	HOPKINS ST	GILMAN ST	SACRAMENTO ST	R	Heavy Rehab	\$ 203,942	5	3A, C	0.10	0	9/13/2002		MILL AND OVERLAY W/FABRIC
2023	213293	50	HOPKINS ST	HOPKINS CT	MONTEREY AVE	C	Light Rehab	\$ 75,193	5	3A, C	0.05	54	9/13/2002		MILL AND OVERLAY W/FABRIC
2023	213293	52	HOPKINS ST	MONTEREY AVE	MC GEE AVE	C	Heavy Rehab	\$ 107,167	5	2A, C	0.05	71	12/1/1989		RECONSTRUCT STRUCTURE (AC)
2023	319293	45	HOPKINS ST	NORTHSIDE AVE	PERALTA AVE	R	Light Mtce	\$ 233,587	1	N	0.10	78	9/13/2002		MILL AND OVERLAY W/FABRIC
2023	319293	46	HOPKINS ST	PERALTA AVE	GILMAN ST	R	Heavy Mtce	\$ 433,031	1, 5	N	0.27	64	9/13/2002		MILL AND OVERLAY W/FABRIC
2023	319293	49	HOPKINS ST	SACRAMENTO ST	HOPKINS CT	A	Heavy Rehab	\$ 77,755	5	3A, C	0.04	30	9/13/2002		MILL AND OVERLAY W/FABRIC
2023	319293	40	HOPKINS ST	SAN PABLO AVE	STANNAGE AVE	R	Light Mtce	\$ 19,188	1	N	0.09	73	9/13/2002		MILL AND OVERLAY W/FABRIC
2023	319293	42	HOPKINS ST	STANNAGE AVE	NORTHSIDE AVE	R	Heavy Mtce	\$ 157,658	1	N	0.17	80	9/13/2002		MILL AND OVERLAY W/FABRIC
2023			15% DISCRETIONARY					\$ 1,091,295							
								\$ 5,711,469			2.86				

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; and N for none.

*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A
5-YEAR STREET REHABILITATION PLAN FOR FY 2020 TO FY 2024

Revised: 05/22/2019

Fiscal Year	Street ID	Section ID	Street Name	From	To	Class	Treatment (from StreetSaver)	Updated Total Cost	District	P	Mileage	Current PCI	Last M&R Date	Last M&R	Last Paved
2024	729014	63	ALLSTON WAY	MILVIA ST	SHATTUCK AVE	R	Heavy Rehab	\$ 228,800	4	N	0.14	19	11/1/1990	O -	MILL AND THIN OVERLAY
2024	729014	65	ALLSTON WAY	SHATTUCK AVE	OXFORD ST	R	Reconstruct	\$ 344,036	4	N	0.11	10	11/1/1992	O -	MILL AND OVERLAY W/FABRIC
2024	729104	63	CHANNING WAY	MILVIA ST	SHATTUCK AVE	R	Heavy Rehab	\$ 267,640	4	2A to 2B*	0.13	27	9/1/1991	O -	MILL AND OVERLAY W/FABRIC
2024	829104	60	CHANNING WAY	MARTIN LUTHER KING	MILVIA ST	R	Reconstruct	\$ 462,920	4	2A to 2B*	0.13	10	5/1/1995	O -	THIN AC OVERLAY(1.5 INCHES)
2024	322142	48	DELAWARE ST	ACTON ST	SACRAMENTO ST	C	Heavy Mtce	\$ 78,175	1	4*	0.13				
2024	636146	78	DERBY ST	HILLEGASS AVE	COLLEGE AVE	R	Reconstruct	\$ 498,560	8	3E*	0.14				
2024	627155	85	DWIGHT WAY	HILLSIDE AVE	DEAD END ABOVE	R	Reconstruct	\$ 406,204	8	N	0.11	0	9/1/1993	A - AC	RECONSTRUCT SURFACE (AC)
2024	627155	83	DWIGHT WAY	PIEDMONT AVE	HILLSIDE AVE	R	Reconstruct	\$ 526,688	7, 8	N	0.14	3	9/1/1993	O -	MILL AND OVERLAY W/FABRIC
2024	111249	17	GRIZZLY PEAK BLVD	KEELER AVE	MARIN AVE	C	Reconstruct	\$ 843,578	6	3C*	0.27				
2024	920275	40	HEINZ AVE	7TH ST	SAN PABLO AVE	R	Reconstruct	\$ 897,408	2	3E	0.26				
2024	739285	70	HILLEGASS AVE	ASHBY AVE	CITY LIMIT (WOOLSEY)	R	Light Mtce	\$ 68,400	8	3E	0.16	83	7/28/2003	A - AC	RECONSTRUCT STRUCTURE (AC)
2024	736285	60	HILLEGASS AVE	DWIGHT WAY	ASHBY AVE	R	Light Mtce	\$ 256,000	8	3E	0.61	83	5/31/2000	A - AC	RECONSTRUCT STRUCTURE (AC)
2024	213293	53	HOPKINS ST	MC GEE AVE	CARLOTTA AVE	C	Heavy Rehab	\$ 149,680	5	2A, C	0.06	47	12/1/1989		RECONSTRUCT STRUCTURE (AC)
2024	213293	55	HOPKINS ST	CARLOTTA AVE	JOSEPHINE ST	C	Heavy Rehab	\$ 874,580	5	2A, C	0.35	60	12/1/1989		MILL AND OVERLAY
2024			15% DISCRETIONARY					\$ 1,091,295							
								\$ 6,993,964			2.74				

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; and N for none.

*Proposed bike facilities from 2017 Bike Plan.

FISCAL YEAR 2020 TOTALS

Total Estimated Cost and Miles		\$ 6,265,814	3.67 miles	
	MILEAGE	District	Miles	Cost
ARTERIALS	0.32	1	0.69	\$1,685,991
COLLECTORS	1.77	2	0.31	\$1,328,400
RESIDENTIALS	1.58	3	0.44	\$764,300
	3.67	4	0.03	\$0
		5	0.57	\$960,667
		6	0.30	\$526,456
		7	0.00	\$0
		8	0.00	\$0
<hr/>		Arterial/PRW	1.33	\$1,000,000
			3.67	\$6,265,814
				6975303

FISCAL YEAR 2021 TOTALS

Total Estimated Cost and Miles		\$ 6,968,593	3.84 miles	
	MILEAGE	District	Miles	Cost
ARTERIALS	0.00	1	0.18	\$1,538,055
COLLECTORS	0.51	2	0.71	\$1,084,031
RESIDENTIALS	3.33	3	0.26	\$155,120
	3.84	4	0.39	\$1,052,125
		5	0.00	\$0
		6	1.54	\$737,394
		7	0.76	\$1,355,572
		8	0.00	\$0
		15%		\$1,046,295
<hr/>			3.84	\$6,968,592
				6975303

FISCAL YEAR 2022 TOTALS

Total Estimated Cost and Miles		\$ 5,895,237	3.03 miles	
	MILEAGE	District	Miles	Cost
ARTERIALS	0.41	1	0.00	\$0
COLLECTORS	0.23	2	0.50	\$911,600
RESIDENTIALS	2.39	3	0.80	\$748,867
	3.03	4	0.23	\$956,235
		5	0.00	\$0
		6	0.00	\$0
		7	1.09	\$1,335,760
		8	0.00	\$0
<hr/>		Arterial	0.41	\$896,480
		15%		\$1,046,295
			3.03	\$5,895,237
				6975303

FISCAL YEAR 2023 TOTALS

Total Estimated Cost and Miles		\$ 5,711,469	2.83 miles	
	MILEAGE	District	Miles	Cost
ARTERIALS	0.04	1	0.50	\$626,949
COLLECTORS	0.62	2	0.00	\$0
RESIDENTIALS	2.17	3	0.83	\$1,150,792
	2.83	4	0.22	\$637,614
		5	0.34	\$602,817
		6	0.30	\$470,167
		7	0.25	\$454,080
		8	0.36	\$600,000
		Arterial	0.04	\$77,755
		15%		\$1,091,295
			2.83	\$5,711,469
				7275303

