



Office of the City Manager

CONSENT CALENDAR  
October 27, 2020

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the council meetings of September 15, 2020 (closed and regular), September 22, 2020 (closed and regular) and September 29, 2020 (closed and special).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. September 15, 2020 – Closed City Council Meeting
2. September 15, 2020 – Regular City Council Meeting
3. September 22, 2020 – Closed City Council Meeting
4. September 22, 2020 – Regular City Council Meeting
5. September 29, 2020 – Closed City Council Meeting
6. September 29, 2020 – Special City Council Meeting

**MINUTES  
BERKELEY CITY COUNCIL  
SPECIAL MEETING**

**TUESDAY, SEPTEMBER 15, 2020**

**4:30 P.M.**

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 closed session 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 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/85459223027>. 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** and enter Meeting ID: **854 5922 3027**. 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](mailto: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.*

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## Preliminary Matters

**Roll Call:** 4:34 p.m.

**Present:** Davila, Harrison, Hahn, Wengraf, Robinson, Arreguin

**Absent:** Kesarwani, Bartlett, Droste

Councilmember Kesarwani present at 4:38 p.m.

Councilmember Bartlett present at 4:40 p.m.

Councilmember Droste present at 4:58 p.m.

**Public Comment - Limited to items on this agenda only – 9 speakers**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, David White, Deputy City Manager, LaTanya Bellow, Human Resources Director, Dania Torres-Wong, Chief Labor Negotiator, Burke Dunphy, Chief Labor Negotiator, David Brannigan, Fire Chief.

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021, Public Employees Union Local 1.

**Action:** No reportable action taken.

### 2. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)

a. Joseph Sanchez vs. City Of Berkeley, WCAB Case Number: #ADJ12041487

b. David Bartalini vs. City Of Berkeley, WCAB Case Numbers: #ADJ11995734

**Action:** No reportable action taken

## OPEN SESSION:

No reportable action taken.

## Adjournment

**Action:** M/S/C (Arreguin/Hahn) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 6:54 p.m.

I hereby certify that the foregoing is a true and correct record of the closed meeting of the City Council held on September 15, 2020.

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Mark Numainville  
City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

### **Item #1: Conference With Labor Negotiators; Government Code Section 54957.6**

1. Alene Pearson (2)
2. Jenny McNulty
3. Omar Calimbass
4. Taylor Lancelot
5. Katie Van Dyke

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, September 15, 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  
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DISTRICT 8 – LORI DROSTE

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*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:** 7:05 p.m.

**Present:** Davila, Harrison, Hahn, Robinson, Droste, Arreguin

**Absent:** Kesarwani, Bartlett, Wengraf

Councilmember Kesarwani present at 7:09 p.m.

Councilmember Bartlett present at 7:10 p.m.

Councilmember Wengraf present at 7:12 p.m.

### Ceremonial Matters:

1. Pledge of Allegiance to the Flag
2. Express gratitude to first responders for their efforts to contain wildfires
3. Adjourn the meeting in memory of:
  - Dr. Elmer Grossman, Pediatrician and City Commissioner
  - Victims of the COVID-19 Pandemic
  - Victims of, and those affected by, the many wildfires in the Western States
  - Mike Lee, Homeless Advocate
  - William McClung, Founder, University Press Books
  - Marge Glicksman, Local Artist
  - David Munstock, Community Leader
  - Sitha Vemireddy, Berkeley Resident
  - Frankie Banali, Musician
  - Ronald Bell, Musician
  - Martin Birch, Music Producer
  - Indigenous peoples around the world who are dying disproportionately from COVID, and all those who have lost lives from the wildfires, hurricanes, tornadoes, and all those who have lost lives to police violence and white supremacy.
  - The 57th anniversary of the young ladies who were killed in the attack at the 16th Street Baptist Church in Birmingham, Alabama this day, September 15, 1963 - Addie Mae Collins; Carol Denise McNair; Carole Rosamond Robertson; and Cynthia Dionne Wesley

### City Auditor Comments:

The City Auditor presented a summary of the Library Tax Audit.

### City Manager Comments:

The City Manager provided an update on the City's efforts to assist the unhoused community at Gilman and University on the I-80 Corridor – 69 people have been moved to hotels; food and fresh water access provided. Further, due to BCDC jurisdiction, Hs Lordships parking lot is not a feasible location for an outdoor encampment, and the City will continue searching for a location.

