

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, May 25, 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/89074533623> 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: 890 7453 3623 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:

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. Amendment: FY 2021 Annual Appropriations Ordinance**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,761-N.S. amending the FY 2021 Annual Appropriations Ordinance No. 7,748-N.S. for fiscal year 2021 based upon recommended re-appropriation of committed FY 2020 funding and other adjustments in the amount of \$76,221,382 (gross) and \$51,227,368 (net).
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Rama Murty, Budget Office, (510) 981-7000
- 2. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**
From: City Manager
Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021 and March 30, 2021.
Financial Implications: See report.
Contact: Farimah Brown, City Attorney, (510) 981-6950
- 3. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the council meetings of April 13, 2021 (special), April 20, 2021 (special and regular), April 27, 2021 (regular) and April 29, 2021 (closed).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 4. Assessments: Berkeley Tourism Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Annual Report of FY21 and preliminary budget for FY22 for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners' Association.
Financial Implications: See report.
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Consent Calendar

- 5. Assessments: Downtown Berkeley Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt two Resolutions:
1. Approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of Fiscal Year (FY) 2021 and proposed budget for FY 2022, and declaring Council's intention to levy an annual assessment for the DPBID for FY 2022.
2. Authorizing the City Manager to execute a sole source contract and any amendments with the Downtown Berkeley Association (DBA or "the Association") not to exceed \$7,285,257 of DPBID funds to support the Downtown area for the period July 1, 2021 to December 31, 2026, through the expiration of the DPBID.
Financial Implications: See report.
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 6. Assessments: North Shattuck Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the North Shattuck Property Based Business Improvement District (NSBID) Annual Report of Fiscal Years (FYs) 2021 & 20 and proposed budget for FY 2022, and declaring Council's intention to levy an annual assessment for the NSBID for FY 2022.
Financial Implications: See report.
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 7. Assessments: Telegraph Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of FY 2021 and proposed budget for FY 2022, and declaring Council's intention to levy an annual assessment for the TBID for FY 2022.
Financial Implications: See report.
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 8. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 25, 2020**
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: \$250,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

- 9. Memorandum of Agreement with the City of Oakland for the National Urban Search and Rescue Response System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a Memorandum of Agreement and any amendments with the City of Oakland, as the “Sponsoring Agency” for the National Urban Search and Rescue Response System, operated by the United States Department of Homeland Security, acting through the Federal Emergency Management Agency (FEMA), along with the State of California and local governments.
Financial Implications: None
Contact: Abe Roman, Fire, (510) 981-3473
- 10. Contract: Multicultural Institute for COVID -19 Outreach and Health Education Activities**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an expenditure contract and any amendments or extensions thereto with Multicultural Institute in the amount not to exceed \$100,000 for the period June 1, 2021 through June 30, 2022 for COVID-19 outreach services to the Latinx community; particularly the day laborer and domestic worker community.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 11. Revenue Grant Agreement: Funding Support from State of California Board of State and Community Corrections Proposition 64 Public Health and Safety Funding**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to The State of California Board of State and Community Corrections, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to address public health and safety related to the implementation of the Control, Regulate, and Tax Adult Use of Marijuana Act, to conduct public health promotion, protection, and prevention services for the State of California Board of State and Community Corrections revenue agreement in the projected amount of \$1,000,000 for May 1, 2021 to April 30, 2024.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

12. Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Services

From: City Manager

Recommendation: Adopt five Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following eleven revenue agreements:

1. Child Health and Disability Prevention (CHDP) Program, which includes Early Periodic Screening, Diagnosis, and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC), in the projected amount of \$353,395 for FY 2022.
2. Maternal, Child and Adolescent Health (MCAH) Program, in the projected amount of \$332,000 for FY 2022.
3. Tobacco Trust Fund: There is no match required and this contract is expected to be for \$300,000 in FY 2022.
4. Immunization Program: In the projected amount of \$42,204 for FY 2022.
5. Public Health Emergency Preparedness/Pandemic Flu/Cities Readiness Initiative (CRI) Program in the projected allocation of \$257,000 for FY 2022.

Financial Implications: See report.

