

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, March 9, 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/87992485568>. 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: 879 9248 5568. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

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

Preliminary Matters

Roll Call:

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

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

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

Consent Calendar

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

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

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

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

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

Consent Calendar

- 1. Lease Agreement: Patpatia & Associates, Inc. for 125-127 University Ave. Office Space**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,754-N.S. executing a lease agreement with Patpatia & Associates, Inc. to lease 2nd floor office space located at 125-127 University Ave. The lease term is anticipated to begin May 1, 2021 and end April 30, 2024.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 2. Stahlschmidt v. City of Berkeley, Case No. RG 20069713**
From: City Manager
Recommendation: Adopt a Resolution approving the settlement of the action entitled Stahlschmidt v. City of Berkeley, Case No. RG 20069713.
Financial Implications: Public Liability Fund - \$75,533
Contact: Farimah Brown, City Attorney, (510) 981-6950
- 3. Referral Response: Commission Low-Income Stipend Reform**
From: City Manager
Recommendation: Adopt a Resolution adjusting the qualifying annual household income to the Alameda County 50% Area Median Income (AMI) for a three-person household for stipend and reimbursement in lieu of expenses for members of certain Boards, Commissions, and Committees, increasing the stipend to \$100 per meeting with an annual Consumer Price Index (CPI) inflator, and rescinding Resolution No. 64,831-N.S.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 4. Confirming “At-Large” Appointments to the Reimagining Public Safety Task Force**
From: City Manager
Recommendation: Adopt a Resolution confirming “At-Large” appointments to the Reimagining Public Safety Task Force.
Financial Implications: None
Contact: Dave White, City Manager's Office, (510) 981-7000

Consent Calendar

5. Referral Response: Deferral of Remaining Permit, Inspection, Connection, and Impact Fees for 2009 Addison Street and Referral to the City Manager to Develop a Limited-Term Citywide Fee Deferral Program

From: City Manager

Recommendation: Consider Adopting a Resolution authorizing the City Manager to defer remaining building permit, inspection, connection, and impact fees estimated at \$676,464 for the Berkeley Repertory Theater's project at 2009 Addison Street for a period of ten years. In addition, city staff is asking City Council to refer to the City Manager the development of a limited-term citywide fee deferral program.

Financial Implications: See report

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

6. Revenue Contract: East Bay Community Energy FY2021- Kitchen Electrification for Aging Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any resultant revenue agreements and amendments with East Bay Community Energy to provide funding for upgraded, energy-efficient kitchen appliances at both the North Berkeley and South Berkeley senior centers, in the amount of \$48,994, through the East Bay Community Energy's Kitchen Electrification Grant.

Financial Implications: See report

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

7. Contract No. 32000063 Amendment: United Site Service, Inc. for Additional Rental and Servicing of Portable Toilets and Sinks

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000063 with United Site Services of California, Inc. for rental and service of portable toilet and handwashing units, increasing the current contract amount of \$360,000 by \$270,000, for a total not to exceed amount of \$630,000 for a period of two years, with an option to extend for three 12-month periods, for a total amount not to exceed \$1,200,000.

Financial Implications: Various Funds - \$1,200,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

8. **Contracts: On-Call Waterfront Project Management and Construction Management Services for Capital Improvement Projects at the Berkeley Waterfront**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call waterfront project management services for capital improvement projects at the Berkeley Waterfront, for contract periods of April 1, 2021 through June 30, 2024:
1. AnchorCM, for an amount not to exceed \$1,000,000.
2. Park Engineering, Inc., for an amount not to exceed \$1,000,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
9. **Loan Application: Dock Replacement at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to sign a loan agreement with the California Department of Boating and Waterways and to accept the funds for a loan not to exceed \$5,500,000 for replacement of D & E docks at the Berkeley Marina.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
10. **Grant Application: Environmental Enhancement and Mitigation Project (EEMP) Proposal**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit an Environmental Enhancement and Mitigation (EEM) grant application to plant urban forest trees in the amount up to \$500,000; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: Revenue - \$500,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

