

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, April 27, 2021
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/82895393673>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **828 9539 3673**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

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

Preliminary Matters

Roll Call: 6:11 p.m.

Present: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin.

Absent: None.

Ceremonial Matters:

1. Recognition of Michael Cooper, Berkeley Cannabis Commissioner
2. Adjourn in memory of Peter Manso, Berkeley Resident and Journalist
3. Adjourn in memory of Dimitri Belser, Former Commissioner and Ed Roberts Center Director

City Manager Comments:

The City Manager provided an update to the Reimagining Public Safety Process

Public Comment on Non-Agenda Matters: 9 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 26 speakers.

Action: M/S/C (Arreguin/Robinson) to accept supplemental material from the City Manager on Item 15.

Vote: All Ayes.

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

Vote: All Ayes.

Consent Calendar

1. Referral Response: Urgency Ordinance for leasing the real property at 742 Grayson

From: City Manager

Recommendation: Adopt an Urgency Ordinance to enter into a lease for the real property located at 742 Grayson St. Berkeley for a term of 11 months, after which it becomes a month to month lease through September 30, 2022.

Financial Implications: See report

Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

Action: Adopted Urgency Ordinance No. 7,759–N.S.

Consent Calendar

- 2. Contract: Dorothy Day House to operate shelter at 742 Grayson**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Dorothy Day House to operate a shelter at 742 Grayson through September 30, 2022, for a total contract amount not to exceed \$1,109,522.
Financial Implications: Measure P funding - \$1,109,522
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 69,808–N.S.
- 3. Appointment of Planning and Development Department Director**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Jordan Klein as the Director of the Planning and Development Department effective May 3, 2021 at an annual salary of \$194,765.
Financial Implications: See report
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000
Action: Adopted Resolution No. 69,809–N.S.
- 4. Contract No. 32000171 Amendment: Michael Brady Emergency Management Training**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment extending the contract period to June 30, 2023 for Contract No. 32000171 with Michael Brady for Emergency Management Training.
Financial Implications: See report
Contact: David Brannigan, Fire, (510) 981-3473
Action: Adopted Resolution No. 69,810–N.S.
- 5. Donation of Fire Apparatus and Equipment**
From: City Manager
Recommendation: Adopt a Resolution donating surplus fire apparatus and equipment, including one surplus fire engine and one surplus ambulance, to the McCloud Fire Department.
Financial Implications: See report
Contact: David Brannigan, Fire, (510) 981-3473
Action: Adopted Resolution No. 69,811–N.S.

Consent Calendar

- 6. Rebuilding Together East Bay-North Contract Continuation Recommendation**
From: City Manager
Recommendation: Adopt a Resolution: 1. Providing additional two-year General Fund allocations for Rebuilding East Bay-North's Safe at Home and Community Facility Improvement programs; and 2. Authorizing the City Manager to enter into any agreements or amendments to effectuate this action, including an amendment to Contract No. 31900263 with Rebuilding Together East Bay-North for an amended amount of \$245,700 for a new not to exceed amount of \$491,400 and extending the contract term to June 30, 2023.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,812–N.S.
- 7. Contract No. 31900065-1 Amendment: Cyber Leadership and Strategy Solutions, LLC for Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No 31900065-1 with Cyber Leadership and Strategy Solutions, LLC (CLASS) for professional services in an amount not to exceed \$180,100, and a total contract value not to exceed \$230,000 from January 7, 2019 through June 30, 2022.
Financial Implications: Various Funds - \$180,100
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,813–N.S.
- 8. Contract No. 32100051 Amendment: Edgeworth Integration for Additional Security Cameras at the Berkeley Waterfront**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100051 with Edgeworth Integration, LLC to install additional security cameras at the Berkeley Waterfront by increasing the existing contract amount by \$80,000 for a not-to-exceed amount of \$140,000.
Financial Implications: Marina Fund - \$80,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,814–N.S.
- 9. Contract Amendment: Bellingham Inc. to replace additional finger docks at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Bellingham Inc. to replace additional finger docks at the Berkeley Marina by increasing the construction contract amount by \$110,000 for a not-to-exceed amount of \$240,000.
Financial Implications: Marina Fund - \$110,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,815–N.S.