FISCAL YEAR 2024 TOTALS

Total Estimated Cost and Miles

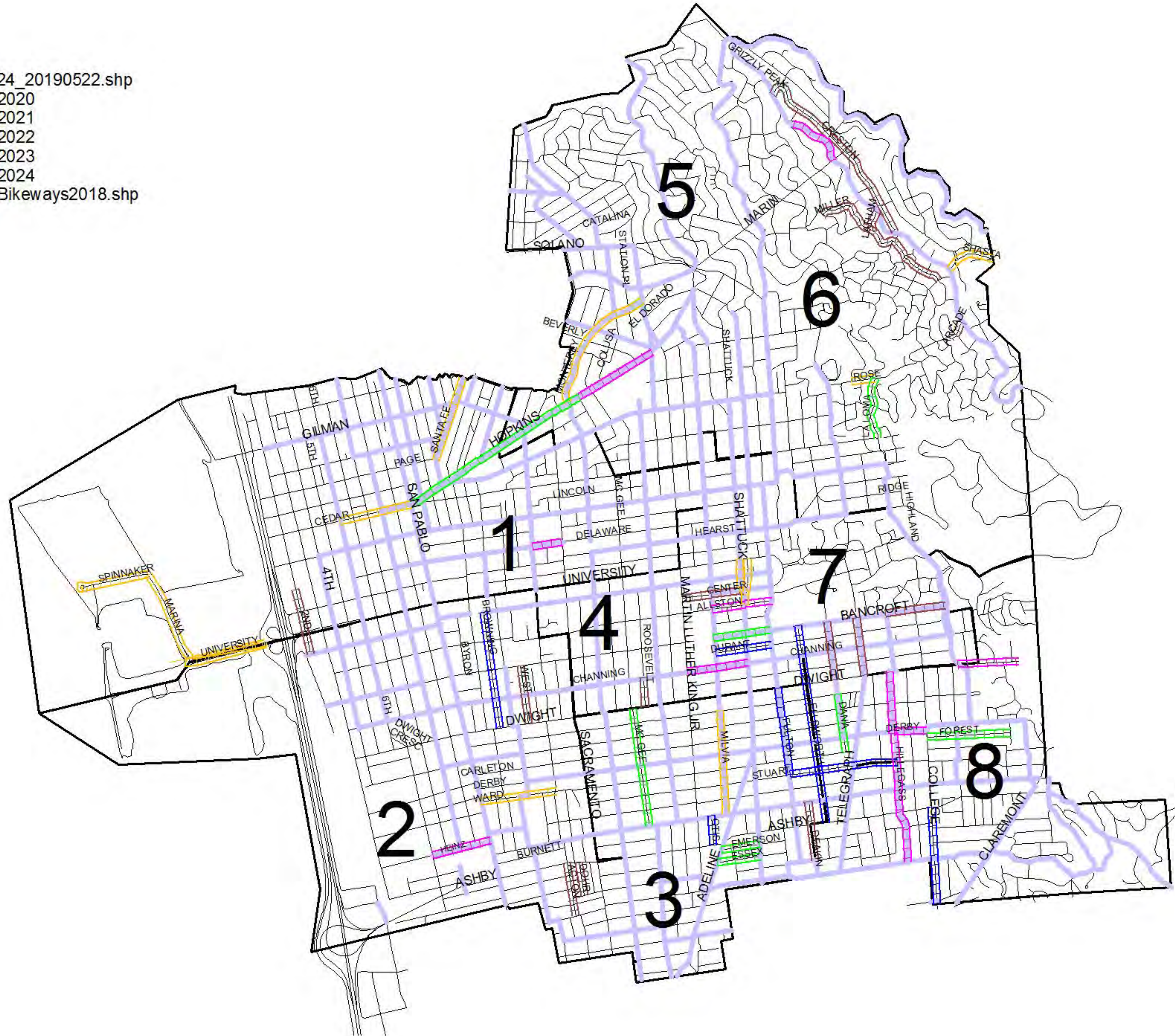
	MILEAGE
ARTERIALS	0.00
COLLECTORS	0.81
RESIDENTIALS	1.93
	2.74

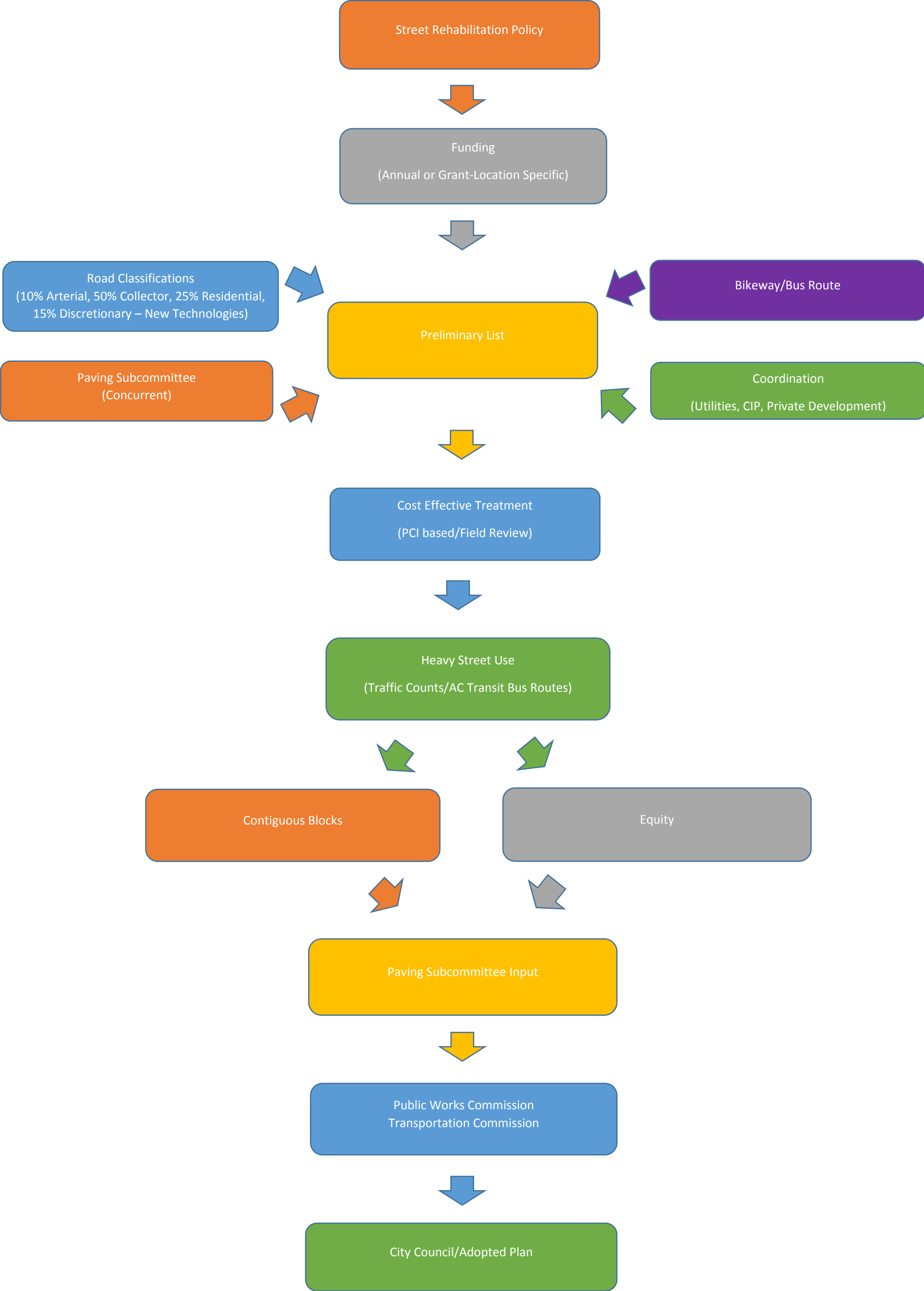
	District	Miles	Cost	
\$ 6,993,964		2.74 miles		
	1	0.13	\$78,175	
	2	0.26	\$897,408	
	3	0.00	\$0	
	4	0.51	\$1,303,396	
	5	0.41	\$1,024,260	
	6	0.27	\$843,578	
	7	0.00	\$0	
	8	1.16	\$1,755,852	
	Arterial	0.00	\$0	
	15%		\$1,091,295	
		2.74	\$6,993,964	7275303

FISCAL YEAR 2020 to 2024 TOTALS

Total Estimated Cost and Miles					\$ 31,835,077	16.11 miles	
	MILEAGE	%	% COST	% MILE	District	Miles	Cost
ARTERIALS	0.77	5%	12%	9%	1	1.50	\$3,929,170
COLLECTORS	3.94	24%	13%	11%	2	1.78	\$4,221,439
RESIDENTIALS	11.40	71%	9%	14%	3	2.33	\$2,819,079
	16.11	100%	12%	9%	4	1.38	\$3,949,370
			8%	8%	5	1.32	\$2,587,744
			8%	15%	6	2.41	\$2,577,595
			10%	13%	7	2.10	\$3,145,412
			7%	9%	8	1.52	\$2,355,852
			6%	11%	Arterial/PRW	1.78	\$1,974,235
			13%	0%	15%		\$4,275,180
			100%	100%		16.11	\$31,835,076
							\$35,476,515

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ACTION CALENDAR

December 3, 2019

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín, and Councilmembers Sophie Hahn, Kate Harrison, and Cheryl Davila

Subject: Considering Multi-year Bidding Processes for Street Paving

RECOMMENDATION

1. Restate the recommendation approved at the December 11, 2018 Council meeting to create a two-year bidding process for street paving to realize savings by (a) reducing by 50% City staff time devoted to bidding and contracting processes over each two year period and (b) benefitting from reduced pricing which may be available for larger contracts that offer greater economies of scale and reduce contractors' bidding and contracting costs.
2. Short-term referral to the City Manager to explore the possibility, feasibility, costs, and benefits of bidding in increments of up to 5 years to encompass entire 5-year paving plans, or other ideas to more rationally and cost-effectively align the paving plan with budget cycles and reduce costs associated with frequent bid cycles for relatively small contracts.

POLICY COMMITTEE RECOMMENDATION

No final action was taken by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee. Item is automatically returning to the Council agenda pursuant to the 120-day time limit for items referred to policy committees.

BACKGROUND

In November 2011, the City Auditor provided an analysis of the conditions of Berkeley's 216 miles of streets that showed widespread disrepair resulting from years of underfunding. The impact of the many years of underfunding is compounded by the exponential increase in cost to refurbish streets that have reached "at risk" or "failed" status.

The City of Berkeley's existing Street Rehabilitation and Repair Policy requires that a 5-year Street Rehabilitation Plan be reviewed each year and adopted formally by the City Council. After approval, the City releases bids for one year of paving projects, requiring City Staff and contractors to undertake the bidding process on a yearly basis.

At the December 11, 2018 City Council meeting, Council approved combining the 2018 and 2019 paving projects into the 2019 program after the City was unable to secure a cost effective paving contractor for 2018 in an extremely competitive market.

Permanently moving to a bi-annual or other multi-year bid process will reduce staff time spent on preparing, circulating, evaluating and awarding bids, as well as render Berkeley's projects more attractive to contractors in a very competitive market. It is expected that larger contracts result in reduced per-mile costs due to better economies of scale and reduced contractor costs associated with yearly bidding processes.

During the December 2018 discussion, Public Works staff suggested that a two year bid process is not only feasible, but also logical as the City's budget and funding processes span two years. While this proposal is already being considered (having been referred by Council at the December 11, 2018 meeting), it is important for Council to reiterate that accelerating paving overall while reducing costs in all ways possible is a key citywide priority, and to include the consideration of longer multi-year bidding cycles to assess whether additional cost savings and integration into existing budget cycles can be achieved.

FINANCIAL IMPLICATIONS

The City is likely to realize long term savings by utilizing two-year or other multi-year bidding processes.