11. **Amendments to the Berkeley Election Reform Act (BERA) to Regulate Officeholder Accounts and Proposed Changes to City Council Office Budget Expenditure and Reimbursement Policies (Resolution 67,992-N.S.)** *(Reviewed by the Agenda & Rules Committee) (Item contains Supplemental Material)*
From: Fair Campaign Practices Commission
Recommendation: Form a joint subcommittee of members of the City Council and members of the Fair Campaign Practices and Open Government Commissions to (1) prepare an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to prohibit or regulate officeholder accounts and (2) prepare a change in City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) to have donations to nonprofit organizations made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley rather than from individual Council members.
(On February 8, 2021, the Agenda & Rules Committee made a positive recommendation to the City Council on part two of the Commission recommendation to prepare a change in City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) to have donations to nonprofit organizations made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley rather than from individual Council members.)
Financial Implications: None
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
- 12a. **Amending Source of Income Discrimination Ordinance to Establish Administrative Enforcement Procedure** *(Reviewed by the Land Use, Housing, & Economic Development Committee)*
From: Homeless Commission
Recommendation: The Homeless Commission recommends that BMC 13.31 be amended to provide for an administrative procedure to enforce the anti-discrimination property rental ordinance as to source of income. Such procedure should involve establishing a complaints procedure under an existing City of Berkeley department such as the Department of Planning or Rent Stabilization Board, where a complaint could be filed by a prospective tenant, or tenant, alleging that they have been discriminated against by a landlord, property owner or authorized agent or employee when seeking rental housing or in any other context currently covered under BMC 13.31. Stage 1 of enforcement in the complaints procedure shall involve the taking of the complaint which shall be investigated by the designated department expeditiously, within a reasonable period of time no longer than ten days. Upon completion of the investigation, a finding shall be made of substantial evidence of discrimination or no evidence of discrimination. In the process of the investigation, the investigator shall concurrently, while identifying the facts, attempt to resolve the complaint by seeking to bring the parties to agreement that the complaining party be permitted to rent the premises in question or alternatively, if the premises has otherwise been rented prior to the investigation, be provided the first option for the next available vacancy at the premises. Where the complaint has not otherwise been resolved through this procedure, and there is a finding of substantial evidence, the complaining party shall be offered the opportunity to have its complaint heard by an

Consent Calendar

administrative hearing officer mirroring a procedure or similar to a procedure afforded by BMC 1.28. If the complainant files for such an administrative hearing, and the rental property remains available, the filing for an administrative hearing, shall constitute a stay of the property being otherwise rented to another applicant. If at the administrative hearing, the administrative law judge, or hearing officer, finds in favor of the complainant, the administrative hearing officer can order that housing be provided to the complainant and/or direct a fine of no more than five thousand dollars (\$5,000) to be paid to the complainant with an additional penalty to the City of Berkeley for the costs of the administrative appeal. This procedure will be a final administrative decision subject to litigation to be brought in a court of law by a complainant through any legal entity, private or public as the complainant can identify. The Homeless Commission further recommends that any person seeking housing, with a voucher or any subsidy to pay their rent, be considered for the rental in the order which their rental application is received and be entitled to the rental as the first applicant of right. Insufficient credit or poor credit shall not be a fact considered for rental as to the totality of the rent to be paid if the rent is to be otherwise paid through the voucher or subsidy source.

(On February 4, 2021, the Land Using, Housing, & Economic Development Policy Committee made a qualified positive recommendation to refer to the City Manager to: 1) Draft amendments to the Source of Income Discrimination Ordinance to provide for an administrative procedure to enforce the anti-discrimination property rental ordinance as to source of income, parallel to the Fair Chance Ordinance; 2) Submit to Council in 2022 a report reviewing the effectiveness of the source of income discrimination ordinance in its first five years; and 3) Update and improve information on the City website and elsewhere about legal services for low income residents; and 4) Refer to the 4x4 Committee discussion of feasibility of enforcement of source of income discrimination alongside the fair chance ordinance, and discussion of Homeless Commission's first-in-time standard recommendations.)