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

13. Accept a Donation from the California Office of Emergency Services

From: City Manager

Recommendation: Adopt a Resolution accepting a donation of cash and gift cards totaling approximately \$9,000 from CalOES, the Governor's Office of Emergency Services.

Financial Implications: See report.

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

14. Classification and Salary: Establish Director of Police Accountability

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 69,538-N.S. Classification and Salary Resolution, to establish the Unrepresented classification of Director of Police Accountability with a monthly salary range of \$11,862.93 - \$17,794.40 effective May 25, 2021.

Financial Implications: See report.

Contact: David White, City Manager, (510) 981-7012

Consent Calendar

- 15. Protiviti Government Services: Using General Services Administration (GSA) Vehicle for Professional Services Purchase Orders**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti Government Services for the purchase of professional services using the General Services Agency's (GSA) purchasing vehicle no. GS-35F-0280X for an amount not to exceed \$137,000 through June 30, 2022.
Financial Implications: See report.
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 16. Grant Application: the Surrendered and Abandoned Vessel Exchange (SAVE) grant program of the California Division of Boating & Waterways**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to 1) submit a grant application to the California Division of Boating and Waterways 2021 SAVE grant program for \$42,000; 2) accept any grants; 3) execute any resulting grant agreements and any amendments; and authorizing the implementation of the projects and appropriation of funding for related expenses, including \$4,200 in local match from the Marina Fund.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 17. Purchase Order: Altec Industries, Inc. for One Aerial Bucket Truck**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcwell contract bid procedures, and authorizing the City Manager to execute a purchase order for one (1) Aerial Bucket Truck with Altec Industries, Inc. in an amount not to exceed \$206,180.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 18. Purchase Order: Braun Northwest for One (1) 2021 North Star 155-1 Type 1 Ambulance**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in HGACBuy contract bid procedures, and authorizing the City Manager to execute a purchase order for one (1) 2021 North Star 155-1 Type 1 Ambulance with Braun Northwest, Inc. in an amount not to exceed \$245,000.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 19. Purchase Order: Cal-Line Equipment Inc. for Three (3) Bandit 250XP Brush Chippers**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell (formerly NJPA) bid procedures, and authorizing the City Manager to execute a purchase order for three (3) Brush Chippers with Cal-Line Equipment Inc. in an amount not to exceed \$206,200.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 20. Purchase Order: Golden State Fire Apparatus, Inc. for One Pierce Quantum 1500 GPM Pumper**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in HGACBuy bid procedures, and authorizing the City Manager to execute a purchase order for one (1) Pierce Quantum 1500 GPM Pumper with Golden State Fire Apparatus, Inc. in an amount not to exceed \$866,000.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 21. Contract No. 108563-1 Amendment: Stanley Access Technologies for On-Call and Emergency Repair Services for Automatic Doors**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract 108563-1 with Stanley Access Technologies, to increase spending authority by \$50,000.00 for a total not to exceed amount of \$100,000.00 and to extend contract terms for one year, to June 30, 2023, for continued on-call and emergency repair services to maintain the commercial automatic doors in City-owned facilities.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 22. Declaration of Intent – Fiscal Year 2022 Street Lighting Assessments**
From: City Manager
Recommendation: Adopt two Resolutions granting the City Manager the authority to approve the Engineer’s Reports; set a public hearing to be held before the Council of the City of Berkeley at its June 15, 2021 meeting; and authorize the City Clerk to publish Notice of the Public Hearing for Fiscal Year 2022 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

23. **FY 2021/2022 Transportation Development Act Article 3 Fund Allocation**

From: City Manager

Recommendation: Adopt Resolutions:

1. Authorizing the City Manager to: submit an allocation request to the Metropolitan Transportation Commission (MTC) prior to the May 28, 2021 deadline for \$450,000 of FY 21/22 Transportation Development Act (TDA) Article 3 funds for the Berkeley Bicycle Plan Update and Vision Zero Quick Build Program; accept the funds; execute any resultant agreements and amendments; and authorize the implementation of the project, subject to securing the funds; and
2. Declaring that: the City of Berkeley is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the City of Berkeley to carry out the project; the project has been reviewed by the Bicycle Advisory Committee (BAC) of the City of Berkeley; the City of Berkeley attests to the accuracy of and approves the statements in Attachment A to this resolution; and a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Alameda County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

Financial Implications: See report.