ENVIRONMENTAL SUSTAINABILITY

Improved PCI leads to better fuel efficiency and therefore less greenhouse gas emissions from vehicles.

CONTACT PERSON

Mayor Jesse Arreguín	510-981-7100
Councilmember Sophie Hahn	510-981-7150

Attachments:

1: Annotated Agenda, December 11 2018 Berkeley City Council Meeting, Item 15

Consent Calendar

- 13. Contract: Gallagher & Burk, Inc. for FY 2018 Measure M Street Rehabilitation Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the FY 2018 Measure M Street Rehabilitation Project, Specification No. 18-11179-C (Re-Issued); accepting the bid of Gallagher & Burk, Inc. as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$3,863,909.
Financial Implications: Street Capital Improvement Program Fund - \$3,863,909
 Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,716–N.S.
- 14. Letter of Support on Behalf of SB 3342 - Housing, Opportunity, Mobility, and Equity Act of 2018**
From: Housing Advisory Commission
Recommendation: Direct the City Manager to send a letter of support on behalf of proposed SB 3342, referred to as the HOME Act.
Financial Implications: None
 Contact: Amy Davidson, Commission Secretary, 981-5400
Action: Approved recommendation.
- 15. Public Works Commission Recommendation for the Five-Year Street Rehabilitation Plan**
From: Public Works Commission
Recommendation: Adopt a Resolution that recommends approval of the Five-Year Street Rehabilitation Plan for FY2019 to FY2023 as proposed by Staff.
Financial Implications: See report
 Contact: Nisha Patel, Commission Secretary, 981-6300
Action: Moved to Action Calendar. 8 speakers. M/S/C (Harrison/Droste) to adopt Resolution No. 68,717–N.S. that recommends approval of the Five-Year Street Rehabilitation Plan for FY2019 to FY2023 as proposed by Staff amended to include Milvia Street from Blake Street to Russell Street in FY2019. Provide direction to staff and request additional information from staff as follows:
- Review the Plan after two years
 - Consult the Transportation Commission on the Plan
 - Provide the Lifecycle analysis and the Bike Plan overlay analysis
 - Consider a two-year bid process
 - Annual report to Council on Measure M projects
 - Report to Council on the funding sources for scheduled and completed paving projects
- Vote:** All Ayes.



Office of the Mayor

CONSENT CALENDAR

December 3, 2019

To: Honorable Mayor and Members of the City Council

From: Mayor Jesse Arreguín

Subject: Reappointment of Dr. P. Robert Beatty to the Alameda County Mosquito Abatement District Board of Trustees

RECOMMENDATION

Adopt a Resolution reappointing Dr. P. Robert Beatty to the Board of Trustees of the Alameda County Mosquito Abatement District for a two-year term ending on January 1, 2022.

BACKGROUND

Each city in Alameda County is required to appoint a resident to the Alameda County Mosquito Abatement District Board of Trustees. This term lasts for two years. The District has recently notified the City that Dr. P. Robert Beatty's term is expiring at the beginning of 2020.

Dr. Beatty has served as Berkeley's representative on the Board since April 2016, replacing longtime representative Dr. Jan Washburn, who became ineligible to be Berkeley's representative after moving to Oakland. Dr. Beatty is one of fourteen members of the Board, and just one of two scientists. As an infectious disease immunologist, Dr. Beatty has studied mosquitoes worldwide and provided invaluable expertise and information to the Board on dengue, Zika and other mosquito borne diseases. He has taught immunology and infectious disease classes for 20 years in the Department of Molecular and Cellular Biology at UC Berkeley.

FINANCIAL IMPLICATIONS

None for the City of Berkeley. Trustees receive a stipend of \$100 per month paid for by the Alameda County Mosquito Abatement District.

ENVIRONMENTAL SUSTAINABILITY

No adverse effects to the environment.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

1: Resolution

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

REAPPOINTING DR. P. ROBERT BEATTY AS THE CITY OF BERKELEY'S REPRESENTATIVE TO THE ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES

WHEREAS, Dr. P. Robert Beatty has served on the Board of Trustees of the Alameda County Mosquito Abatement District since 2016; and

WHEREAS, Dr. Beatty is an infectious disease immunologist who has taught immunology and infectious disease classes for the past 20 years in the Department of Molecular and Cellular Biology at UC Berkeley; and

WHEREAS, during his term on the Board of Trustees, Dr. Beatty has provided invaluable expertise and information to the Board on Zika and other mosquito borne diseases.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Dr. P. Robert Beatty is hereby reappointed as the City of Berkeley's representative to the Alameda County Mosquito Abatement District Board of Trustees for the term commencing on January 1, 2020 ending January 1, 2022.



Cheryl Davila
Councilmember
District 2

CONSENT CALENDAR
December 3, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Short Term Referral to the City Manager on how to establish a New Department: Climate Emergency Mobilization Department within 90 days

RECOMMENDATION

Short Term Referral to the City Manager on how to establish a New Department: Climate Emergency Mobilization Department within 90 days with the following actions:

1. *Establishment of a new department* - Create a Climate Emergency Mobilization Department (CEMD) and transition existing city staff (current Chief Sustainability and Resilience Officers) into the new department. The CEMD is proposed to have oversight authority of existing departments and boards regarding planning and coordination of the City's response to climate change, including public education and outreach. In addition, the CEMD would measure and track ongoing greenhouse gas emissions and pollutants, develop an annual climate emissions budget and identify grant funding.
2. *External Community Engagement* - Provide a timeline for regular on-going town halls or neighborhood assemblies for external community engagement and collaboration to engage the community and allow for input on new policies and programs which affect "marginalized and front-line communities." As part of this process, the proposal further recommends that community capacity building in the form of training and education be provided, and that potential pilot projects be considered which could be tested in these communities.
3. *A Report from the City Manager within 90 days regarding:* The number of positions to adequately implement and operate the CEMD; and recommendations for funding in the upcoming fiscal year budget.

BACKGROUND

The Berkeley City Council unanimously passed the Climate Emergency Declaration June 12, 2018. Since then, Richmond, Oakland, Hayward, Alameda, El Cerrito, Chico, Fairfax, Healdsburg, Davis, Arcata, Cloverdale, Malibu, Petaluma, San Jose, San Mateo County, Santa Cruz City & County, Sonoma County and Windsor have also passed Climate Emergency Declarations. There are over 48 cities throughout the United States who have declared, as well as over 1180 governments and 23 countries throughout the world. The declaration is the first step.

As unprecedented winter wildfires are impacting our City with fierce urgency, we must begin to prepare for our future in these times of climate disruption. Without an immediate and drastic change from the status quo, humans will cause irreversible and ever-worsening damage to the Earth's climate. To act too late, or to be too cautious in our vision and do too little, carries the

risk of condemning the City and its residents to an increasingly uninhabitable climate and potentially catastrophic economic losses caused by worsening disasters.

While the wildfires and mudslides demonstrate that the climate emergency threatens everyone, the disasters wrought by an abruptly destabilizing climate have so far most devastatingly impact lower-income communities of color first and worst. Drought, famine, and instability have devastated countries in the Global South. Millions of climate refugees have already left their homes in search of a safe place to live. In the United States, we have seen this after hurricanes Katrina, Sandy, Harvey, Irma, Maria and Dorian how environmentally- and economically-vulnerable people have been left to fend for themselves.

The City must therefore aggressively move to reduce and remove greenhouse gas and toxic emissions, adapt and restore ecosystems by rapidly adopting legislation to mandate such efforts Citywide and by doing so in such a way that lower-income and frontline communities of color benefit first from mitigation and adaptation funds. The City can thereby create a model for other cities to follow and use its global climate leadership standing to lead the way. By doing so, Berkeleyans can trigger a global mobilization to restore a safe climate, thereby creating the conditions for a future, not of chaos and misery, but of community and dignity.

FISCAL IMPACTS OF RECOMMENDATION

To be determined.

ENVIRONMENTAL SUSTAINABILITY

The Berkeley City Council unanimously passed the Climate Emergency Declaration in June 2018, it is important, now more than ever to take the next step to insure that we are prepared and ready for the climate crisis we will face.

CONTACT PERSON

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

ATTACHMENTS:

1. Resolution

RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY TO ESTABLISH A NEW CITY DEPARTMENT CALLED CLIMATE EMERGENCY MOBILIZATION DEPARTMENT

WHEREAS, The Berkeley City Council unanimously passed the Climate Emergency Declaration on June 12, 2018; and

WHEREAS, the cities of Richmond, Oakland, Hayward, Alameda, El Cerrito, Chico, Fairfax, Healdsburg, Davis, Arcata, Cloverdale, Malibu, Petaluma, San Jose, San Mateo County, Santa Cruz City & County, Sonoma County and Windsor have also passed Climate Emergency Declarations; and

WHEREAS, There are over 48 cities throughout the United States who have declared, as well as over 1180 governments and 23 countries throughout the world. The declaration is the first step; and

WHEREAS, The Climate Emergency Declaration was the first step, and creating the Climate Emergency Mobilization Department is the next step; and

WHEREAS, As unprecedented winter wildfires and ensuing mudslides destroyed parts of our City and region, a climate emergency mobilization of our City has never been more fiercely urgent; and

WHEREAS, Such an effort must end to the maximum extent technically feasible city-wide greenhouse gas emissions in every sector by 2025 and begin a large-scale effort to safely and justly remove carbon from the atmosphere; and

WHEREAS, Without an immediate and drastic change from the status quo, humans will cause irreversible and ever-worsening damage to the Earth's climate; and

WHEREAS, To act too late, or to be too cautious in our vision and do too little, carries the risk of condemning the City and its residents to an increasingly uninhabitable climate and potentially catastrophic economic losses caused by worsening disasters; and

WHEREAS, Abnormal wildfires, tornadoes, mudslides and other abnormalities demonstrate that the climate emergency threatens everyone, the disasters wrought by an abruptly destabilizing climate have so far most devastatingly impacted lower-income communities of color first and worst. Drought, famine, and instability have devastated countries in the Global South; and

WHEREAS, Millions of climate refugees have already left their homes in search of a safe place to live. In the United States, we have seen after Hurricanes Katrina, Sandy, Harvey, Irma, Maria and Dorian how environmentally and economically vulnerable have been generally left to fend for themselves; and

WHEREAS, The City must therefore aggressively move to reduce and remove greenhouse gas emissions and adapt and restore ecosystems by rapidly adopting legislation to mandate such efforts Citywide and by doing so in such a way that lower-income and frontline communities of color benefit first from mitigation and adaptation funds. The City can thereby create a model for other cities to follow and use its global climate leadership standing to lead the way. By doing so, Berkeleyans can trigger a global mobilization to restore a safe climate, thereby creating the conditions for a future, not of chaos and misery, but of community and dignity; and

NOW, THEREFORE IT BE RESOLVED, that the Berkeley City Council directs a Short Term Referral to the City Manager on how to establish a New Department: Climate Emergency Mobilization Department within 90 days with the following actions:

1. Establishment of a new department - Create a Climate Emergency Mobilization Department (CEMD) and transition existing city staff (current Chief Sustainability and Resilience Officers) into the new department. The CEMD is proposed to have oversight authority of existing departments and boards regarding planning and coordination of the City's response to climate change, including public education and outreach. In addition, the CEMD would measure and track ongoing greenhouse gas emissions and pollutants, develop an annual climate emissions budget and identify grant funding.