Consent Calendar

- 10. Contract: Raimi + Associates for Professional Planning Services for the 2023–2031 Housing Element Update**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Raimi + Associates to perform professional planning services for the 2023 - 2031 Housing Element Update in an amount not to exceed \$540,000 for the period of May 15, 2021 to May 15, 2023.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 69,816–N.S.
- 11. Contract: Bay Cities Paving & Grading, Inc. for Street Rehabilitation FY 2021 Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Street Rehabilitation FY 2021 Project, Specification No. 21-11422-C; accepting the bid of Bay Cities Paving & Grading, Inc. as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$4,296,733.
Financial Implications: Various Funds - \$4,296,733
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,817–N.S.
- 12. Purchase Order: Jack Doheny Company for One CCTV Sewer Camera Truck**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell Contract No. 122017-RVL bid procedures, and authorizing the City Manager to execute a purchase order for one Closed Circuit Television (CCTV) Camera Sewer Truck with Jack Doheny Company in an amount not to exceed \$465,000.
Financial Implications: Various Funds - \$465,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,818–N.S.

Consent Calendar

- 13. Purchase Order: Nicholas K Corp DBA The Ford Store San Leandro for Eight Ford Interceptor Utility Hybrid SUVs**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in The County of Alameda bid procedures and authorize the City Manager to execute a purchase order for eight (8) Ford Interceptor Utility Hybrids with Nicholas K Corp DBA The Ford Store San Leandro in an amount not to exceed \$390,000 with additional up-fitting costs with various vendors in an amount not to exceed \$120,000 for a total not to exceed of \$510,000.
Financial Implications: Equipment Replacement Fund - \$510,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,819–N.S.
- 14. Contract No. 31900031 Amendment: Downtown Streets Team**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 31900031 with Downtown Streets Team to add additional scope to address enhanced needs for services around encampments and neighborhoods, and increase the contract by \$50,000 for a new not to exceed amount of \$920,304.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,820–N.S.
- 15. Contract: California Constructores for Sidewalk Repairs FY 2020 Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sidewalk Repairs FY 2020 Project, Specification No. 20-11409-C; accepting the bid of California Constructores 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 \$2,000,000.
Financial Implications: Various Funds - \$2,000,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,821–N.S. including supplemental materials submitted at the meeting to reject the bid protest for this contract award.

Consent Calendar

- 16. Contract No. 32000147 Amendment: Trip Stop Sidewalk Repair, Inc. for FY 2020 Sidewalk Inspection and Shaving Services Project**
From: City Manager
Recommendation: Adopt Resolution authorizing the City Manager to execute amendment to Contract No. 32000147 with Trip Stop Sidewalk Repair, Inc. for FY2020 Sidewalk Inspection and Shaving Services, increasing the original contract amount by \$1,000,000 for a total not-to-exceed amount of \$1,450,000 and extend the term by two years for a revised contract expiration date of March 9, 2024.
Financial Implications: Various Funds - \$1,000,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,822–N.S.
- 17. Contract No. 31900288 Amendment: Disability Access Consultants for ADA Transition Plan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900288 with Disability Access Consultants for Americans with Disabilities Act (ADA) Transition Plan increasing the contract amount by \$78,200 for a total not-to-exceed of \$484,800 and extend the contract term to June 30, 2022.
Financial Implications: Capital Improvement Fund - \$78,200
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,823–N.S.
- 18. Approving Proposed Projects Anticipated to be paid for by the State’s Road Maintenance and Rehabilitation Account (RMRA) Funds for FY2022**
From: City Manager
Recommendation: Adopt a Resolution approving a proposed list of projects that will utilize funding from the State of California’s Road Maintenance and Rehabilitation Account, and authorize the City Manager to submit the proposed list to the California Transportation Commission.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,824–N.S.