Contact: Liam Garland, Public Works, (510) 981-6300

24. **Agreement with AC Transit for Operation and Maintenance of Transit Signal Priority Equipment**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and approve a Cooperative Agreement to enable Alameda-Contra Costa County Transit District and its contractor(s) to perform all operation and maintenance activities to Transit Signal Priority (TSP) equipment deployed by the Rapid Corridors Project within the City.

Financial Implications: See report.

Contact: Liam Garland, Public Works, (510) 981-6300

25. **Surplus Lands Act**

From: City Manager

Recommendation: Adopt a Resolution to comply with the terms of the Surplus Lands Act (California Government Code § 54220, Et Seq.), as exists now or may be amended in the future, including, but not limited to, AB 1255 (Rivas, 2019), which requires jurisdictions to compile and report annually an inventory of surplus lands to the California Department of Housing and Community Development.

Financial Implications: See report.

Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 26. Lease Agreement: 2010 Addison Street at Center Street Garage with Vito Loconte and Alexie LeCount d.b.a 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 d.b.a 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
- 27. Appointment of Monica Renee Jones to Mental Health Commission**
From: Mental Health Commission
Recommendation: Adopt a Resolution appointing: Monica Renee Jones as a representative of the General Public Interest Category, to complete her first 3-year term beginning May 26, 2021 and ending May 25, 2024.
Financial Implications: None.
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400
- 28. Police Review Commission online poll**
From: Police Review Commission
Recommendation: Authorize the Police Review Commission to conduct an online poll regarding awareness of the Commission and experience with its complaint process.
Financial Implications: None.
Contact: Katherine Lee, Commission Secretary, (510) 981-4950

Council Consent Items

- 29. Support of AB 1177 – California Public Banking Options Act**
From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution in support of Assembly Bill 1177 and send a copy of the Resolution to Governor Newsom, Senator Skinner and Assemblymember Wicks.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

- 30. Budget Referral: Sixth Street Traffic Calming Improvements for the Improvement of Pedestrian and Cyclist Safety**
From: Councilmember Taplin (Author)
Recommendation: That the City Council refers to the budget process the funding of traffic calming improvements as follows: 1. Rapid Rectangular Flashing Beacons (RRFB) and a median refuge island at Sixth and Channing Way; 2. A median refuge island at Sixth and Addison Street.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 31. COVID Economic Recovery - Expanding Local Purchasing Preferences to Rebuild the City's Local Economy and Tax Base**
From: Councilmember Hahn (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation:
1. To support urgently needed economic recovery in the wake of the COVID-19 crisis and direct more City of Berkeley dollars to Berkeley businesses, adopt a Resolution to expand Berkeley's existing local vendor preference program, effective September 1, 2021, by increasing the value of eligible contracts as follows: a. Contracts for supplies, equipment, materials, and other goods, raise the eligible contract value to \$100,000. b. Contracts for non-professional services, raise the eligible contract value to \$250,000. Direct the City Manager to develop and implement a local vendor preference program for contracts for professional services of up to \$250,000 in value (or up to a higher amount), to be effective January 1, 2022, to further support economic recovery in the City of Berkeley.
 2. Refer to the City Manager to reach-out to Berkeley businesses to publicize, offer training and provide other meaningful access to the City's expanded local preferences programs including outreach to businesses owned by people of color, people with disabilities, women, immigrants, and other traditionally marginalized business communities to ensure equitable access to contracting opportunities with the City of Berkeley.
 3. Refer to the City Manager to quickly incorporate, when available, any relevant or actionable results of the Mason Tillman Associates study reviewing and identifying disparities in the awarding of contracts affecting local, small, emerging enterprises and other enterprises with possible barriers to access in City construction, architecture, engineering, professional services, goods, and other services contracts.
 4. Refer to the City Manager to track and issue periodic reports to Council (or include in existing reports such as the annual Economic Dashboard), and/or to track on an online dashboard, the City's success expanding contracting for goods, equipment, and services with local vendors.
- Financial Implications:** See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Council Consent Items