2. External Community Engagement - Provide a timeline for regular on-going town halls or neighborhood assemblies for external community engagement and collaboration to engage the community and allow for leadership and input on new policies and programs which affect "marginalized and front-line communities." As part of this process, the proposal further recommends that community capacity building in the form of training and education be provided, and that potential pilot projects be considered which could be tested in these communities.

3. A Report from the City Manager within 90 days regarding: The number of positions needed to adequately implement and operate the CEMD; Recommendations for funding in the upcoming fiscal year budget;

BE IT FURTHER RESOLVED, that the City Council directs the City Planning Department to report back on opportunities for radical greenhouse gas emissions reductions and carbon drawdown and removal opportunities through the City's General Plan and Community Plan Updates, including on metrics which can prioritize climate-adaptive land use planning.

BE IT FURTHER RESOLVED, the City Council directs the City Manager or Designee to report back on opportunities and funding to address climate emergencies and mitigation through existing hazard mitigation programs.

BE IT FURTHER RESOLVED, that the City Council direct the City Clerk to work with the City Manager to include greenhouse gas impact statements and greenhouse gas removal or reduction statements in all relevant Council motions, much as it currently includes fiscal impact statements.



Cheryl Davila
Councilmember
District 2

CONSENT CALENDAR
December 3, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Introduce an Ordinance terminating the sale of gasoline, diesel and natural gas passenger vehicles throughout the City of Berkeley by 2025

RECOMMENDATION

Adopt a resolution with the following actions:

1. Direct the City Attorney to prepare any draft ordinances to terminate the sale of gasoline, diesel and natural gas passenger vehicles throughout the City of Berkeley by 2025; this shall include the termination of purchasing these vehicles to support City fleets and, for the general public, a staged phase out such as cars over \$28K by 2023, cars over \$22K by 2024, and all cars by 2025, so as to actively create a used electric vehicle market for lower income customers.
2. Short term referral to the City Manager and/or designee(s) to report to the City Council in 90 days, in consultation with other City Departments with the following information: (A) Feasibility of terminating the sale of gasoline, diesel and natural gas passenger vehicles; (B) ways to promote and facilitate the sale of all-electric vehicles in the City, particularly among low income communities, including the provision of local tax incentives and rebates; the simplification of building code requirements for chargers; and the establishment of charging stations and related infrastructure to support all-electric vehicles; (C) any “just transition” elements related to the above action, including the impact upon and opportunities for auto mechanics.

BACKGROUND

The earth is already too hot for safety. Humanity can no longer safely emit greenhouse gases if it wishes to avoid reaching irreversible climate tipping points.

Only one degree Celsius of global warming is already causing excessive and unnecessary damage worldwide. Together, Hurricanes Harvey and Irma are estimated to have cost upwards of \$290 billion dollars. Hurricane Maria has cost Puerto Rico up to \$90 billion. Hurricane Dorian was the most costly disaster in Bahamian history, estimated at \$7 billion in property damage. The combined death tolls from these hurricanes are unprecedented.

Closer to home, the devastating wildfires in California have killed dozens of people, burned thousands of homes and other structures, caused the evacuation of hundreds of thousands of people, and are estimated to cost the state upwards of \$80 billion a year.

Low income communities of color continue to suffer the most extreme impacts of climate disasters, underlying the environmental justice component of inaction. The nation and the world is in a climate emergency.

Extreme storm damage to refineries in Florida, Texas and along the Gulf Coast have caused price spikes in gasoline prices across the country. The volatility of fossil fuel prices will continue in a climate-disrupted future and will particularly impact low income residents.

Additionally, emissions from vehicles powered by fossil fuels and from production and refinement of fossil fuels contribute substantially to health problems for frontline communities living near freeways, oil drill sites and refineries. Disproportionately, the burden of dirty fuel energy is borne by low-income communities of color, while reductions in fossil fuel burning would have a measurable impact on asthma-induced emergency room visits across.

To drastically reduce greenhouse gas emissions, countries such as Great Britain, India, China and Germany have already set an end date on the sales of gasoline and diesel powered passenger vehicles. Due to the short-term climate emission dangers posed by methane leaks associated with natural gas extraction, the sale of natural gas vehicles should be included in any ban.

Furthermore, automobile manufacturers such as Audi and Volvo are moving toward all-electric vehicle (EV) sales and General Motors, Ford, Land Rover and BMW are introducing new lines as well. A healthy secondary electric vehicle market is already making EVs more affordable than ever.

If the City is to continue to thrive and play a role as an international leader in climate action, all efforts must be made to reduce greenhouse gas emissions in every sector, including transportation, as soon as possible. In order to protect and promote the health of its residents, the City should make all efforts to reduce exposure to toxic emissions from freeways, oil drill sites and refineries.

FISCAL IMPACTS OF RECOMMENDATION

To be determined.

ENVIRONMENTAL SUSTAINABILITY

The Berkeley City Council unanimously passed the Climate Emergency Declaration in June 2018, and has a record of passing legislation to protect our climate. It is important, now more than ever to take the next step to insure that we are prepared and ready for the climate crisis we will face.

CONTACT PERSON

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

ATTACHMENTS:

1. Resolution

RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY IN SUPPORT OF INTRODUCING AN ORDINANCE TERMINATING THE SALE OF GASOLINE, DIESEL, NATURAL GAS VEHICLES THROUGHOUT THE CITY OF BERKELEY BY 2025

WHEREAS, The Berkeley City Council unanimously passed the Climate Emergency Declaration on June 12, 2018; and

WHEREAS, the cities of Richmond, Oakland, Hayward, Alameda, El Cerrito, Chico, Fairfax, Healdsburg, Davis, Arcata, Cloverdale, Malibu, Petaluma, San Jose, San Mateo County, Santa Cruz City & County, Sonoma County and Windsor have also passed Climate Emergency Declarations; and

WHEREAS, There are over 48 cities throughout the United States who have declared, as well as over 1180 governments and 23 countries throughout the world. The declaration is the first step; and

WHEREAS, As unprecedented winter wildfires and ensuing mudslides destroyed parts of our City and region, a climate emergency mobilization of our City has never been more fiercely urgent; and

WHEREAS, Such an effort must end to the maximum extent technically feasible city-wide greenhouse gas emissions in every sector by 2025 and begin a large-scale effort to safely and justly remove carbon from the atmosphere; and

WHEREAS, Without an immediate and drastic change from the status quo, humans will cause irreversible and ever-worsening damage to the Earth's climate; and

WHEREAS, To act too late, or to be too cautious in our vision and do too little, carries the risk of condemning the City and its residents to an increasingly uninhabitable climate and potentially catastrophic economic losses caused by worsening disasters; and

WHEREAS, Abnormal wildfires, mudslides and other demonstrate that the climate emergency threatens everyone, the disasters wrought by an abruptly destabilizing climate have so far most devastatingly impacted lower-income communities of color first and worst. Drought, famine, and instability have devastated countries in the Global South; and

WHEREAS, Millions of climate refugees have already left their homes in search of a safe place to live. In the United States, we have seen after Hurricanes Katrina, Sandy, Harvey, Irma, Maria and Dorian how environmentally and economically vulnerable have been generally left to fend for themselves; and

WHEREAS, The City must therefore aggressively move to reduce and remove greenhouse gas emissions and adapt and restore ecosystems by rapidly adopting legislation to mandate such efforts Citywide and by doing so in such a way that lower-income and frontline communities of color benefit first from mitigation and adaptation funds. The City can thereby create a model for other cities to follow and use its global climate leadership standing to lead the way. By doing so, Berkeley can trigger a global mobilization to restore a safe climate, thereby creating the conditions for a future, not of chaos and misery, but of community and dignity; and

NOW, THEREFORE IT BE RESOLVED, that the Berkeley City Council directs the City Attorney be to prepare any draft ordinances to terminating the sale of gasoline, diesel and natural gas passenger vehicles by 2025; this shall include the termination of purchasing these vehicles to support City fleets and, for the general public, a staged phase out such as cars over \$28K by

2023, cars over \$22K by 2024, and all cars by 2025, so as to actively create a used electric vehicle market for lower income customers.

BE IT FURTHER RESOLVED, that the City Council directs the City Manager and Staff to be instructed to report to the Council in 90 days, in consultation with other City Departments on the feasibility of terminating the sale of gasoline, diesel and natural gas passenger vehicles throughout the city by 2025; this review should also include the termination of purchasing these vehicles to support City fleets and, for the general public, a staged phase out such as cars over \$28K by 2023, cars over \$22K by 2024, and all cars by 2025, so as to actively create a used electric vehicle market for lower income customers.