Consent Calendar

19. **Contract No. 31900104 & Contract No. 32000003 Amendments: Nelson\Nygaard for Parking Data Collection and Community Outreach Services for the goBerkeley Residential Shared Parking Pilot**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute amendments to Contract No. 31900104 and Contract No. 32000003 with Nelson\Nygaard for parking data collection and community outreach and engagement services for the goBerkeley Residential Shared Parking Pilot, respectively, extending each contract term to December 31, 2023.
Financial Implications: None
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,825–N.S.
20. **Contract No. 32000124 Amendment: D.L Falk Construction, Inc. for Central Library Interior Renovations Project at 2090 Kittredge Street**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000124 with D.L. Falk Construction, Inc. to complete interior renovations work at the Central Library, increasing the current contract not-to-exceed amount of \$3,056,900 by \$100,000 for a revised total amount not-to-exceed \$3,156,900.
Financial Implications: Library Tax Fund - \$100,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,826–N.S.
21. **Vision Zero Annual Report**
From: City Manager
Recommendation: Adopt a Resolution: 1. Accepting the City of Berkeley Vision Zero Annual Report for 2020-2021; 2. Affirming the actions and priorities as stated in the 2020 Berkeley Vision Zero Action Plan; 3. Directing the City Manager to form a Vision Zero Coordinating Committee for guiding the implementation of the 2020 Vision Zero Action Plan, including coordinating with the ongoing Berkeley Department of Transportation (BerKDOT) referral response and the Reimagining Public Safety Task Force, with the goal of developing a Vision Zero Traffic Enforcement policy before proceeding with the “Safer Streets by Everyone: Enforcement” actions described in the Vision Zero Action Plan.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,827–N.S.

Consent Calendar

- 22. Contract No. 31900158 Amendment: D.L. Falk Construction for North Berkeley Senior Center Seismic Upgrades and Renovations Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900158 with D.L. Falk Construction to complete renovation and seismic upgrade work at the North Berkeley Senior Center, increasing the current contract amount of \$8,320,400 by \$350,000 for a total amount not-to-exceed of \$8,670,400.
Financial Implications: T1 Fund - \$350,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,828–N.S.
- 23. Lease Agreement: 2010 Addison Street at Center Street Garage with Vito Loconte and Alexie LeCount DBA Lexie’s Frozen Custard**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement for 2010 Addison Street at the Center Street Garage with Vito Loconte and Alexie LeCount DBA Lexie’s Frozen Custard, a sole proprietorship, for an initial term of ten (10) years with one optional five-year lease extension AND approve payment of a commission of \$9,331.23 to Colliers International for commercial brokerage fees for locating a tenant for the premises.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Item removed from the agenda by the City Manager.

Council Consent Items

24. Assessing the City's Bonding Capacity and Considering Strategy for Multiple Needs

From: Mayor Arreguin (Author)

Recommendation: Refer to the City Manager to explore various options for a future city bond measure in November 2022 to support the growing need for affordable housing, street improvements, and infrastructure citywide. Analysis should include an assessment of the city's long-range capital needs (street repaving, bicycle and pedestrian improvements, and other infrastructure needs, as is being developed through CIP/Vision 2050 planning) and long-term affordable housing needs. The analysis should explore the city's bond capacity and ability to incur further indebtedness, the potential for a single bond measure or multiple bond measures in 2022 or over a phased period, explore budget scenarios at various amounts, any other mechanisms to maximize and leverage city bonding capacity. Staff analysis should also explore different bond programs and revenue mechanisms employed by other California cities to support affordable housing finance and infrastructure projects.

Financial Implications: See report

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

Action: Councilmembers Hahn and Taplin added as co-sponsors. Approved recommendation as revised by Mayor Arreguin in Supplemental Communications Packet #1.

25. Support for AB-490: positional asphyxia

From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor) and Councilmember Harrison (Co-Sponsor)

Recommendation: Send a letter of support to Assemblymember Mike Gipson (D-Carson), Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 490, which would prohibit law enforcement agency use of force policies to prohibit techniques and transport methods with substantial risk of positional asphyxia.

Financial Implications: None

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action: Approved recommendation.