- 32. Budget Referral: City of Berkeley Annual Holocaust Remembrance Day**
From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Refer to the Fiscal Year 2022/2023 budget process a request for \$6,000 annually to fund the City of Berkeley's Annual Holocaust Remembrance Day Program.
Financial Implications: \$6,000
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 33. Budget Referral: Increased Funding for Neighborhood Traffic Calming**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Droste (Co-Sponsor)
Recommendation: Refer to the Fiscal Year 2022/2023 Budget Process an annual increase in allocation for neighborhood traffic calming from the current 100 thousand dollars to 200 thousand dollars.
Financial Implications: \$100,000
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 34. Amend BMC 14.72.105**
From: Councilmember Wengraf (Author)
Recommendation: Adopt first reading of an Ordinance amending BMC 14.72.105 Neighborhood-Serving Community Facility Permits, to allow a broader range of community facilities to be eligible for parking permits.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 35. Budget Referral: Willard Park Ambassador**
From: Councilmember Droste (Author), Mayor Arreguin (Co-Sponsor), Councilmember Robinson (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Refer to the Budget and Finance Committee a request for \$100,000 in funding for a Park Ambassador at Willard Park for 1 year.
Financial Implications: \$100,000
Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

Action Calendar

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

The Presiding Officer will request that persons wishing to speak 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. 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 use the "raise hand" function 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. 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.

36. Rescinding and Adopting the Environmental Health Division Fee Schedule From: City Manager

Recommendation: Conduct a Public Hearing and, upon conclusion, adopt a Resolution to rescind Resolution 67,495-N.S. which established the current Environmental Health fee schedule and adopt a new fee schedule. The new fee schedule keeps all existing fees at the same level and adds a new permit fee category for Microenterprise Home Kitchen Operations (MEHKOs) with a proposed fee of \$510 annually to cover permit and inspection fees. The new fees will be effective June 1, 2021 until subsequently modified.

Financial Implications: See report

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

37. Selected Recreation and Camps Program Fee Increases From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select Recreation Division programs and rescinding Resolution No. 68,898-N.S. and all amendatory resolutions.

Financial Implications: See report.

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

Action Calendar – Public Hearings

38. FY 2022 Proposed Budget and Proposed Budget Public Hearing #1

From: City Manager

Recommendation: Accept the FY 2022 Proposed Budget for review and consideration by the City Council and final adoption on June 29, 2021 and conduct Public Hearing #1 on the FY 2022 Proposed Budget.

Financial Implications: See FY 2022 Proposed Biennial Budget

Contact: Rama Murty, Budget Office, (510) 981-7000

Action Calendar – New Business

39a. Grant Allocation: Approve Funding Recommendation for Programs to Reduce Consumption of Sugar-Sweetened Beverages (SSBs)

From: Sugar Sweetened Beverage Product Panel of Experts

Recommendation: Approve the SSBPPE Commission's recommendations and adopt thirteen (13) Resolutions authorizing the City Manager or her designee to enter into contracts with the Berkeley Unified School District and the Community Based Organizations (CBOs) listed below to distribute a total of \$2,662,506 for FY 2022 and FY 2023 according to the schedule below and to also provide \$239,626 to the City of Berkeley Public Health Division (BPHD) during the same period to support administering and enhancing this program as approved by the Berkeley City Council as follows: 1. \$951,452 total grant to Berkeley Unified School District to implement the Gardening and Cooking Program for FY 2022 and FY 2023 to be disbursed as follows: \$475,726 for FY 2022 and \$475,726 for FY 2023. 2. \$242,250 total grant to the Ecology Center to implement For Thirst, Water First! program for FY 2022 and FY 2023 to be disbursed as follows: \$121,125 in FY 2022 and \$121,125 in FY 2023. 3. \$445,330 grant to Healthy Black Families to implement Thirsty for Change! (T4C) program for FY 2022 and FY 2023 to be disbursed as follows: \$222,665 in FY 2022 and \$222,665 in FY 2023. 4. \$30,000 grant to the Multicultural Institute to implement the Life Skills/Day Laborer Program: Health Activity program for FY 2022 and FY 2023 to be disbursed as follows: \$15,000 in FY 2022 and \$15,000 in FY 2023. 5. \$80,000 grant to the YMCA of the East Bay to implement the YMCA Diabetes Prevention (YDPP) program for FY 2022 and FY 2023 to be disbursed as follows: \$40,000 in FY 2022 and \$40,000 in FY 2023. 6. \$90,550 grant to the YMCA of the East Bay to implement the YMCA Healthy Me! program for FY 2022 and FY 2023 to be disbursed as follows: \$45,275 in FY 2022 and \$45,275 in FY 2023. 7. \$237,150 grant to Lifelong Medical Care to implement the Chronic Disease and Oral Health Prevention Project for FY 2022 and FY 2023 to be disbursed as follows: \$118,575 in FY 2022, and \$118,575 in FY 2023. 8. \$37,600 grant to Fresh Approach to implement the Veggie Rx Program for Healthy Foods and Beverages program for FY 2022 and FY 2023 to be disbursed as follows: \$18,800 in FY 2022, and \$18,800 in FY 2023. 9. \$116,000 grant to Bay Area Community Resources to implement the Healthy Options at Point of Sale program for FY 2022 and FY 2023 to be disbursed as follows: \$58,000 in FY 2022, and \$58,000 in FY 2023. 10. \$55,448 grant to Community Health Education Institute to implement the Artists Against Soda program for FY 2022 and FY 2023 to be disbursed as follows: \$27,724 in FY 2022, and \$27,724 in FY 2023. 11. \$77,600 grant to Berkeley Youth Alternatives to