Financial Implications: See report

Contact: Brittany Carnegie, Commission Secretary, (510) 981-5400

Consent Calendar

- 12b. Companion Report: Amending Source of Income Discrimination Ordinance to Establish Administrative Enforcement Procedure** *(Reviewed by the Land Use, Housing, & Economic Development Committee)*

From: City Manager

Recommendation: The City Manager thanks the Homeless Commission for their concern regarding potential discrimination against residents trying to utilize rental assistance vouchers in Berkeley. She recommends, however, taking no action on the Homeless Commission recommendation since the City already funds legal assistance for low-income residents that may be used to obtain relief under BMC 13.31.

(On February 4, 2021, the Land Using, Housing, & Economic Development Policy Committee made a qualified positive recommendation to refer to the City Manager to: 1) Draft amendments to the Source of Income Discrimination Ordinance to provide for an administrative procedure to enforce the anti-discrimination property rental ordinance as to source of income, parallel to the Fair Chance Ordinance; 2) Submit to Council in 2022 a report reviewing the effectiveness of the source of income discrimination ordinance in its first five years; and 3) Update and improve information on the City website and elsewhere about legal services for low income residents; and 4) Refer to the 4x4 Committee discussion of feasibility of enforcement of source of income discrimination alongside the fair chance ordinance, and discussion of Homeless Commission's first-in-time standard recommendations.)

Financial Implications: None

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

Council Consent Items

- 13. HelpBerkeley: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**

From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Mayor Arreguin, to HelpBerkeley with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.

Financial Implications: Mayor's Discretionary Funds - \$250

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

- 14. Declaring the 2021 Cesar Chavez-Dolores Huerta Commemorative Period**

From: Mayor Arreguin (Author), Councilmember Robinson (Author), Councilmember Hahn (Co-Sponsor)

Recommendation: Adopt a Resolution declaring the period of March 21, 2021 to April 10, 2021 as the Cesar Chavez/Dolores Huerta Commemorative Period in the City of Berkeley.

Financial Implications: None

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

Council Consent Items

- 15. Budget Referral: Funding Rectangular Rapid Flashing Beacons (RRFB) at Sixth Street and Addison Street**
From: Councilmember Taplin (Author)
Recommendation: That the City Council refers to the budget process the funding of Rectangular Rapid Flashing Beacons (RRFB) at the south end of the intersection of Sixth Street and Addison Street.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 16. Budget Referral: George Florence Park Traffic Calming (Tenth Street between University Avenue and Allston Way)**
From: Councilmember Taplin (Author), Mayor Arreguin (Co-Sponsor)
Recommendation: That the City Council refers to the budget process the funding of traffic calming measures on Tenth Street between University Avenue and Allston Way including but not limited to: 1. The addition of "SLOW CHILDREN AT PLAY" signs approaching George Florence Park and the West Berkeley YMCA. 2. Two speed tables on Tenth Street between Addison and Allston approaching George Florence Park, another speed table in front of the West Berkeley YMCA, and another at the south end of the intersection of Tenth and Allston. 3. Repainting of crosswalks along this section of Tenth Street. 4. Bulb outs at each corner of Tenth Street and Addison Street.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 17. Resolution Supporting HR 25, Calling for Federal Investigation on Sedition at U.S. Capitol and Expulsion of Complicit Members of Congress**
From: Councilmember Taplin (Author), Mayor Arreguin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a resolution condemning the violent attack on the U.S. Capitol on January 6, 2021 by a seditious mob intent on preventing the certification of the 2020 Presidential Election, in support of House Resolution 25, calling for a federal investigation on the attack and the expulsion of Members of Congress found complicit in incitement of insurrection.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 18. Support for SB 260**
From: Councilmember Taplin (Author), Councilmember Robinson (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Mayor Arreguin (Co-Sponsor)
Recommendation: Send a letter of endorsement for SB 260, the Climate Corporate Accountability Act, to Senator Scott Wiener and the Senate Standing Committee on Environmental Quality, and urge the CA Senate to lead the nation in pursuing real emissions reductions and holding corporations accountable.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