**Public Comment on Non-Agenda Matters:** 10 speakers.

**Action:** M/S/Failed (Arreguin/Hahn) to adopt a temporary rule to allow the Chair the authority to reduce public comment time to one minute per speaker.

**Vote:** Ayes – Hahn, Robinson, Droste, Arreguin; Noes – Davila; Abstain – Harrison; Absent – Kesarwani, Bartlett, Wengraf.

**Action:** M/S/Carried (Harrison/Wengraf) to reconsider to procedural motion on public comment.

**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.

**Action:** M/S/C (Harrison/Wengraf) to adopt a temporary rule to limit public comment to one minute on all agenda items for the September 15, 2020 meeting.

**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila.

**Action:** M/S/C (Arreguin/Hahn) to declare that an emergency situation exists and accept an urgency item from Councilmember Wengraf pursuant to Government Code Section 54954.2(b)(1) entitled Urgent and Immediate Measures to Address Fire Safety and Fire Prevention at Grizzly Peak Blvd. Scenic Look-Out Areas.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Harrison) to accept revised materials from the City Manager on Item 12.

**Vote:** All Ayes.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 28 speakers.

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

**Vote:** All Ayes.

### **Urgent and Immediate Measures to Address Fire Safety and Fire Prevention at Grizzly Peak Blvd. Scenic Look-Out Areas**

**From: Councilmember Wengraf (Author), Mayor Arreguín (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Droste (Co-Sponsor)**

#### **Recommendation:**

1. Request that the City manager work collaboratively with neighboring jurisdictions, including the City of Oakland, UC Berkeley, Lawrence Berkeley National Laboratory, Lawrence Hall of Science, and East Bay Regional Parks to address the use of fireworks and end other illegal and dangerous activities at scenic lookouts on Grizzly Peak Blvd.
2. Send the request for immediate, urgent, and coordinated action to UC Regents, UC Berkeley Chancellor Carol Christ, Lawrence Berkeley National Laboratory Director

Michael Witherell, Lawrence Hall of Science Director, Rena Dorph, Mayor and City Council of Oakland, Oakland City Administrator Edward Reiskin, East Bay Regional Parks District Board of Directors, EBRP General Manager Robert Doyle, Alameda County Supervisor Keith Carson, Contra Costa County Supervisor John Gioia and to the East Bay Hills Forum.

3. Adopt a Resolution requesting that all responsible jurisdictions take immediate action to stop the use of fireworks and end other illegal and dangerous activities at Grizzly Peak Blvd. scenic lookouts and other similar gathering areas in the Berkeley and Oakland hills, to prevent fires, end illegal dumping and protect the health and safety of the residents of Berkeley and Oakland as well as the UC Berkeley Campus, Lawrence Berkeley National Laboratory, East Bay Regional Parks.

**Financial Implications:** See report

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

**Action:** Approved recommendation. Adopted Resolution No. 69,542-N.S.

## Recess Items

1. **Contract: Orsolya Kuti, DVM to Provide On-site Veterinary Services for Berkeley Animal Care Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract and any amendments with Orsolya Kuti, DVM for on-site veterinary services for Berkeley Animal Care Services (BACS) for FY2021-2023, which establishes a contract in an amount not to exceed \$180,000.  
**Financial Implications:** General Fund - \$180,000  
Contact: Erin Steffen, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 69,543–N.S.



## Recess Items

**2. Revenue Grants: California Office of Traffic Safety (OTS) for the 2021 “Selective Traffic Enforcement Program (STEP)” and “Traffic Records Improvement Project (TRIP) Grants**

**From: City Manager**

**Recommendation:** Ratify the action taken by the City Manager, or designee, during recess to accept both the “Selective Traffic Enforcement Program (STEP)” and “Traffic Records Improvement Project (TRIP) grants and enter into the resultant grant agreements and any amendments, with the California Office of Traffic Safety (OTS) to fund increased levels of impaired or distracted driving enforcement, nighttime seatbelt enforcement, motorcycle safety enforcement, and educational programs regarding bicycle and pedestrian safety along with traffic records improvement through automated collection and submission of collision data to the California Highway Patrol, Statewide Integrated Traffic Records System (SWITRS) database. These tentative OTS grants are for \$205,000 and \$40,000 respectively for the period of October 1, 2020 through September 30, 2021 which is Federal Fiscal Year 2021.