Council Consent Items

- 26. Budget Referral: Urgent Remediation of Unsafe Ninth Street Traffic Conditions From: Councilmember Taplin (Author), Mayor Arreguin (Co-Sponsor)**
Recommendation: That the City Council refers to the budget process the funding of traffic calming, traffic diversion, and bike network improvements on Ninth Street between Gilman and Ashby Avenue including but not limited to:
1. Three traffic diverters, one within each collector/arterial segment that currently lacks a diverter: a. Gilman to Cedar b. University to Dwight c. Dwight to Heinz
 2. Six permanent traffic circles, including a. Ninth and Page b. Ninth and Virginia c. Ninth and Channing d. Ninth and Parker e. Ninth and Grayson f. Ninth and Heinz
 3. Two ADA-compliant, bicycle-friendly speed tables per block
 4. Re-engineer the diverter at 9th and Delaware to prevent cut through traffic on 9th, particularly from casual carpool during morning rush hour
 5. Initiate a community engagement process to elicit neighborhood feedback and prepare a pilot program for quick-build protected bike lanes along Ninth Street between Bancroft Way and Heinz Avenue
 6. Green bike waiting spaces on Ninth Street at University Avenue, both northbound and southbound with loop detectors for bikes at the waiting boxes.
 7. Three STOP signs on the north, east and west ends of the intersection at Ninth and Murray Street
- Financial Implications:** See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation as revised by Councilmember Taplin in Supplemental Communications Packet #2.
- 27. Adopt Resolution Requesting CalPERS Divest from Industrial Animal Protein and Factory Farming Companies and Invest in California's Local Plant-Based Food Economy**
From: Councilmember Harrison (Author)
Recommendation: Adopt Resolution Requesting CalPERS Divest from industrial animal protein and factory farming companies and invest in California's local plant-based food economy. Send a copy and letter to California Public Employees' Retirement System (CalPERS) requesting their consideration.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 69,829–N.S.

Action Calendar – Public Hearings

28. Submission of the PY 2021 (FY 2022) Annual Action Plan Containing Allocations of Federal Funds

From: City Manager

Recommendation: Conduct a public hearing on the federal Program Year (PY) 2021 Annual Action Plan (AAP) for federal Housing and Urban Development Department (HUD) funds, including the allocation of federal funding for community agencies, and upon conclusion, adopt a Resolution:

1. Approving proposed funding allocations under the FY 2022 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and
2. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and
3. Allocate 10% for HOME program administration, up to 5% to support Community Housing Development Organization (CHDO) operations, and the remaining (approximately 85%) of the PY 2021 HOME funds to the Housing Trust Fund; and
4. Allocate 20% of the PY 2021 CDBG funds to Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Community Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation and/or program income and earlier unused funds, be more or less than estimated; and
5. Allocate the allowable 7.5% of the PY 2021 ESG to Administration, \$6,676 to the HMIS system, up to the allowable 60% to emergency shelter/street outreach, and the remaining amount to Rapid Rehousing as outlined in Exhibit A, and
6. Finalize the PY 2021 Annual Action Plan, including planned expenditures, adding required HUD application forms and certifications, and including other HUD-required information, submit it to the U.S. Department of Housing and Urban Development (HUD), and execute all documents necessary to receive the City's entitlement grants under the CDBG, ESG and HOME Programs.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 3 speakers. M/S/C (Arreguin/Wengraf) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to adopt Resolution No. 69,830–N.S.

Vote: All Ayes.

Action Calendar – New Business

- 29. Refinancing of 2010 Certificates of Participation Originally Issued to Finance Animal Shelter Project**
From: City Manager
Recommendation: Adopt a Resolution ratifying Resolution No. 69,309-N.S., approving a preliminary official statement, approving the method of sale and approving documents and official actions related to the refinancing of outstanding 2010 certificates of participation.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: 0 speakers. M/S/C (Wengraf/Harrison) to adopt Resolution No. 69,831–N.S.
Vote: All Ayes.
- 30. Issuance of \$45,000,000 in General Obligation Bonds, Series B for the 2016 Election - Infrastructure and Facilities Improvements, Measure T1**
From: City Manager
Recommendation: Adopt a Resolution authorizing the issuance of \$45,000,000 aggregate principal amount of general obligation bonds, series B (Infrastructure and Facilities Improvements, Measure T1), approving an official statement and authorizing actions related hereto.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: 0 speakers. M/S/C (Arreguin/Wengraf) to adopt Resolution No. 69,832–N.S.
Vote: All Ayes.

Recess 8:22 p.m. – 8:33 p.m.