19. Support Vision 2025 for Sustainable for Sustainable Food Policies *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

From: Councilmember Davila (Author)

Recommendation:

1. Adopt a Resolution Supporting Vision 2025 for Sustainable Food Policies
2. Join San Francisco, Chicago and Austin in signing the Milan Urban Food Policy Pact (MUFPP) which includes forming an advisory body on sustainable food policies.
3. Support adoption of a Climate-Friendly Food Purchasing Policy as described by Friends of the Earth to replace 50% of the City's annual animal-based food procurement with plant-based food.

4. Short Term Referral to the City Manager to: a. Track the amount of animal-based food replaced with plant-based food; b. Use Friends of the Earth's Municipal Guide to Climate-Friendly Food Purchasing for the procurement of plant-based food.

(On February 8, 2021, the Health, Life Enrichment, Equity and Community Committee moved the item to Council with a qualified positive recommendation to take the following action: 1. Express support for the Milan Urban Food Policy Pact (MUFPP) 2. Refer aspects of the original item to the Community Health Commission (or future commission addressing public health) to take the following actions: a) Consult with appropriate City staff to evaluate the feasibility of altering food sources within the City's existing food service contracts - with a specific focus on the feasibility of replacing meat and dairy-based offerings with plant-based options - given contractor procurement practices and any federal or state nutrition requirements for seniors and other affected populations; and (b) Solicit input from potentially affected communities, particularly seniors, for their feedback on shifting to more plant-based foods through a short survey or other means; and 3. Adopt the resolution as amended.)

Financial Implications: See Report

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

20. Resolution in Support of Establishing Statewide Targets for 100% Zero-Emission Vehicle Sales No Later Than 2025 and Comprehensive Legislative Program to Achieve an Equitable and Just Statewide Transition Towards 100% Zero-Emission Transportation and Mobility by 2030

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

Recommendation: Adopt a resolution in support of establishing (1) statewide binding legislative targets for 100% zero emission vehicle sales no later than 2025, and (2) comprehensive statewide legislative program to achieve an equitable and just transition towards 100% zero-emissions transportation and mobility by 2030.

Send copies of the resolution to Governor Newsom, State Senator Nancy Skinner, Assemblywoman Buffy Wicks, copying President Biden, Vice President Harris, Senators Feinstein and Padilla, and Congresswoman Lee.

Financial Implications: Staff time

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

Council Consent Items

- 21. Budget Referral: Allocate Transportation Network Companies User's Tax Proceeds and other General Fund Revenues to Support Priority Protected Bicycle Boulevards and the Street Repair Program**
From: Councilmember Harrison (Author), Mayor Arreguin (Author), Councilmember Robinson (Author), Councilmember Taplin (Author)
Recommendation:
1. Refer to the June 2021 budget process: a. The first \$500,000 in expected Transportation Network Companies (TNC) User's Tax General Fund revenue toward the construction and maintenance of 18.4 miles of priority protected bicycle boulevards; and b. \$410,000 in expected TNC Tax revenue as revenues become available and an additional \$90,000 from other General Fund revenue to supplement demonstration projects under the Street Repair Program that either directly or indirectly reduce greenhouse gas emissions.
2. Refer to the Transportation Commission to make recommendations to the Council as to allocation of TNC User's Tax in subsequent budget cycles.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 22. Kala Art Institute 2021 Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor), Mayor Arreguin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$250 from Councilmember Hahn, to the Kala Art Institute, a 501(c)(3) non-profit organization, to support Art Kala 2021, an exhibition, auction, and benefit to support Kala's artistic, cultural, and educational programs, 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.
Financial Implications: Councilmember's Discretionary Funds - \$250
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 23. Resolution Condemning Anti-Asian Hate and Violence**
From: Councilmember Wengraf (Author), Councilmember Robinson (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Mayor Arreguin (Co-Sponsor)
Recommendation: Adopt a Resolution Condemning Anti-Asian Hate and Violence.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 24. Affirming the City of Berkeley's Support for the People of Tibet**
From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor)
Recommendation: Adopt a resolution affirming the City of Berkeley's support for the people of Tibet.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