**Financial Implications:** See report

Contact: Andrew Greenwood, Police, (510) 981-5900

**Action:** Adopted Resolution No. 69,544–N.S. Council also requested a memo from the City Manager regarding equitable enforcement under the program that will not disproportionately affect people of color.

**3. Contract No. 31900031 Amendment: Downtown Streets Team**

**From: City Manager**

**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess amending Contract No. 31900031 with Downtown Streets Team to add additional scope of work to provide a low-barrier Volunteer Work Experience model in which unhoused participants beautify their community in exchange for case management, employment services and a non-cash basic needs support, increase the contract by \$225,000 for a new not to exceed amount of \$870,304 and extend the Contract term to June 30, 2022.

**Financial Implications:** Measure P Fund - \$225,000

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

**Action:** Adopted Resolution No. 69,545–N.S.

## Consent Calendar

**4. Authorization to Apply for CalRecycle Waste Reduction, Reuse, Recycling, and Composting Grants and Payment Programs**

**From: City Manager**

**Recommendation:** Adopt a Resolution ratifying the action of the City Manager to apply for Reuse Grant Program FY 2019-20, and authorizing the City Manager to submit grant applications, accept grant funds, and execute any resulting grant agreements, amendments and expenditure reports with the State of California Department of Resource Recycling and Recovery for any grant and payment programs related to waste reduction, reuse, recycling, and composting for which the City of Berkeley is eligible to apply.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,546–N.S.

## Consent Calendar

**5. Lease Agreement: 1001 University Avenue with The Berkeley Food Network**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,729-N.S. authorizing the City Manager to execute a retroactive lease agreement with The Berkeley Food Network (BFN) to use the City property at 1001 University Avenue for a three-year lease term with an option to extend for two additional one-year terms.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 7,729–N.S.

**6. Amendment of Urgency Ordinance for Outdoor Commerce on Private Property**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,730-N.S. amending the Urgency Ordinance (No. 7,725-N.S.) amending Berkeley's Zoning Ordinance, Chapter 23E.18 and Section 23B.20.045, to allow additional categories of commerce and establish additional operating criteria for outdoor activities on private property.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 7,730–N.S.

## Consent Calendar

- 7. General Plan Redesignation and Rezone of The Rose Garden Inn at 2740 Telegraph Avenue (APN 054-1716-002-00), 2744 Telegraph Avenue (APN 054-1716-003-00), and 2348 Ward Street (APN 054-1716-031-00)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,731-N.S. amending the Zoning Map for the portion of parcels that comprise the Rose Garden Inn from Restricted Two-Family Residential District (R-2) to General Commercial District (C-1).  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,731–N.S.
- 8. Measure T1 Loan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to loan \$600,000 from the Parks Tax Fund and \$600,000 from the Measure BB – Local Streets & Roads Fund to the Measure T1 Fund for a total of \$1.2 million in FY 2021 to complete Phase 1 projects.  
**Financial Implications:** See report  
Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000  
**Action:** Adopted Resolution No. 69,547–N.S.
- 9. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the council meetings of July 2, 2020 (closed), July 7, 2020 (special and special), July 14, 2020 (regular), July 21, 2020 (special and special), July 23, 2020 (closed, special and special), July 28, 2020 (closed and regular) and July 30, 2020 (special and special).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Approved the minutes as submitted.
- 10. Voting Delegates – League of California Cities Annual Conference**  
**From: City Manager**  
**Recommendation:** Designate, by motion, a voting delegate and alternate for the business meeting of the Annual League of California Cities meeting to be held virtually on Friday, October 7, 2020.  
**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** To designate Councilmember Harrison as the City’s delegate and to designate Councilmember Robinson as the alternate.

## Consent Calendar

- 11. Renaming Shattuck Avenue 'East' to Kala Bagai Way** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution renaming the two block portion of Shattuck Avenue 'East' from Center Street to University Avenue, including the eastern facing block faces of Shattuck Square and Berkeley Square to Kala Bagai Way as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy (FITES) Committee and affirming the western segment of Shattuck Avenue, including the western facing block faces of Shattuck Square and Berkeley Square will be known as Shattuck Avenue.  
**Financial Implications:** See report  
Contact: Dave White, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 69,548–N.S.
- 12. Civil Enforcement of Face Covering Orders; Amending BMC Section 2.55.040**  
**From: City Manager**  
**Recommendation:** Adopt an urgency ordinance amending Berkeley Municipal Code Section 2.55.040 to authorize the City of Berkeley Public Health Officer or her designee to issue administrative citations for violation of a Health Officer order.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000  
**Action:** Adopted Ordinance No. 7,732–N.S. as revised in the material accepted at the meeting from City Manager to amend 2.50.040(B)(3).  
**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.
- 13. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 15, 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:** Sanitary Sewer Operations Fund - \$4,100,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.