BE IT FURTHER RESOLVED, that the City Council directs all City Departments and proprietaries to report back on maximum emergency reductions in greenhouse gas emissions from their operations feasible by the end of 2025, with the highest priority on an equitable and just transition in all sectors; and

BE IT FURTHER RESOLVED, that the City Council directs the City Manager and/or Designee to report on ways to promote and facilitate the sale of all-electric vehicles in the City, particularly among low income communities, including the provision of local tax incentives and rebates; the simplification of building code requirements for chargers; and the establishment of charging stations and related infrastructure to support all-electric vehicles.

BE IT FURTHER RESOLVED, that the City Council directs the City Manager and/or Designee, in consultation with the Economic Development Department, be directed to report to Council in 90 days on any “just transition” elements related to the above action, including the impact and opportunities upon auto mechanics.



Cheryl Davila
Councilmember
District 2

CONSENT CALENDAR
December 3, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila and Sophie Hahn

Subject: Oppose the Transportation and Handling of Coal and Petcoke in Our Communities

RECOMMENDATION

1. Adopt a resolution opposing the transportation of coal through our community and send a Letter to the Richmond and Oakland City Councils, including California State Assemblymember Buffy Wicks and State Senator Nancy Skinner, in support of their efforts for a No Coal ordinance.
2. Direct the City Attorney to prepare any draft ordinances using the attach sample ordinance

BACKGROUND

The World Health Organization and the United States Environmental Protection Agency have linked particulate pollution, including from coal and pet coke, to significant health problems. The storing, loading, unloading, stockpiling, and/or otherwise handling of coal and pet coke, temporarily or permanently, at facilities is associated with and/or causes health and safety impacts in humans, including without limitation due to fugitive coal dust, which the American Lung Association considers to be a source of particulate matter that is dangerous to breathe.

A major rail line that passes through the City of Berkeley, including West Berkeley and connects with the Levin-Richmond Terminal, a major shipping terminal located in the City of Richmond, our close neighbor handles hundreds of thousands of tons of toxic materials across our Bay, and massive amounts of coal have been coming to the terminal on mile-long open-car trains for many years. Both are stored in open piles at the terminal before being loaded onto ships that transport them overseas. They have had a major increase in the amount of coal and petroleum coke (petcoke) shipments, increasing the amount of fugitive coal and petcoke dust which has been proven to be dangerous to one's health.

There have been past attempts to transport coal from Utah through the new bulk Port of Oakland, as well. Coal dust contains mercury, lead and other harmful toxins. These toxins travel a long distance as it blows off trains into our air. Many testify they have seen coal dust on patio tables and window sills, etc. and are very concerned about the coal dust that we don't see, the invisible small particles that float into our lungs and cause long-term damage to sensitive tissues. Many have shared they have seen uncovered coal trains parked next to our neighboring communities. Respiratory illness is serious in our community and result in costly medical assistance, especially in our seniors, our children and the unhoused communities.

Environmental racism, injustice and pollution does not stop at one city's border. It affects neighboring communities such as the City of Berkeley, especially West Berkeley.

At the November 5 Richmond City Council meeting, it was announced their No Coal ordinance was tabled and will be heard at their December 3 Richmond City Council meeting. We as cities must join forces collectively to oppose transportation of coal through any community, and stop further

Coal and pet coke dust contains substances that cause severe, permanent harm to people of all ages, especially children. The harms include: 1. Mercury: that kills brain and nerve cells in all living creatures, including humans; leads to lifelong developmental problems in young people; 2. Arsenic: causes death by cancer of the bladder, lungs, and/or skin; Cadmium: causes death by cancer and kidney failure; 3. Lead: causes life-altering developmental problems; 4. Silica: causes death by lung cancer.

As elected officials, it is our job to protect our community's health and safety. We must oppose coal and petcoke in our jurisdiction, oppose transportation of coal and other hazardous materials through our any community, especially low-income and communities of color that have been disproportionately impacted for throughout history.

FISCAL IMPACTS OF RECOMMENDATION

None.

ENVIRONMENTAL SUSTAINABILITY

The Berkeley City Council has a past legislative record advocating for the environment. It is imperative to protect the health and safety of all residents from environmental racism, injustice and contamination.

CONTACT PERSON

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

ATTACHMENTS:

1. Letter
2. Resolution

To: Richmond City Council and Oakland City Council

CC: State Assemblymember Buffy Wicks and State Senator Nancy Skinner

Date: December 3, 2019

Re: Oppose Transportation of Coal Through Our Communities

Dear Richmond and Oakland City Councils:

Enclosed is a copy of our resolution adopted by the Berkeley City Council.

You have the power to pass an ordinance that protects residents from contamination of coal and petroleum coke (pet coke) dust. Massive amounts of coal have been coming to the Levin-Richmond Terminal on mile-long open-car trains; pet coke is trucked in from Rodeo. Both are stored in open piles at the terminal before being loaded onto ships that transport them overseas.

The Levin-Richmond Terminal is a major shipping terminal in Richmond and near Berkeley that handles hundreds of thousands of tons of toxic materials across our Bay. A major rail line that goes through the City of Berkeley, Richmond, Oakland and beyond, connects with the Levin Terminal. Massive amounts of coal have been coming to the Levin Terminal on mile-long open-car trains; pet coke is trucked in from Rodeo. Both are stored in open piles at the terminal before being loaded onto ships that transport them overseas. They have had a major increase in the amount of coal and petroleum coke (petcoke) shipments, increasing the amount of fugitive coal and petcoke dust which has been proven to be dangerous to health.

In the City of Berkeley, especially West Berkeley, residents along the rail line see this dust outside on our cars and window sills. What we don't see is the coal dust entering our lungs. It's in the air we breathe in our homes and where we work and play.

Environmental racism, injustice and pollution does not stop at one city's border. It affects neighboring communities such as the City of Berkeley, especially West Berkeley.

Coal and pet coke dust contain substances that cause severe or permanent harm to people of all ages, especially children. According to the World Health Organization: 1. [Mercury](#): leads to lifelong developmental problems in young people, especially in utero; toxin effects on lungs, kidneys eyes and skin, immune system, digestives and nervous systems; 2. [Arsenic](#): causes death by cancer or skin legons; exposure in utero or early childhood leads to negative impacts on cognitive development; Cadmium: causes death by cancer and kidney failure; 3. Lead: causes life-altering developmental problems; 4. Silica: causes death by lung cancer.

We must pass policies that will prohibit facilities from storing and handling coal and pet coke and phase out coal and pet coke operations.

Sincerely and urgently,

Best regards,

The Berkeley City Council

RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY OPPOSING THE TRANSPORTATION AND HANDLING OF COAL AND PETCOKE IN ANY COMMUNITY

WHEREAS, The Berkeley City Council unanimously passed the Climate Emergency Declaration on June 12, 2018; and

WHEREAS, some communities in the City of Berkeley are disadvantaged and disproportionately bear the brunt of health-related impacts caused by industrial and other activities. The California Environmental Protection Agency has identified various census tracts within the City of Berkeley as disadvantaged communities disproportionately burdened by and vulnerable to multiple sources of pollution.

WHEREAS, uncovered coal and pet coke piles emit fine particulate pollution, PM2.5 or smaller, when exposed to wind. Fugitive particulate emissions can also occur when coal or pet coke is unloaded from trucks or railroad cars to storage piles, or when coal and pet coke is transferred from storage piles to ships. Coal contains toxic heavy metals, including mercury, arsenic, and lead and petcoke contains high levels of sulphur and heavy metals. Exposure to these toxic heavy metals is linked to cancer and birth defects.

WHEREAS, coal is highly combustible, which poses risks to the health and safety of persons residing, working, or playing nearby, as well as to public safety personnel who would respond to coal fires. Coal fires at storage piles and shipping facilities are difficult to control, requiring fire personnel with specialized equipment and training. Toxic air pollutants released by coal fires would be similar to the toxic pollutants released by coal-fired power plants, but without treatment by emission control systems. Emissions from coal fires include fine particulate matter and metals, including mercury. Persons in close proximity to coal fires could experience both acute and chronic health impacts.

WHEREAS, exposure to fine particulate pollution has been linked to increased deaths and illnesses due to cardiovascular and respiratory conditions. The World Health Organization and United States Environmental Protection Agency have linked particulate pollution, including from coal and pet coke, to significant health problems.

WHEREAS, storing, loading, unloading, stockpiling, and/or otherwise handling coal and pet coke, temporarily or permanently, at facilities in the City and nearby, is associated with and/or causes health and safety impacts in humans, including without limitation due to fugitive coal dust, which the American Lung Association considers to be a source of particulate matter that is dangerous to breathe, which the World Health Organization describes (including silica and asbestos) as responsible for most occupational diseases due to airborne particulate, and which results in dangerous health and safety conditions to the nearby population, as well as to workers and visitors in and near such facilities.

WHEREAS, a 2017 study by the National Bureau of Economic Research has estimated that, in addition to the social costs of particulate pollution from burning coal and pet coke, storage and handling creates PM2.5 pollution that generates additional local health costs of about \$183 per ton of coal and pet coke stored.

WHEREAS, there are currently no local regulations prohibiting coal or pet coke storage and handling at privately-owned facilities.

WHEREAS, existing regulations are inadequate to address the health and environmental problems resulting from coal or pet coke storage and handling.

WHEREAS, Article XI, Section 5 of the California Constitution provides that the City, as a home rule charter city, has the power to make and enforce all ordinances and regulations

with respect to municipal affairs, and Article XI, Section 7, empowers the City to enact measures that protect and promote the health, safety, and/or welfare of its citizens.

WHEREAS, Article II, Section 1, Paragraph 6 of the Charter of the City of Berkeley states that the City shall have and exercise police powers, make all necessary police and sanitary regulations, and adopt ordinances and prescribe penalties for the violation thereof.

NOW, THEREFORE IT BE RESOLVED, that the Berkeley City Council oppose transportation and handling of coal and petcoke in any community, and direct the City Clerk or designee to Send a Letter to the Richmond City Council, including California State Assemblymember Buffy Wicks and State Senator Nancy Skinner, the letter and a copy of this resolution.