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 use the "raise hand" function 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. 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.

Council Action Items

- 25. Resolution Clarifying Eligibility for Historic Landmark Designation for Residences and Other Structures, Sites and Areas of Importance for Notable Community Members Who Contributed to the Cultural and Historic Values of Berkeley**
From: Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a resolution clarifying eligibility for historic landmark designation for residences and/or other structures, sites and areas of importance for notable community members who contributed to the cultural and historic values of Berkeley, including to allow the childhood home of Vice President Kamala Harris to be eligible for designation.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action Calendar – New Business

- 26. Berkeley Economic Dashboards Update**
From: City Manager
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Information Reports

- 27. FY 2021-2022 Peace and Justice Commission Work Plan**
From: Peace and Justice Commission
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
- 28. Youth Commission Work Plan 2021**
From: Youth Commission
Contact: Ginsi Bryant, Commission Secretary, (510) 981-6700

Public Comment – Items Not Listed on the Agenda

Adjournment

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

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

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

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

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

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

COMMUNICATION ACCESS INFORMATION:

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



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

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on February 25, 2021.***

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

Mark Numainville, City Clerk

## **Communications**

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

### **COVID-19 Vaccinations**

1. Lina Haldar
2. Anne McClintock (2)
3. Kimberly Wesley, on behalf of acgov.org (3)
4. Laura Babitt
5. Ariel Smith-Iyer
6. Councilmember Kesarwani
7. Rebecca Esterson
8. B.J. Chisholm & Joshua Sperry
9. Rachel Gold
10. Kathy Labriola

### **North Berkeley BART Transit-Oriented Development (TOD)**

11. Richard Links
12. Mary Lai
13. Charlene Woodcock
14. Todd Jailer
15. Allegra Guarino
16. Bruce Bagnell
17. Gael Alcock
18. Roberta Silverstein and Stephen Sperber
19. Vicki Sommer
20. 34 similarly worded form letters (Development that fits the neighborhood)

### **National Crime Victims' Rights Week Proclamation Request**

21. Michelle Joya, on behalf of the Alameda County District Attorney's Office

### **Berkeley Police Chief**

22. Isabelle Gaston
23. Lavy Quintero

### **Gilman I-80 Interchange Project**

24. David Lerman

### **Literature Live Around the World**

25. Cherilyn Parson

### **Cannabis**

26. Daniel Kosmal

**Berkeley Mutual Aid**

27. Susan Runyan

**Housing Accountability Unit**

28. Livable California Electeds

**Cedar Rose Pickleball Courts Lawsuit**

29. Ravi Sahae, on behalf of LPS Law Firm

**Saka Nakodar Day**

30. Baldev Singh

**Golden Gate Horse Fatality**

31. Joe Kaplan (2)

**People's Park**

32. Uma Channer

**Black History Month 2021**

33. Russbumper

**Intent to Sue – 1346 Ordway Street**

34. Tim Kaun, on behalf of Law Offices of Dana Dean

**Homelessness**

35. Kathy Krebs

**Restaurant Week Promotion**

36. Jeffrey Church, on behalf of Visit Berkeley

**USPS Sanfu's**

37. Max Ventura

**Conduct of Zoom Meeting**

38. Linda Franklin

**URL's Only**

39. Vivian Warkentin (2)

40. Russbumper (6)

**Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.

- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.