## Consent Calendar

**14. Memorandum of Understanding with Alameda County Behavioral Health Care Services for Wellness Center operations**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to adopt a Memorandum of Understanding (MOU) between the City of Berkeley and Alameda County Behavioral Health Care Services (ACBHCS) for the term July 1, 2019 through June 30, 2021 for an expenditure of up to \$775,000 to fund the operational costs of a Mental Health Wellness Center (Wellness Center) located in the City of Berkeley.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,549–N.S.

**15. Revenue Contract: Community Services Block Grant (CSBG) Coronavirus Aid Relief and Economic Security (CARES) Act & Subsequent Community Agency Agreements for Calendar Years 2020-2022**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to: 1. Execute a revenue agreement, and any amendments that may increase the projected amount, with the State of California's Department of Community Services and Development (CSD) for Community Services Block Grant (CSBG) Coronavirus Aid Relief and Economic Security (CARES) Act funds (CSBG Contract No. 20F-3640) in the amount of \$373,097 to provide services in response to COVID-19; and 2. Execute an amendment to the existing revenue agreement totaling \$304,355 with CSD for COB annual CSBG allocation, adding \$2,751, bringing the total existing 2020 CSBG award to \$307,106; and 3. Execute an amendment to an existing contract in the amount of \$30,000 with WeHOPE (Contract No. 32000206) to provide shower services from August 1, 2020 through May 31, 2022, adding \$185,408 for a total not to exceed \$215,408; and 4. Execute additional new or amended agreements, for up to \$142,917 plus any amended amounts resulting in an increased contract amount, with various service providers using CSBG CARES Act funding to address the short-term and long-term impacts of COVID-19, such as mobile showers, meals for the unhoused, hygiene services such as porta-potties and handwashing stations, or other services for low-income persons as allowed under CSBG funds; and 5. Allocate the allowable 12% (\$44,772) of CSBG CARES Act funds to support City staff administering the funds.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,550–N.S.

## Consent Calendar

16. **Contract No. 32000201 Amendment: The Eikenberg Institute for Relationships for Cultural Humility Training Consultant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000201 with The Eikenberg Institute for Relationships through June 30, 2022, with a total contract NTE of \$90,000 to fund the Cultural Humility Training Consultant position with Dr. Kenneth Hardy. The contract term will not change.  
**Financial Implications:** Short Doyle Fund - \$15,000  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,551–N.S.
17. **Contract No. 122411-2 Amendment: Communication Strategies for Consulting Services for Voice over IP (VoIP) 911 Compliance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 122411-2 with Communication Strategies for Consulting Services for Voice over IP (VoIP) Support and Maintenance, increasing the contract amount by \$6,000 for a total not-to-exceed amount of \$82,811 from July 1, 2017 to June 30, 2021.  
**Financial Implications:** IT Cost Allocation Fund - \$6,000  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 69,552–N.S.
18. **Contract No. 114382-1 Amendment: MC Dean Inc. for Uninterrupted Power Supplies (UPS) Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9747 (ERMA Contract No. 114382-1) with MC Dean, Inc. for Uninterrupted Power Supplies (UPS) Maintenance, increasing the amount by \$51,698 for a total not to exceed \$146,906 from July 1, 2014 to June 30, 2023.  
**Financial Implications:** IT Cost Allocation Fund - \$51,698  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 69,553–N.S.
19. **Contract No. 32000082 Amendment: Mar Con Builders, Inc. for Live Oak Community Center Seismic Upgrade Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000082 with Mar Con Builders, Inc. for the Live Oak Community Center Seismic Upgrade Project, increasing the contract amount by \$200,000 for a total amount not to exceed of \$5,905,668.  
**Financial Implications:** Parks Tax Fund - \$200,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,554–N.S.

