

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, November 10, 2020
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

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/87207824735>. 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: 872 0782 4735. 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. Amending Berkeley Municipal Code Chapter 12.70 Sections 12.70.020 V, 12.70.035 E and 12.70.037 C to be in accordance with California Health and Safety Code**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,736-N.S. amending Berkeley Municipal Code Chapter 12.70 to update Section 12.70.020 Definitions section V and repealing Section 12.70.035.E and 12.70.037.C and adjusting the definition of "smoke" or "smoking" to include medical cannabis to align with the State of California Health and Safety code.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 2. Memorandum of Understanding for a Winter Relief Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a memorandum of understanding (MOU) between Alameda County and the City of Berkeley for a Winter Relief Program, consisting of \$25,000 allotted from Alameda County to the City, which will provide homeless people on the streets of Berkeley housing respite through May 31, 2021.
Financial Implications:
Contact: Erin Steffen, City Manager's Office, (510) 981-7000
- 3. Memorandum of Understanding: Berkeley Fire Fighters Association, Local 1227**
From: City Manager
Recommendation: Adopt one Resolution approving a new one (1) year Memorandum of Understanding (hereafter referred to as "MOU") with the Berkeley Fire Fighters Association/I.A.F.F. Local 1227 (hereafter referred to as the "Association") with a term of June 28, 2020 through June 30, 2021 and authorizing the City Manager to make non-substantive edits to the format and language of the Memorandum of Understanding in alignment with the tentative agreement, and conforming to legal requirements.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
- 4. Lease for 5385 Cazadero Hwy, Cazadero, CA 95421 – Cazadero Performing Arts Camp (CPAC)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement and necessary amendments with Cazadero Performing Arts Camp, at 5385 Cazadero Hwy, Cazadero, CA 95421 for a term of twenty-five (25) years, with an option to renew for ten (10) years.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 5. Referral Response: Including Climate Impacts in City Council Reports**
From: City Manager
Recommendation: Request that the City Manager update the templates and associated training materials to add “Climate Impacts” in the “Environmental Sustainability” section of reports to the City Council, and codify the changes in Appendix B in the next update to the Berkeley City Council Rules of Procedure. This recommendation is a partial response to a January 21, 2020 referral, sponsored by Councilmembers Davila and Bartlett, to require that all City Council items and staff reports include “climate impacts” in addition to environmental sustainability.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 6. Acceptance of \$20,000 Grant for utility bill management software analysis**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept a \$20,000 grant award from the Energy Council through East Bay Energy Watch Partnership, to support staff analysis of online utility bill database management services.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 7. Resumption of Fees at Oregon Park Senior Apartments** *(Continued from October 13, 2020)*
From: City Manager
Recommendation: Authorize the City Manager to resume charging fees, including housing inspection service fees, at Oregon Park Senior Apartments (OPSA), located at 1425 Oregon Street, to increase the effectiveness of housing code enforcement.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 8. Purchase Order: Pape Machinery, Inc. for One (1) John Deere 310SL Backhoe Loader**
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. 032119-JDC and authorizing the City Manager to execute a purchase order for one 2020 John Deere 310SL Backhoe Loader with Pape Machinery, Inc. in an amount not to exceed \$150,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

9. **Purchase Order: Altec Industries, Inc. for One Aerial Bucket Truck**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Sections 67.2 allowing the City to participate in Sourcewell 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 \$200,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Council Consent Items

10. **Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Mayor Arreguin (Author), Councilmember Davila (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin to the Berkeley Holiday Fund's annual campaign 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: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
11. **Four Way Stop Signs on Eighth Street at Carleton Street and Pardee Street**
From: Mayor Arreguin (Author)
Recommendation: Refer to the City Manager a proposal to install stop signs at the intersections of Eighth Street and Carleton Street and Eighth Street and Pardee Street.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

