

**BERKELEY CITY COUNCIL HEALTH, LIFE ENRICHMENT, EQUITY &  
COMMUNITY COMMITTEE  
REGULAR MEETING MINUTES**

**Monday, February 10, 2020  
10:00 AM**

2180 Milvia Street, 6th Floor - Redwood Room

Committee Members:

Councilmembers Rashi Kesarwani, Ben Bartlett, and Sophie Hahn  
Alternate: Councilmember Rigel Robinson

**Roll Call:** 10:02 a.m. Councilmember Kesarwani absent.

**Public Comment on Non-Agenda Matters:** 0 speakers.

## **Minutes for Approval**

*Draft minutes for the Committee's consideration and approval.*

### **1. Minutes - January 27, 2020**

**Action:** M/S/C (Hahn/Bartlett) to approve the minutes of January 27, 2020.

**Vote:** Ayes – Bartlett, Hahn; Noes – None; Abstain – None; Absent – Kesarwani.

## **Committee Action Items**

*The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair 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.*

*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.*

Councilmember Kesarwani present at 10:04 a.m.

### **2. Election of a Chair**

**Action:** M/S/C (Bartlett/Hahn) to elect Councilmember Hahn as Chair.

**Vote:** All Ayes.

## Committee Action Items

3. **Listening Session on Homelessness (15 minutes)** – 0 speakers.

4. **Healthy Checkout Ordinance**

**From: Councilmembers Harrison and Hahn**

**Referred: October 28, 2019**

**Due: April 26, 2020**

**Recommendation:** 1. Adopt an ordinance requiring stores over 2,500 square feet in size to sell more nutritious food and beverage options in their checkout areas.  
2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the ordinance and sources of funding to support this program.

**Financial Implications:** See report

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

**Action:** 14 speakers. Discussion held. The committee asked staff for the following information:

1. Review and make suggestions for education, implementation, technical assistance, and enforcement with emphasis on staffing implications.

Item continued to the next meeting on February 24, 2020.

5a. **Recommendation that the City Council Pass a Resolution Regarding Procurement, Sales and Serving of Sugar-Sweetened Beverages.**

**From: Sugar Sweetened Beverage Product Panel of Experts**

**Referred: January 21, 2020**

**Due: June 9, 2020**

**Recommendation:** The Sugar Sweetened Beverage Product Panel of Experts recommends that the Berkeley City Council adopt a Resolution that City of Berkeley departments and City food services contractors shall not: 1. Serve sugar-sweetened beverages at City meetings and events on City property; 2. Procure sugar-sweetened beverages with City funds; or, 3. Sell sugar-sweetened beverages on City property, including in vending machines.

**Financial Implications:** See report

Contact: Dechen Tsering, Commission Secretary, (510) 981-5300

## Committee Action Items

**5b. Companion Report: Recommendation that the City Council Pass a Resolution Regarding Procurement, Sales, and Serving Sugar-Sweetened Beverages**

**From: City Manager**

**Referred: January 21, 2020**

**Due: June 9, 2020**

**Recommendation:** Recommend that the City Council adopt an amended resolution that recognizes the important principles in the Commission recommendation, clarifies the intent of the measure and provides some flexibility for City programs and staff while still emphasizing availability of healthy options. This amended resolution would require that the majority of all beverages provided or sold at any City event or on any City property (including vending machines) be non-sugar sweetened beverages (as defined in chapter 7.72 of the Berkeley Municipal Code) and education materials be provided to all COB staff to actively discourage the consumption of sugar-sweetened beverages and encourage the consumption of water.

**Financial Implications:** See report

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

**Action:** 4 speakers. Discussion held.

Item continued to next meeting on February 24, 2020.

## Unscheduled Items

*These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.*

**6a. Recommendation to Modify Policies Related to the Enforcement of the Berkeley Smoke-Free Multi-Unit Housing Ordinance**

**From: Housing Advisory Commission**

**Referred: October 29, 2019**

**Due: April 27, 2020**

**Recommendation:** Approve modifications to policies related to the enforcement of the Smoke-Free Multi-Unit Housing Ordinance, as follows:

1. Increase staffing to implement enforcement of the ordinance as part of the next budget;
2. Improve signage related to the ordinance in residential buildings;
3. Make the complaint process less onerous and more user-friendly, including enabling complainants to submit complaints electronically, providing complaint forms in different languages, and removing language requiring the statements to be “sworn,” and considering other, less threatening language that still expects a complaint be provided under the best of appellant’s knowledge;
4. Relax the current requirements around how the Ordinance-based complaint form must be completed in order to be processed (e.g., removing the requirement of providing two separate complaints from different individuals within a six-month period, if the building contains two or fewer units, removing the requirement of providing a sworn statement under penalty of perjury); and
5. Refer to the Community Health and Cannabis Commissions the question of whether the use of recreational (non-medical) cannabis should be incorporated into the Smoke-Free Housing Ordinance.

**Financial Implications:** See report

Contact: Mike Uberti, Commission Secretary, (510) 981-7400

**6b. Companion Report: Recommendation to Modify Policies Related to the Enforcement of the Berkeley Smoke-Free Multi-Unit Housing Ordinance**

**From: City Manager**

**Referred: October 29, 2019**

**Due: April 27, 2020**

**Recommendation:** The City Manager appreciates the Housing Advisory Commission’s efforts to strengthen the implementation of the Smoke-free Multi-Unit Housing ordinance and recommends that the proposed modifications be referred to the City Manager Office for an analysis of the financial and legal feasibility of the proposed changes.

**Financial Implications:** See report

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

## Items for Future Agendas

- Discussion of items to be added to future agendas
- Discussion of future hearings and open forums

## Adjournment

Adjourned at 12:11 p.m.

I hereby certify that this is a true and correct record of the Health, Life Enrichment, Equity & Community Committee meeting held on February 10, 2020.

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April Richardson, Assistant 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.*