## Consent Calendar

- 20. Memorandum of Agreement: Construction of Gilman Street Sanitary Sewer Line Extension as part of the I-80 Gilman Street Interchange Improvements Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a Memorandum of Agreement (MOA) with the Alameda County Transportation Commission (Alameda CTC) to provide an initial \$290,000 in Measure T1 Infrastructure Bond funding for the construction of a new sanitary sewer line extension on Gilman Street to serve the future fieldhouse restroom at the Tom Bates Regional Sports Complex (TBRSC).  
**Financial Implications:** Measure T1 Fund - \$290,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,555–N.S.
- 21. Purchase Order: TYMCO, Inc. For One (1) Model 435 Regenerative Air Sweeper**  
**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) TYMCO model 435 Regenerative Air Sweeper in an amount not to exceed \$165,000.  
**Financial Implications:** Zero Waste Fund - \$165,000  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,556–N.S.
- 22. 100% Sustainable Trips by 2040** (*Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee*)  
**From: Community Environmental Advisory Commission**  
**Recommendation:** Adopt the attached Resolution, setting a goal of achieving 50% of trips taken by sustainable modes by 2030 and 100% by 2040, and refer to the Community Environmental Advisory Commission, the Energy Commission, and the Transportation Commission to develop relevant proposals and recommendations for accomplishing that goal.  
**Financial Implications:** See report  
Contact: Viviana Garcia, Commission Secretary, (510) 981-7460  
**Action:** Adopted Resolution No. 69,557–N.S. with an amended resolved clause to read "...ensuring a 50% increase of trips which begin or end within Berkeley use sustainable modes..."

## Council Consent Items

- 23. Amending Ordinance No. 7,692-N.S. extending the grace period for Fair Chance Housing Ordinance**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt an ordinance amending Ordinance No. 7,692-N.S. (Fair Chance Housing Ordinance) to extend the grace period for landlords to be held liable to January 1, 2021 so that staff has adequate time to complete the intended outreach prior to the ordinance going into full effect.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopt first reading of Ordinance No. 7,733–N.S. Second reading scheduled for October 13, 2020.
- 24. Letter to East Bay Regional Park District supporting renaming Vollmer Peak**  
**From: Councilmember Davila (Author)**  
**Recommendation:** Send the attached letter to the East Bay Regional Park District Board of Directors supporting renaming Vollmer Peak.  
**Financial Implications:** None  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
- 25. Centennial Proclamation Honoring the Passage of the United States 19th Amendment and the National Women's Suffrage Movement**  
**From: Councilmember Harrison (Author); Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a resolution honoring 2020 as the centennial of the winning of women's suffrage at the federal level in the United States.  
**Financial Implications:** None  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Councilmember Davila added as a co-sponsor. Adopted Resolution No. 69,558–N.S.
- 26. Resolution Congratulating Kamala D. Harris on her Nomination for Vice President of the United States**  
**From: Councilmember Hahn (Author), Councilmember Davila (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Mayor Arreguin (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution congratulating Kamala Harris on her nomination for Vice President of the United States.  
**Financial Implications:** None  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Adopted Resolution No. 69,559–N.S.



## Council Consent Items

- 27. Outreach and Technical Assistance for Berkeley Small Businesses Eligible to Participate in the California Rebuilding Fund**  
**From: Councilmember Hahn (Author)**  
**Recommendation:** Refer to the City Manager to engage in robust outreach to small businesses and organizations in Berkeley that may be eligible to participate in the California Rebuilding Fund, a new public-private partnership based on the SOS Small Business Loan model Berkeley passed in April 2020, that will leverage government backed capital to support small enterprises in California. It is our understanding that loans will be made in part on a first come, first served basis, so time is of the essence for staff to do outreach.  
The City Manager is requested to focus outreach in particular on underserved small businesses and nonprofits, entrepreneurs in historically disenfranchised communities, and enterprises serving children, including childcare providers, preschools, and camps.  
The City Manager is further recommended to partner with the Berkeley Chamber, Downtown Berkeley Association, Visit Berkeley, and Business Improvement Districts (BIDs) to ensure that eligible small businesses and nonprofits are aware of this opportunity, and receive any technical assistance they need in order to apply and participate in a timely manner. The City Manager is also recommended to partner with the Haas Business School at UC Berkeley for additional guidance.  
**Financial Implications:** Staff time  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Councilmember Harrison added as a co-sponsor. Approved recommendation.
- 28. Resolution: No Police Revolving Door** *(Reviewed by the Public Safety Committee)*  
**From: Councilmember Robinson (Author), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt a resolution designating a history of serious misconduct and the act of previously resigning in the middle of a serious misconduct investigation as immediate disqualifiers in the Berkeley Police Department recruitment and selection process.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Councilmembers Davila and Harrison added as co-sponsors. Adopted Resolution No. 69,560–N.S. to adopt the recommendation as approved by the Public Safety Committee amending Section 1000.6.1 by removing “...two unsustained complaints by different complainants...”