Action Calendar – New Business

implement the Urban Agriculture and Team Nutrition Program for FY 2022 and FY 2023 to be disbursed as follows: \$38,800 in FY 2022 and \$38,800 in FY2023. 12. \$59,500 grant to 18 Reasons to implement the Cooking Matters program for FY2022 and FY2023 to be disbursed as follows: \$29,750 in FY2022 and \$29,750 in FY2023. 13. \$239,626 to the City of Berkeley Public Health Division (BPHD) to support the SSBPE Commission and assist with outside evaluations to be disbursed as follows: \$119,813 in FY 2022 and \$119,813 in FY 2023. 14. The Commission recommends that indirect or administrative expenses not exceed 10% of the program budget for any entity and that the funds awarded not be used to supplant any other source of funding. 15. The Commission recommends that City Council authorize the City Manager to authorize advances for BUSD and the selected community agencies receiving funds in FY 2022 and FY2023. The advances are to be equivalent to 25% of the agency's allocation.

Financial Implications: See report

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

39b. Companion Report: Approve Funding Recommendation for Programs to Reduce Consumption of Sugar-Sweetened Beverages (SSBs)

From: City Manager

Recommendation: Approve the SSBPE Commission's recommendation for funding for Community Based Organizations (CBOs) and Berkeley Unified School District (BUSD) and adopt thirteen (13) Resolutions authorizing the City Manager or her designee to enter into contracts with the CBOs and BUSD to distribute a total of \$2,662,506 for FY 2022 and FY 2023 according to the schedule recommended by the SSBPE. Uphold the City of Berkeley Public Health Division allocation previously approved through Resolution No. 69,669-N.S. by allocating \$399,374 during the same time period.

Financial Implications: See report.

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

Council Action Items

40. Amending the Berkeley Election Reform Act (BERA) Relating to Officeholder Accounts *(Reviewed by the Agenda & Rules Committee)*

From: Agenda & Rules Committee: Mayor Arreguin, Councilmembers Hahn and Wengraf

Recommendation: Take one of the following actions:

1. Refer a proposal to the Fair Campaign Practices Commission (FCPC) amending the Berkeley Election Reform Act (BERA), BMC Chapter 2.12, and Lobbyist Registration Act, BMC Chapter 2.09, to enact “a reasonable set of limitations and rules” to regulate the maintenance of officeholder accounts, as developed and referred for consideration by the Agenda and Rules Committee; or
2. Refer a proposal to the FCPC amending BERA, BMC Chapter 2.12, to prohibit Officeholder Accounts, as originally proposed by the Fair Campaign Practices Commission.

Policy Committee Recommendation: Send the item to Council with two proposed alternatives: 1) Councilmember Hahn’s proposal to regulate officeholder accounts, and 2) the Fair Campaign Practices Commission proposal to prohibit officeholder accounts; and to include the Commission’s analysis of regulating officeholder accounts in the item that goes to the full Council.