Action Calendar – New Business

31. City Affordable Housing Funds: Ashby and North Berkeley BART Station Areas and Future Housing Funding Notices of Funding Availability (NOFA)

From: City Manager

Recommendation: Adopt a Resolution to:

1. Provisionally reserve \$40 million of the City's Measure O bond funds as part of the \$53 million City subsidy needed to achieve 35% affordable housing at the Ashby and North Berkeley BART sites, and allow for a portion of funding (to be determined at a later date) to be considered for predevelopment;
2. Provisionally reserve at least \$13 million in future Affordable Housing Mitigation Fees, and/or a new source of revenue to be identified no later than 2024, in order to cover the balance of \$53 million City subsidy currently estimated to be needed for 35% affordable housing at the Ashby and North Berkeley BART sites, and allow for a portion of the funding (to be determined at a later date) to be considered for predevelopment;
3. Refer to the City Manager to investigate a new bond measure that could fund housing and/or infrastructure needs at the two BART sites and in the Adeline Corridor, or in the City as a whole, and to establish a timeline and community process for such a bond measure with a goal of maximizing affordable housing (up to 100%) at either or both BART sites; and
4. Release one or more NOFAs to support development of new affordable housing projects or rehabilitation of existing affordable projects, using Permanent Local Housing Allocation (PLHA) funds allocated for operating subsidies for homeless households and housing rehabilitation, HOME funds and the balance of City Housing Trust Funds, in combination with the balance of any remaining Measure O funds available from the second tranche; and using the Housing Trust Fund Guidelines and operating subsidy guidance established by staff, and reviewed by the Housing Advisory Commission.

Financial Implications: See report

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

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

Action: Moved to Consent Calendar. Adopted Resolution No. 69,833–N.S.

Council Action Items

- 32. Adopt an Ordinance Adding Chapter 2.100 to the Berkeley Municipal Code Regulating Police Acquisition and Use of Controlled Equipment** *(Reviewed by the Public Safety Policy Committee)*
From: Councilmember Harrison (Author), Councilmember Bartlett (Author), Councilmember Taplin (Author)
Recommendation: Adopt an Ordinance Adding Chapter 2.100 to the Berkeley Municipal Code to Regulate Police Acquisition and Use of Controlled Equipment.
Policy Committee Recommendation: Send the item with a Qualified Positive Recommendation, removing definition #13 (LRAD) and further recommending that Council deliberate on definitions for #8, #9 (40 mm projectile only), and #12 due to concern about duplication with the Use of Force policy. Council may consider possible amendments to the Use of Force policy to ensure that all controlled equipment specified in #8, the 40 mm projectile in definition #9, and #12 are covered and reported by our City's Use of Force policy, including reporting on police beat areas in quarterly use of force reporting to Council. Consider possible replacement of "display" in Controlled Equipment Ordinance to "deploy" defined as "to utilize for a deliberate purpose in the presence of members of the public.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

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

Vote: All Ayes.

Action: M/S/C (Harrison/Arreguin) to suspend the rules and extend the meeting to 11:40 p.m.

Vote: All Ayes.

Action: 32 speakers. Mayor Arreguin added as a co-sponsor. M/S/C (Arreguin/Hahn) to adopt first reading of Ordinance No. 7,760-N.S. as amended by Councilmember Harrison in Supplemental Communications Packet #2 and further amended to clarify the definition of Controlled Equipment, clarify the applicability to the LRAD device and SRT deployments, and clarify reporting by "days" and "instances" as appropriate. Second reading scheduled for May 11, 2021.

Vote: All Ayes.

Information Reports

- 33. Zero Waste Commission Fiscal Year 2021-22 Work Plan**
From: Zero Waste Commission
Contact: Heidi Obermeit, Commission Secretary, (510) 981-6300
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 0 speakers.

Adjournment

Action: M/S/C (Arreguin/Robinson) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 11:39 p.m.