12. **Authorize Installation of Security Cameras at Major Berkeley Arterial Streets Serving as Entry and Exit Points for the City and Request an Environmental Safety Assessment in High Crime Areas of the City**
From: Councilmember Kesarwani (Author), Mayor Arreguin (Co-Sponsor)
Recommendation: In order to deter would-be perpetrators of gun violence and apprehend those engaging in gun violence, adopt the following recommendations:
1. Request that the City Manager install security cameras and increased lighting at appropriate arterial streets serving as entry into and exit out of the City of Berkeley in conjunction with prominently displayed signage;
2. Refer to the City Manager to perform an environmental safety assessment of the high crime areas specifically in South and West Berkeley;
3. Refer costs for security cameras and lighting to the mid-year budget process for FY 2020-21.
Financial Implications: See report
Contact: Rashi Kesarwani, Councilmember, District 1 (510) 981-7110
13. **Budget Referral to Reinstate Partial Funding for the Gun Buyback Program Previously Authorized by City Council**
From: Councilmember Kesarwani (Author), Mayor Arreguin (Co-Sponsor), Councilmember Davila (Co-Sponsor)
Recommendation: Refer to the FY 2020-21 November Amendment to the Annual Appropriations Ordinance (AAO #1) \$40,000 to reinstate partial funding for the Gun Buyback Program—originally proposed by Councilmember Cheryl Davila and authorized by the City Council on Nov. 27, 2018.
Financial Implications: \$40,000
Contact: Rashi Kesarwani, Councilmember, District 1 (510) 981-7110

Council Consent Items

14. **Open Pathways (including laundry services), West Campus Pool and Martin Luther King Jr. Pool (King pool) to implement the City of Berkeley Shower Program at these locations and provide the ability for our community to shower during the COVID 19 pandemic** *(Item contains revised materials. Reviewed by the Budget & Finance Committee)*
From: Councilmember Davila (Author)
Recommendation: Direct the City Manager to open the Pathways (including laundry services), West Campus Pool and Martin Luther King Jr. Middle School (King pool) Pool to implement the City of Berkeley Shower Program at these locations. Opening these locations will provide the ability for our community to shower during the COVID 19 Pandemic, a humane action required during this crisis.
(On October 8, 2020, the Budget & Finance Committee took action to send the item to Council with a qualified positive recommendation acknowledging that the City Manager is already implementing a shower program and to thank the City Manager for initiating this program and to encourage its continued operation during the COVID emergency. Vote: All Ayes.)
Financial Implications: \$270,100
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
15. **Refer to the City Manager the design of a companion Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements to low-income residents** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Harrison (Author)
Recommendation: Refer to the City Manager the design of a Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements to low-income residents as a companion to the Council referral to expand the Seismic Transfer Tax Rebate Program to include efficiency and electrification retrofit measures.
(On October 7, 2020, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action: M/S/C (Harrison/Robinson) to move recommendation two to "Refer to the City Manager the design of a Companion Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements for low income residents" to the City Council with a positive recommendation. Vote: All Ayes.)
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
16. **Budget Referral - \$20,000 radar speed feedback sign for Wildcat Canyon Road**
From: Councilmember Wengraf (Author)
Recommendation: Referral to the City Manager for a solar powered radar speed feedback sign to be installed on Wildcat Canyon Road at the cost of \$20,000 to be considered during the Mid-Year Budget Process.
Financial Implications: \$20,000
Contact: Susan Wengraf, Councilmember, District 6 (510) 981-7160

Council Consent Items

17. Consider Fire Safety Options for Fire Pit at Codornices Park

From: Councilmember Wengraf (Author)

Recommendation: Referral to the Parks & Waterfront Commission to consider safety options regarding the future of the fire pit at Codornices Park. Please consider 1) Complete removal of fire pit or 2) Manufacture of a cover that can be secured and locked.

Financial Implications: See report

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

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.

18. Presentation: Report on Homeless Outreach during COVID 19 Pandemic

From: City Manager

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

19. Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code **From: City Manager**

Recommendation: Adopt a Resolution accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code

Financial Implications: None

Contact: Andrew Greenwood, Police, (510) 981-5900, Savita Chaudhary, Director of Information Technology (510) 981-6541, Dave White, City Manager's Office, (510) 981-7000.