Financial Implications: See report.

Contact: Agenda & Rules Committee members: Jesse Arreguin, Committee Chair, (510) 981-7100, Sophie Hahn, Councilmember, District 5, (510) 981-7150, Susan Wengraf, Councilmember, District 6, (510) 981-7160

Council Action Items

41. **Commission Reorganization for Post-COVID19 Budget Recovery**
From: Councilmember Droste (Author), Councilmember Robinson (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor) *(Reviewed by the Agenda & Rules Committee)*

Recommendation:

1. Refer to the City Manager and City Attorney to bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach. Phase 1: Prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions. Phase 2: All other Commissions as proposed in the report. As staff is able to make recommendations on consolidation, they can bring those recommendations forward one by one.
2. Refer to staff to develop recommendations on the transition to new consolidated commissions and the effective date of the changes.
3. Consider establishing 18 members on the new Climate and Environment Commission and establishing specific subcommittees focused on the policy areas of the merged commissions.
4. The Peace, Justice and Human Welfare Commission will be composed of only Mayor and Council appointees.
5. Refer to City Manager and Commissions the following additional considerations:
 - Federal, state or other external mandates that might be impacted, and determine how to handle.
 - Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted.
 - What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission's charter.
 - Whether the merged Commission might include 9, or a greater number of members.
 - The possibility of requiring specific qualifications for appointment to the merged Commission.
 - The possibility of recommended or required Standing Committees of the Merged Commission.
 - Volunteer workload and capacity given scope of Commission's charter

Policy Committee Recommendation: Make a Qualified Positive Recommendation to City Council to: 1. Refer to the City Manager and City Attorney to bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach. Phase 1: Prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions. Phase 2: All other Commissions as proposed in the report. As staff is able to make recommendations on consolidation, they can bring those recommendations forward one by one. 2. Refer to the Commissions impacted a process to determine the charge/responsibilities of the newly merged commissions, and bring Commission input to the appropriate Policy Committees (as proposed by Vice-Mayor Droste in 4/5/21 submittal) for further recommendations to the City

Council Action Items

Manager on revised charge/responsibilities of merged commissions. 3. Refer to staff to develop recommendations on the transition to new consolidated commissions and the effective date of the changes. 4. Consider establishing 18 members on the new Climate and Environment Commission and establishing specific subcommittees focused on the policy areas of the merged commissions. 5. The Peace, Justice and Human Welfare Commission will be comprised of only Mayor and Council appointees. 6. Refer Councilmember Hahn questions to City Manager and Commissions: “Commissions to Combine/Merge - Suggested Considerations”

- Federal, state or other external mandates that might be impacted, and determine how to handle.
- Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted.
- What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission’s charter.
- Whether the merged Commission might include 9, or a greater number of members.
- The possibility of requiring specific qualifications for appointment to the merged Commission.
- The possibility of recommended or required Standing Committees of the Merged Commission - Volunteer workload and capacity given scope of Commission’s charter.

Financial Implications: See report

Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

Information Reports

42. Mental Health Commission Work Plan 2021-2022

From: Mental Health Commission

Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

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 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 May 13, 2021.***

A handwritten signature in black ink, appearing to read "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](#).*

### **Tenant Opportunity to Purchase Act**

1. 4 similarly-worded form letter (My name is)
2. Mary Behm-Steinberg
3. David Nutt
4. Annie Koruga
5. Kathleen Crandall
6. Berkeley Rental Housing Coalition
7. East Bay Young Democrats
8. California Democratic Renters Council

**1921 Walnut Street Demolition**

- 9. Northern Alameda County Sierra Club
- 10. University of California, Berkeley

**COVID-19**

- 11. Ava See (2)

**City of Berkeley Crime**

- 12. Erwan Illian

**2021 LRDP and Housing Projects #1 and #2 – UC Berkeley**

- 13. City of Berkeley Landmarks Preservation Commission

**Affordable Housing Overlay**

- 14. Cal Berkeley Democrats
- 15. Associated Student University of California

**Public Comment at Agenda and Rules Meeting**

- 16. Thomas Lord

**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.