ORDINANCE NO. _____ - __

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
RICHMOND, CALIFORNIA, ADDING CHAPTER 15.XX TO THE
RICHMOND MUNICIPAL CODE PROHIBITING THE STORAGE AND**

HANDLING OF COAL AND PETCOKE

The City Council of the City of Richmond hereby finds and declares as follows:

WHEREAS, some communities in the City of Richmond are disadvantaged and disproportionately bear the brunt of health-related impacts caused by industrial and other activities. The California Environmental Protection Agency has identified various census tracts within the City of Richmond as disadvantaged communities disproportionately burdened by and vulnerable to multiple sources of pollution.

WHEREAS, uncovered coal and pet coke piles emit fine particulate pollution, PM2.5 or smaller, when exposed to wind. Fugitive particulate emissions can also occur when coal or pet coke is unloaded from trucks or railroad cars to storage piles, or when coal and pet coke is transferred from storage piles to ships. Coal contains toxic heavy metals, including mercury, arsenic, and lead and petcoke contains high levels of sulphur and heavy metals. Exposure to these toxic heavy metals is linked to cancer and birth defects.

WHEREAS, coal is highly combustible, which poses risks to the health and safety of persons residing, working, or playing nearby, as well as to public safety personnel who would

respond to coal fires. Coal fires at storage piles and shipping facilities are difficult to control, requiring fire personnel with specialized equipment and training. Toxic air pollutants released by coal fires would be similar to the toxic pollutants released by coal-fired power plants, but without treatment by emission control systems. Emissions from coal fires include fine particulate matter and metals, including mercury. Persons in close proximity to coal fires could experience both acute and chronic health impacts.

WHEREAS, exposure to fine particulate pollution has been linked to increased deaths and illnesses due to cardiovascular and respiratory conditions. The World Health Organization and United States Environmental Protection Agency have linked particulate pollution, including from coal and pet coke, to significant health problems.

WHEREAS, storing, loading, unloading, stockpiling, and/or otherwise handling coal and pet coke, temporarily or permanently, at facilities in the City of Richmond, is associated with and/or causes health and safety impacts in humans, including without limitation due to fugitive coal dust, which the American Lung Association considers to be a source of particulate matter that is dangerous to breathe, which the World Health Organization describes (including silica and asbestos) as responsible for most occupational diseases due to airborne particulate, and which results in dangerous health and safety conditions to the nearby population, as well as to workers and visitors in and near such facilities.

WHEREAS, storing and/or handling coal or pet coke can negatively impact the environment, including because coal and pet coke dust and leachates can pollute waterways, often with long-lasting impacts, and impact and contaminate sensitive habitat within the City.

WHEREAS, a 2017 study by the National Bureau of Economic Research has estimated that, in addition to the social costs of particulate pollution from burning coal and pet coke, storage and handling creates PM2.5 pollution that generates additional local health costs of about \$183 per ton of coal and pet coke stored.

WHEREAS, the Richmond City Council has already banned coal from City-owned marine terminal facilities, but there are currently no local regulations prohibiting coal or pet coke storage and handling at privately-owned facilities.

WHEREAS, existing regulations are inadequate to address the health and environmental problems resulting from coal or pet coke storage and handling.

WHEREAS, Article XI, Section 5 of the California Constitution provides that the City, as a home rule charter city, has the power to make and enforce all ordinances and regulations with respect to municipal affairs, and Article XI, Section 7, empowers the City to enact measures that protect and promote the health, safety, and/or welfare of its citizens.

WHEREAS, Article II, Section 1, Paragraph 6 of the Charter of the City of Richmond states that the City shall have and exercise police powers, make all necessary police and sanitary regulations, and adopt ordinances and prescribe penalties for the violation thereof.

WHEREAS, on **DATE**, 20^{XX}, the Council held a public hearing to consider adoption of the proposed ordinance of the City Council of the City of Richmond, California, adding Chapter 15.XX to the Richmond Municipal Code prohibiting the storage and handling of coal.

WHEREAS, at that **DATE**, 20^{XX}, meeting, the City Council adopted Resolution No. **XX**, finding that this ordinance is (1) not a Project under the California Environmental Quality Act (“CEQA”) and is therefore exempt pursuant to CEQA Guidelines section 15378; and (2) exempt from CEQA pursuant to CEQA Guidelines sections 15307 (action to protect natural resources); 15308 (action to protect the environment); and/or 15061(b)(3) (“Common Sense” exemption where there is no reasonable possibility of a significant effect on the environment).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND does ordain as follows:

1. Amendments to Richmond Municipal Code

Chapter 15.XX is hereby added to the Richmond Municipal Code to read as follows:

Chapter 15.XX PROHIBITION OF THE STORAGE AND HANDLING OF COAL AND PET COKE

15.XX.010 – Purpose

The purpose of this chapter is to establish a prohibition on the storage and handling of coal or pet coke throughout the City of Richmond, with certain exceptions. The chapter also phases out existing allowed uses of land involving the storage and handling of coal and pet coke.

This chapter is intended to protect and promote the health, safety, and welfare of the City’s citizens, visitors, and workers by reducing the release of pollutants into the environment as a result of coal and pet coke storage and handling. This chapter is also intended to ensure that coal and pet coke storage and handling does not create a public nuisance or cause adverse public health, safety, or welfare impacts (including, without limitation, adverse impacts to property values, aesthetics, and economic interests).

15.XX.020 – Definitions

As used in this chapter, the following terms have the following meanings:

1. “Coal” means a solid, brittle, carbonaceous rock classified as anthracite, bituminous, subbituminous, or lignite by the American Society for Testing and Materials (“ASTM”) Designation D388-77.

2. “Pet Coke” means a carbonaceous solid delivered from oil refinery coker units or other cracking processes.
3. “Coal or Pet Coke Bulk Material Facility” means an existing or proposed site or facility, including all contiguous land, structures, other appurtenances, and improvements thereon, or any part thereof, where coal or pet coke is or may be stored or handled.
4. “Effective Date” means the date that Ordinance No. - , which added Chapter 15.XX to the Richmond Municipal Code, took effect.
5. “Owner or Operator” means any person who has legal title to any coal or pet coke bulk material facility; who has charge, care, or control of any coal or pet coke bulk material facility; who is in possession of any coal or pet coke bulk material facility or any part thereof; and/or who is entitled to control or direct the management of any coal or pet coke bulk material facility.
6. “Store or Handle, or Storing or Handling, or Storage or Handling,” means to allow or maintain any pile, including without limitation covered and uncovered piles, piles located above ground, underground, or within containers, or to load, unload, stockpile, or otherwise handle and/or manage, temporarily or permanently, coal.

15.XX.030 – Prohibition on New Uses.

The storage and handling of coal or pet coke at coal or pet coke bulk material facilities is prohibited in all zoning districts.

15.XX.040 – Exemptions.

The following non-commercial uses are exempt from the provisions of this Chapter 15.XX: residential, educational, scientific, recreational, religious, or cultural uses in which persons store or handle small amounts of coal.

15.XX.050 – Nonconforming Uses; Amortization Period.

(a) Notwithstanding any provision in this Code to the contrary, this Section shall apply to all existing land uses that do not conform with the requirements of Section 15.XX.030 of this Code as of the effective date.

(b) As used in this Section, “nonconforming land use” means any active coal or pet coke bulk material facility in existence prior to the effective date.

(c) Except as otherwise provided in this Section, all nonconforming land uses shall be discontinued within XX¹ years after the effective date. The XX-year period after the effective date shall be referred to as the “amortization period.”

(d) Nonconforming land uses shall not increase the amount of coal or pet coke stored or handled in a calendar year beyond the average amount of coal or pet coke stored or handled annually at the coal or pet coke bulk material facility in the three years prior to the effective date. Nonconforming land uses shall not expand the footprint of coal or pet coke storage or handling activities at the coal or pet coke bulk material facility.

(e) Within ____ months of the effective date, the Zoning Administrator shall use reasonable efforts to identify and provide notice to all owners or operators of any coal or pet coke bulk material facility informing them that they must do either of the following:

(a) discontinue any nonconforming land use before the conclusion of the amortization period; or (b) apply for an extension of the amortization period pursuant to sub-section (XX) of this Section. Failure to receive notice from the Zoning Administrator shall not excuse an owner or operator from compliance with the provisions of this Section.

(f) Any affected owner or operator of a nonconforming land use may apply to the Planning Commission for an extension of the amortization period on a form provided by the Director. The Planning Commission shall conduct a duly noticed public hearing to consider the application for extension of the amortization period within a reasonable time after the application has been deemed complete by the Zoning Administrator.

- (i) “Limited Notice (Type B)” shall be provided pursuant to Section 15.04.803.070 of this Code not less than 24 calendar days prior to the date of the hearing.
- (ii) In deciding whether to extend the amortization period, the Planning Commission shall consider all documentary and oral evidence and testimony submitted prior to the conclusion of the hearing. The Planning Commission may direct that an amortization analysis be prepared, at the applicant’s expense, by an expert retained by the City.
- (iii) The Planning Commission shall grant an extension of the amortization period if it finds, based on substantial evidence, that such extension is necessary to prevent an unconstitutional taking of property without compensation or to avoid a violation of state or federal law. Any extension so granted shall be the minimum necessary to prevent such impairment or violation. In no event shall the Planning Commission grant any extension if it finds that

the nonconforming land use presents a substantial risk to public health or safety or otherwise constitutes a public nuisance under Civil Code sections 3479 and 3480.

- (iv) The Planning Commission's decision shall be based upon the following factors, where applicable:
 - (A) The cost to the applicant of acquiring the affected property and the applicant's reasonable investment-backed expectations at the time the property was acquired;
 - (B) The present actual or depreciated value of the affected property and improvements with and without the nonconforming land use;
 - (C) The total length of time the nonconforming land use has existed and the remaining useful life of the nonconforming land use;
 - (D) The applicant's investments in the nonconforming land use and whether and to what extent the applicant will have recouped those investments before the conclusion of the amortization period;
 - (E) The salvage value of any improvements that may be used for purposes other than the nonconforming land use;
 - (F) The remaining value and allowed uses of the property after discontinuing the nonconforming land use;
 - (G) Whether the nonconforming land use interferes with the use and enjoyment of land of nearby property owners or residents, or interferes with or threatens the public health, safety, and welfare of the community;
 - (H) The extent to which the nonconforming land use on the property is incompatible with surrounding uses and properties; and
 - (I) Any other factor the Planning Commission reasonably determines is related to determining whether the investment in the nonconforming land use has been recovered.