Communications

Item #27: Adopt Resolution Requesting CalPERS Divest from Industrial Animal Protein and Factory Farming Companies and Invest in California's Local Plant-Based Food Economy

1. Alexandra Colacito
2. Gretchen Ellis

BART Housing Development

3. Stephen Shiboski
4. Laura Enriquez
5. Ednah Beth Friedman
6. Barbara Anscher
7. Lynda Caesara
8. Valerie McDermott
9. Margot Smith
10. Carol Hirth
11. Linda Press Wulf
12. John Hagopian
13. Anne Boersma
14. Laura Magnani
15. Adam Davis
16. Burr Tyler
17. Dorothea Dorenz
18. Judith Brown
19. Phyllis Oyama
20. Madeline Hero
21. Laura Lipman

Hopkins Street Corridor Traffic Study

22. Paul Johnson (2)
23. Farid Javandel, on behalf of the City of Berkeley (2)
24. Councilmember Hahn (2)
25. Merle Weiner
26. Art Goldberg

Golden Gate Fields Horses

27. Ryan

Exclusionary Zoning

28. Rhonda Gruska

Unsafe Activities on the 2100 Block of Curtis Street

29. Theresa Hwang

Proposed Project at 600 Addison Street

30. Parks and Waterfront Commission

Untrash It Volunteer Work

31. Irene Rice

Art Kala Institute Thanks!

32. Ellen Lake, on behalf of Kala Art Institute

Ohlone Park East Improvements

33. LA Wood

Homeless Action

34. jimmarrone@

Arts Funding from the American Rescue Plan Act

35. 20 similarly-worded form letters

Supplemental Communications and Reports 1

Item #21: Vision Zero Annual Report

36. Moni Law

Item #24: Assessing the City's Bonding Capacity and Considering Strategy for Multiple Needs

37. Revised material, submitted by Mayor Arreguin

Item #32: Adopt an Ordinance Adding Chapter 2.100 to the Berkeley Municipal Code Regulation Police Acquisition and Use of Controlled Equipment

38. Revised material, submitted by Councilmember Harrison

39. Barbara Atwell

Supplemental Communications and Reports 2

Item #26: Budget Referral: Urgent Remediation of Unsafe Ninth Street Traffic Conditions

40. Supplemental material, submitted by Councilmember Taplin

Item #27: Adopt Resolution Requesting CalPERS Divest from Industrial Animal Protein and Factory Farming Companies and Invest in California's Local Plant-Based Food Economy

41. Katia Antonova

42. Adrian Singh

Item #32: Adopt an Ordinance Adding Chapter 2.100 to the Berkeley Municipal Code Regulation Police Acquisition and Use of Controlled Equipment

- 43. Revised material, submitted by Councilmember Kesarwani
- 44. Revised material, submitted by Councilmember Harrison
- 45. Gayle Eleanor
- 46. Summer Brenner
- 47. Kelly Hammargren
- 48. Sally Nelson
- 49. Linda Franklin
- 50. Wendy Alfsen
- 51. James Brook
- 52. 29 similarly-worded form letters

Supplemental Communications and Reports 3

Item #15: Contract: California Constructores for Sidewalk Repairs FY 2020 Project

- 53. Revised material, submitted by Public Works

Item #17: Contract No. 31900288 Amendment: Disability Access Consultants for ADA Transition Plan

- 54. Mary Behm-Steinberg

Item #26: Budget Referral: Urgent Remediation of Unsafe Ninth Street Traffic Conditions

- 55. Sierra Club Northern Alameda County Group
- 56. Marjorie Alvord

Item #27: Adopt Resolution Requesting CalPERS Divest from Industrial Animal Protein and Factory Farming Companies and Invest in California's Local Plant-Based Food Economy

- 57. Sierra Club Northern Alameda County Group

Item #28: Submission of the PY 2021 (FY 2022) Annual Action Plan Containing Allocations of Federal Funds

- 58. Presentation, submitted by the City Manager's Office

Item #32: Adopt an Ordinance Adding Chapter 2.100 to the Berkeley Municipal Code Regulation Police Acquisition and Use of Controlled Equipment

- 59. Marilyn Cleveland
- 60. Reesa Gonclaves
- 61. Lori Fagerholm
- 62. Elliot Halpern
- 63. Sara Gray
- 64. Emma Gobler
- 65. Steve Thomasberger
- 66. Anna Tseselsky
- 67. Audrey Love
- 68. Ali Lafferty
- 69. 17 similarly-worded form letters