Action Calendar

20. **Annual Commission Attendance and Meeting Frequency Report** (*Continued from October 27, 2020*)
From: City Manager
Recommendation: Review and accept the annual Commission Attendance and Meeting Frequency Report.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6908
21. **Support Community Refrigerators** (*Continued from September 22, 2020*)
From: Councilmember Davila (Author)
Recommendation:
1. Adopt a Resolution to create an allocation of the homeless budget towards the purchasing of community refrigerators to be distributed in Council districts to provide access to food for those who have no refrigeration or may be food insecure.
2. Allocate \$8,000 of the budget for the purchasing of the refrigerators.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
22. **Vote of No Confidence in the Police Chief** (*Continued from September 15, 2020*)
From: Councilmember Davila (Author)
Recommendation: Adopt a resolution taking a Vote of No Confidence in the Police Chief.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

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 October 29, 2020.***

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](#).*

### **Housing at North Berkeley and Ashby BART Stations**

1. 20 identical form letters
2. Steve Gilmartin
3. Janice Schroeder
4. Mary Behm-Steinberg
5. Daniel Borgstrom
6. Shirley Dean
7. Virginia Browning
8. Kurk Ribak
9. Claire Broome
10. Sloane and Nick Morgan
11. Vicki Sommer
12. Phil Allen
13. Kenneth Gross
14. Catherine Fox
15. Eileen Hughes

### **Inside Arts Venues**

16. Lisa Bullwinkel
17. Sharon Dolan, Chair, Berkeley Cultural Trust (2)
18. Blake Parker, on behalf of Freight & Salvage
19. Karen Elliot
20. Barbara Higbie
21. Celia Ramsay
22. Evie Ladin
23. Andrea Hirsig
24. Suzy Thompson
25. Stephen Leake
26. Dan Warrick
27. Hali Hammer
28. Fritzi Drosten
29. Susan Wengrofsky
30. Gail Husson
31. Julie Greenfield
32. Tobie Lurie
33. Sharon and Richard Tamm (2)
34. Dee Williams-Ridley, City Manager
35. Virginia Browning
36. Brenda Laribee
37. Esther Lerman
38. Yvonne Martinez
39. Susan Rudio
40. Katy Waffle
41. Sara Sunstein
42. Kathleen Archambeau
43. Diana Dominguez

### **1155-1173 Hearst**

44. Teal Major (2)
45. Dale Anania
46. Councilmember Harrison
47. Pam Ormsby
48. Mark Rhoades
49. Yashu Jiang
50. Stacey Shulman

### **Homelessness and Encampments**

51. Eric Friedman (2)
52. Hillary Kilimnik
53. Erwan Illian

**Vision 2025**

- 54. Emily Raap, on behalf of PETA
- 55. Kathleen Willey

**Public Swimming Pools**

- 56. Paul Preston
- 57. Donna Mickleson
- 58. Linda Worthman

**Affordable Housing**

- 59. Barbara Fisher

**5G and the Berkeley Police Department**

- 60. Virginia Hollins-Davidson
- 61. Phoebe Anne Sorgen (2)

**Taxation**

- 62. Arthur Stopes III (2)

**1811 Delaware**

- 63. Loren Fono, et al neighbors

**Caren Act**

- 64. Louis Lin
- 65. Russbumper

**Mail Not Being Collected**

- 66. Nina Ruymaker
- 67. Councilmember Robinson

**Cal Students Partying**

- 68. Anne Herrick (2)
- 69. Jen Loy, on behalf of the University of California, Berkeley

**Electric Mobility**

- 70. Tom Lent, on behalf of Walk Bike Berkeley (2)

**Berkeley Lab Proposal**

- 71. Dana Perls, on behalf of Friends of the Earth

**Berkeley Police Association Request – Chemical Agents**

- 72. Emily Murphy, on behalf of the Berkeley Police Association

**Plastic Bag Ban**

- 73. Ciara Khor-Brogan

**Ward Street Crosswalk**

74. George Torgun

**Red Flag Event – Berkeley Hills**

75. Ben Glickstein

76. Thomas Lord

77. Phoebe Anne Sorgen

78. David Lerman (2)

**Berkeley High School Distance Learning Challenges**

79. Sara Woods

**Removing Cops from Behavioral Crisis Calls**

80. Russbumper

**Zachary Running Wolf Hate Crime Felonies**

81. Russbumper

**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.