(g) The owner or operator requesting the extension shall have the burden of demonstrating that it is entitled to an extension under this sub-section (XX). The

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Planning Commission's determination under this sub-section may be appealed to the City Council in the same manner as prescribed in Section 15.04.803.140 of this Code.

(h) Nothing in this Section is intended to affect or restrict the City's authority to immediately terminate, discontinue, or abate any land uses found to be a nuisance, or that are otherwise operating unlawfully, including a nonconforming land use. This Chapter does not create or confer any vested rights.

15.XX.060 – Violations; Declaration of a Nuisance; Abatement.

Any land use that fails to comply with or violates any provision of this Chapter is hereby declared to be an unlawful nuisance. Any land use declared to be a nuisance pursuant to this Section may be subject to the abatement procedures established in Section 15.04.815.040 and Chapter 9.22 of this Code.

15.XX.070 – Exceptions; Procedures.

(a) The provisions of this Chapter shall not be applicable to the extent, but only to the extent, that they would violate the constitution or laws of the United States or of the State of California.

(b) In the event a property owner contends that the application of this chapter effects an unconstitutional taking of property without compensation, the property owner may request, and the Planning Commission may grant, an exception to application of any provision of the chapter if the Planning Commission finds, based on substantial evidence, that both (1) the application of any aspect of the chapter would constitute an unconstitutional taking of property, and (2) the exception will allow continued land uses only to the minimum extent necessary to avoid such a taking; provided, however, that in the case of nonconforming uses, the procedures set forth in Section 15.050(f) shall govern. The property owner shall have the burden of demonstrating that it is entitled to an exception under this sub-section. The Planning Commission's determination under this sub-section (XX) may be appealed to the City Council in the same manner as prescribed in Section 15.04.803.140 of this Code.

15.XX.080 – Non-applicability to Transportation of Coal

Notwithstanding anything to the contrary contained in this chapter, this chapter is not intended to and shall not be interpreted to regulate the transportation of coal, for example, by train or marine vessel, including without limitation through the City of Richmond or to or from a coal bulk material facility.

15.XX.090 – Conflicting Provisions

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Where a conflict exists between the requirements in this chapter and applicable requirements contained in other chapters of this Code, the applicable requirements of this chapter shall prevail.

2. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, subdivision, paragraph, sentence, clause, and phrase thereof, irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause, or phrase.

3. Effective Date.

This ordinance shall be effective 30 days after passage and adoption.

First introduced at a regular meeting of the City Council of the City of Richmond, California, held on _____, and finally passed and adopted at a regular meeting held on _____ by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Clerk of the City of Richmond
(SEAL)

Approved:

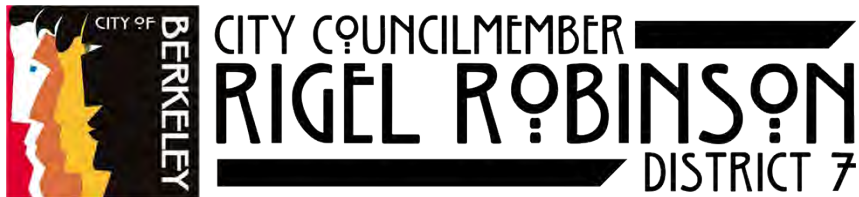
Mayor

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Approved as to form:

City Attorney

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CONSENT CALENDAR
December 3, 2019

To: Honorable Mayor and Members of the City Council
 From: Councilmembers Rigel Robinson, Kate Harrison, Ben Bartlett, and Mayor Jesse Arreguin
 Subject: Urging the CPUC to Address Its Failure of Oversight and to Transform PG&E Into A Mutual Benefit Corporation

RECOMMENDATION

Adopt a resolution urging the California Public Utilities Commission to address past failures of oversight and transform PG&E into a mutual benefit corporation with the long-term goal of public ownership.

BACKGROUND

The Pacific Gas and Electric Company (PG&E) serves as the electrical and gas utility for almost all of Northern California (Notable exceptions are Sacramento County and the City of Alameda, served by public utilities). PG&E is regulated and overseen by the California Public Utilities Commission (CPUC). Over the past several years, however, both PG&E and its regulators have critically and repeatedly failed to uphold the basic standards of services the public is owed.

PG&E, as an investor-owned utility, has consistently put the profit interests of its shareholders ahead of the needs of its customers, the Northern California community, and the environment. Almost a decade ago, PG&E's negligence resulted in the 2010 San Bruno pipeline explosion, killing eight and injuring 58 others as well as destroying 38 homes and damaging surrounding infrastructure. In 2012, a state audit found that PG&E had illegally diverted over \$100 million from a fund used for safety operations, and instead used it for executive compensation and bonuses.¹

In recent years, PG&E's failure to maintain and improve its electrical transmission in an era of climate change and drought have resulted in multiple massive wildfires with deadly consequences. Most notably, PG&E was found to be responsible for last year's Camp Fire,² which was the deadliest fire in California history, and the worst fire in the United States in over 100 years.

PG&E has accumulated massive liabilities and debts as a result of its egregious failures of long term planning and prioritization of corporate profit over human lives. It has filed for bankruptcy, a process which will depend heavily on the CPUC's input. Given this

¹ <https://www.sfgate.com/bayarea/article/PG-E-diverted-safety-money-for-profit-bonuses-2500175.php>

² <https://www.latimes.com/local/lanow/la-me-paradise-camp-fire-cal-fire-20190515-story.html>

development, the CPUC must take steps to ensure that PG&E's structure after bankruptcy puts the needs of the people of California before corporate profiteers.

To that end, Mayors and Chairs of County Boards of Supervisors from across Northern California have written a letter to the CPUC (Attached) calling for PG&E to emerge from bankruptcy as a customer-owned mutual benefit corporation. The letter explains:

"We propose a customer-owned utility for three primary reasons. The most compelling rationale is that PG&E correctly estimates it must invest tens of billions of dollars over the next decade for system hardening, wildfire protection and cyber-security. A mutualized PG&E can raise capital from a broad pool of debt financing in amounts substantially greater than can an investor-owned PG&E, and at much lower cost. A customer-owned utility can operate without the burdens of paying dividends to shareholders, and exempt from federal taxation. As a result, a cooperative financial structure will save ratepayers many billions of dollars in financing costs over this next decade. A customer-owned PG&E will better focus its scarce dollars on long-neglected maintenance, repairs, and capital upgrade, and mitigating some part of the substantial upward pressure on rates.

"Next, a customer-owned utility structure can be accomplished through a Chapter 11 Plan, with results far superior to those that would be seen from the two plans currently under consideration.

"Finally, the customer-owned utility structure would allow PG&E to begin the process of restoring public confidence, in part by allowing the public to have greater role in determining decisions that increasingly have come to define matters of life and death. To the extent that the public continues to believe that a profit motive has dominated PG&E's decision making, the enterprise will never regain the trust of its customers, its regulators, and public policy-makers. It is time to pass control of the company from geographically distant investors to its customers."

The signatories of letter included our Mayor, Jesse Arreguin, in his personal capacity. Adopting the attached resolution would officially lend the City's support to this call.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

Negligence by PG&E has caused multiple fires, including the Camp Fire, Kincade Fire, and the San Bruno explosion. These fires put smoke and ash in the air, burn trees, and displace people, all of which adversely affect the environment.

A publicly owned utility company will be able to more intensely invest in carbon-free and renewable energy, rather than private profits.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Attachments:

1: Resolution

2: Mayor Letter to PG&E

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

URGING THE CPUC TO ADDRESS ITS FAILURE OF OVERSIGHT AND
TRANSFORM PG&E INTO A MUTUAL BENEFIT CORPORATION

WHEREAS, the Pacific Gas & Electric Company (hereinafter PG&E) was entrusted with a monopoly over a critical service on which millions of Californians depend; and

WHEREAS, the California Public Utilities Commission (hereinafter the CPUC) is ostensibly responsible for regulating PG&E for the common benefit of Californians; and

WHEREAS, PG&E has negligently declined to duly maintain its electricity transmission infrastructure, directly causing specific and deadly wildfire events; and

WHEREAS, the CPUC has failed to curb PG&E's negligence despite a history of proven deadly consequences; and

WHEREAS, PG&E was convicted of six felony negligence charges following the 2010 San Bruno fire that killed eight and injured 58 individuals; and

WHEREAS, PG&E has responded to the danger caused by its deficiently maintained infrastructure by instituting the Public Safety Power Shutoff program (hereinafter PSPS or the Program), which seeks to prevent wildfires by preemptively de-energizing transmission infrastructure during hazardous weather conditions, seriously disrupting everyday life and threatening the health and safety of individuals dependent on electricity for medical devices; and

WHEREAS, despite prior knowledge of the impending rollout of PSPS, the CPUC failed to ensure the Program was instituted in a way that minimized hardship and economic costs on the affected communities; and

WHEREAS, PSPS was implemented in a haphazard manner that foreseeably compounded the Program's negative effects on affected communities; and

WHEREAS, residents affected by PSPS are forced to endure substantial hardship and economic loss with no apparent recourse despite having no role in the underlying decisions that led to the Program's necessitation; and

WHEREAS, the City of Berkeley has granted PG&E use of the Berkeley's public right of way for the placement of PG&E's infrastructure conditioned on the reasonable expectation that PG&E provide safe and reliable service, and PG&E has failed to meet that basic standard; and

WHEREAS, PG&E has failed to fulfill its responsibility to provide safe and reliable service to its customers; and

WHEREAS, the CPUC has failed in its stated purpose of “protecting consumers, safeguarding the environment, and assuring Californians' access to safe and reliable utility infrastructure and services;” and

WHEREAS, PG&E has consistently prioritized profits and shareholder value over the provision of safe and reliable service, contrary to its duty as a major public utility; and

WHEREAS, PSPS events constitute an unreasonable, unacceptable, and undue burden on residents.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley calls on the CPUC to evaluate PG&E's historical failings in properly maintaining the safety and welfare of the people of California, create new robust systems of public oversight for all utilities, and fully utilize the expertise available in publicly-owned utilities and community choice aggregators.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley urges the CPUC to utilize PG&E's ongoing bankruptcy proceedings to transition it into a mutual benefit corporation with a cooperative financial structure, with the long-term goal of bringing it under public ownership.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley urges all municipalities and counties served by PG&E to join the City of Berkeley and Mayors throughout the region in calling for this urgent transition.

Upcoming Worksessions – <i>start time is 6:00 p.m. unless otherwise noted</i>	
Scheduled Dates	
Jan. 14	<ol style="list-style-type: none"> 1. Civic Center Visioning 2. Systems Realignment
Feb. 4	<ol style="list-style-type: none"> 1. Discussion of Community Poll (Ballot Measures) 2. Adeline Corridor Plan
March 17	<ol style="list-style-type: none"> 1. CIP Update (PRW and Public Works) 2. Measure T1 Update
May 5	<ol style="list-style-type: none"> 1. Budget Update 2. Crime Report
June 23	<ol style="list-style-type: none"> 1. Climate Action Plan/Resiliency Update 2. Digital Strategic Plan/FUND\$ Replacement/Website Update
July 21	<ol style="list-style-type: none"> 1. 2.

Unscheduled Workshops
<ol style="list-style-type: none"> 1. Cannabis Health Considerations 2. Vision 2050

Unscheduled Presentations (City Manager)
<ol style="list-style-type: none"> 1. Update: goBerkeley (RPP) 2. BMASP/Berkeley Pier-WETA Ferry (November 2020)

	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>36. Referral Response: Issue a Request for Information to Explore Grant Writing Services from Specialized Municipal Grant-Writing Firms, and Report Back to Council <i>(Referred from the October 15, 2019 agenda)</i> From: City Manager Contact: Henry Oyekanmi, Finance, 981-7300</p>
4.	<p>28. Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention <i>(Referred from the November 12, 2019 agenda)</i> From: Mayor Arreguin and Councilmembers Harrison, Droste, and Hahn Recommendation: Adopt second reading of Ordinance No. 7,668-N.S. repealing and reenacting BMC Chapter 13.104, Wage Theft Prevention to improve enforcement of the ordinance by requiring a signed acknowledgement of ordinance requirements and signed attestation at completion of the project. First Reading Vote: All Ayes. Financial Implications: Staff time Contact: Jesse Arreguin, Mayor, (510) 981-7100</p>

(Continued on next page)

5. **30. Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras**
(Unfinished Business from the November 12, 2019 agenda. Item contains revised and supplemental material.)
From: City Manager
Recommendation: Adopt a Resolution accepting the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras submitted pursuant to Chapter 2.99 of the Berkeley Municipal Code.
Financial Implications: None
Contact: Andrew Greenwood, Police, (510) 981-5900; Dave White, City Manager's Office, (510) 981-7000

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				
0 Euclid Ave - Berryman Reservoir (denial of 4G telecom facility)	ZAB			TBD
Remanded to ZAB or LPC				
1155-73 Hearst Ave (develop two parcels)	ZAB			
90-Day Deadline: May 19, 2019				
Notes				

Last Updated: 11/14/19

This version incorporates changes and amendments approved by the Agenda & Rules Committee on September 16, 2019 for approval by the City Council.

The Berkeley City Council Rules of Procedure and Order

Adopted by Resolution No. ~~##,###~~–N.S.
Effective October 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.

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.

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 recuse themselves. Any member having a "remote interest" in any matter as provided in Government Code shall divulge the same before voting.

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.

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. In the absence of the two officers specified in this section, the Councilmember present with the longest period of Council service shall preside.

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 Conduct of Business

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. The Chair will determine the order in which the item(s) will be heard with the consent of Council.

Upon request by the Mayor or any Councilmember, any item may be moved from the Consent Calendar or Information Calendar to the Action Calendar. Unless there is an objection by the Mayor or any Councilmember, the Council 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 & 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.

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 & 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

Pursuant to the Open Government Ordinance, 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.

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

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 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 & Rules Committee meeting for the last regular meeting before a Council recess and this authority shall extend up to the date of the 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 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 Councilmembers may be members of the ad hoc subcommittee; however, the subcommittee shall seek input and advice from 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 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.

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.

Ad hoc subcommittees may convene a closed session meeting pursuant to the conditions and regulations imposed by the Brown Act.

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 continued from a previous meeting and published on a revised agenda.

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 the Mayor or any Councilmember, 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 the Mayor or a Councilmember 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-Sponsors (in addition to the Primary Author). Co-Sponsors to Council reports may only be added in the following manner:
 - 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 or written request of the Mayor or any Councilmember at the Policy Committee meeting or meeting of the full council at which the item is considered

Agenda items shall contain all relevant documentation, including the information listed below.

- a) A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;
- 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 report author that describes the action to be taken on the item, if applicable;

- 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. It is recommended that reports include the recommended points of analysis in the Council Report Guidelines in Appendix B.
2. "Primary Author" means the Mayor or Councilmember that initiated, authored, and submitted a council agenda item.
 3. "Co-Sponsor" means the Mayor or other Councilmembers designated by the Primary Author to be co-sponsor of the council agenda item.
 4. "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.
 5. "Packet" means the agenda plus all its corresponding duplicated agenda items.
 6. "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.
 7. "Continued Business" Items carried over from a prior agenda of a meeting occurring less than 11 days earlier.
 8. "Old Business" Items carried over from a prior agenda of a meeting occurring more than 11 days earlier.

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 the Mayor or any Councilmember, 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 the Agenda & Rules Committee, which shall be a standing committee of the City Council.

The 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 & 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 & Rules Committee meeting.

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

- a) **Items Authored by the Mayor, a Councilmember, or the Auditor.** As to items authored by the Mayor, a Councilmember, or the Auditor, the 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 & Rules Committee meeting whether they prefer 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 & Rules Committee within 24 hours of the adjournment of the 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.

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

- b) **Items Authored by the City Manager.** The 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 & 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 recommendation of the Agenda & Rules Committee will automatically be placed on the Action Calendar.

- 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 & Rules Committee.

- i) For a commission item that does not require a companion report from the City Manager, the 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 & Rules Committee may schedule the item on a Council agenda. The Committee must schedule the the commission item 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 & Rules Committee. A commission report submitted with a complete companion report may be scheduled pursuant to subparagraph c.i. above.

- d) The 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.

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 is received by the City Clerk after established deadlines and is not included on the 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 & Rules Committee. Time Critical items must be accompanied by complete reports and statements of financial implications. If the Agenda & Rules Committee finds the matter to meet the definition of Time Critical, the 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 & 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 Councilmember 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 Council evaluation.
- c) After 12:00 p.m. one calendar day 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.

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.

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
4. Information Reports
5. Non-Agenda Public Comment
6. Adjournment
7. Communications

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

The Agenda & Rules Committee shall have the authority to re-order 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. Legislative Item Process

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

Full Council Track

Items under this category are exempt from 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 the Mayor and 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
- l. Committee and Regional Body Appointments

The Agenda & Rules Committee has discretion to determine if an item submitted by the Mayor or a Councilmember falls under a Full Council Track exception or if it will be processed as a Policy Committee Track item. If an item submitted by the Mayor or a Councilmember has 1) a significant lack of background or supporting information, or 2) significant grammatical or readability issues the Agenda & Rules committee may refer the item to a Policy Committee.

Policy Committee Track

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

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

For a Policy Committee Track item, the 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 is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published agenda.

The 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 may 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 & Rules Committee may go directly on a council agenda if determined to be time critical.

2. 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 that has been referred to the Policy Committee 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 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, nor the Mayor, 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.
- 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.
- g. The Chair, or a quorum of the Committee may call a meeting or cancel a meeting of the Policy Committee.
- 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.
- j. Per Brown Act regulations, any such materials must be direct revisions or supplements to the item that was published in the agenda packet.

Items referred to a Policy Committee from the 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 & 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 recommendation will be included in a 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.

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.

If a Policy Committee does not take final action by the 120-day deadline, the item is returned to the Agenda & Rules Committee and appears on the next available Council agenda. The 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.

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.

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 & Rules Committee on the

next available agenda. The 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.

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 committee approves expedited review.

5. Number and Make-up of Committees

Six committees are authorized, each comprised of three Councilmembers with a fourth Councilmember appointed as an alternate. Each Councilmember and the Mayor will serve on two committees. The Mayor shall be a member of the Agenda and Rules Committee. The committees are as follows:

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 & 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.

6. 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 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, the Mayor or 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.

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.

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 & 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, Councilmembers, 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.

It is the policy of the Council that the Mayor or Councilmembers 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 the Mayor or any Councilmember shall be added to the appropriate section of the 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 Mayor or any Councilmember 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. The Mayor or a Councilmember may refer a communication to 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.

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.

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.

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.

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 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.

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 amend or substitute, shall be put to a vote without debate.

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 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 Mayor or Councilmember 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 Mayor or Councilmember 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 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 by a member on the prevailing side, 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.

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. 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 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 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 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 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 Section D 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

Under the following headings of business, unless the presiding officer rules otherwise, any 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.

Interested parties or their authorized representatives may address the Council 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.

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 the Mayor or a Councilmember shall address the Council without first securing the permission of the presiding officer or Council to do so.

VI.FACILITIES

A. Council Chamber Capacity

Attendance at council meetings shall be limited to the posted seating capacity of the meeting location. Entrance to the meeting location will be appropriately regulated by the City Manager on occasions when capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the meeting room except to address the Council, and sitting on the floor shall not be permitted.

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 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 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 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 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 meeting location has 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.

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 & 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



No Material
Available for
this Item

There is no material for this item.

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