## Council Consent Items

**29. Resolution: Opposition to Proposition 20**

**From: Councilmember Robinson (Author), Councilmember Bartlett (Co-Sponsor)**

**Recommendation:** Adopt a Resolution opposing Proposition 20 on the November 2020 ballot, which would authorize felony charges for repeat or organized petty theft, require tougher penalties for noncriminal parole violations, expand DNA collection for people convicted of certain nonviolent crimes, and exclude those who have been convicted of domestic violence and certain nonviolent crimes from early parole consideration. Copies of the resolution are to be sent to Assemblymember Buffy Wicks and State Senator Nancy Skinner.

**Financial Implications:** See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

**Action:** Councilmembers Davila and Harrison added as co-sponsors. Adopted Resolution No. 69,561–N.S.

**30. Chancellor's Community Partnership Fund Grant for Paid Internships**

**From: Councilmember Robinson (Author)**

**Recommendation:** Adopt a Resolution accepting a \$15,000 grant from the UC Berkeley Chancellor's Community Partnership Fund (CCPF) to fund paid City internships for high school and college students, in partnership with the ASUC, the Public Service Center, and the Institute for Governmental Studies.

**Financial Implications:** See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

**Action:** Councilmembers Hahn and Harrison added as co-sponsors. Adopted Resolution No. 69,562–N.S.

## Action Calendar

### 31. Preserving Our Children's Recreation Areas

**From:** Councilmember Droste (Author), Mayor Arreguin (Author)

**Recommendation:** Request the City Manager to implement the following recommendations for Willard Park and utilize them for other parks where appropriate: 1. Increase nighttime enforcement and enable the police to enforce park rules and ordinances. 2. Consider the presence of needles and feces a Public Health threat and enable the Public Health Department to cordon off areas of encampment for the purpose of clearing the areas of contamination and ensuring the areas are safe for public use. 3. Determine where additional signage is needed to clarify rules regarding camping and park hours, as well as compliance with public health orders regarding COVID, included but not limited to facial coverings.

**Financial Implications:** Staff time

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

**Action:** Approved recommendation as revised in Supplemental Communications Packet #2 from Councilmember Droste.

*Request the City Manager implement the following recommendations for Willard Park and utilize them for other parks where appropriate:*

- 1. Increase nighttime enforcement and enable the enforcement of park rules and ordinances.*
- 2. Consider the presence of needles and feces a Public Health threat and enable the Public Health Department to cordon off areas of encampment for the purpose of clearing the areas of contamination and ensuring the areas are safe for public use.*
- 3. Determine where additional signage is needed to clarify rules regarding camping and park hours, as well as compliance with public health orders regarding COVID, included but not limited to facial coverings.*
- 4. Increase visitation from the Homeless Outreach Treatment Team to ensure that homeless residents get assistance and connections with health, mental health, substance abuse and related social services.*

**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.

Recess 9:23 p.m. – 9:33 p.m.

## Action Calendar – Public Hearings

**32. Substantial Amendment to the 2020-2025 Consolidated Plan including the PY20 (FY21) Annual Action Plan in Response to the Addition of Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds**

**From: City Manager**

**Recommendation:** Conduct a Public Hearing on the proposed Substantial Amendment to the 2020-2025 Consolidated Plan including the PY20 (FY21) Annual Action Plan in response to the addition of Coronavirus Aid, Relief, and Economic Security (CARES) Act funds, and upon conclusion adopt a Resolution authorizing the City Manager, or her designee, to:

1. Accept the CARES Act funding totaling the amount of \$8,259,408, including \$1,610,805 in Community Development Block Grant (CDBG-CV) and \$6,648,603 in Emergency Solutions Grant (ESG-CV) and reallocate \$535,998 of PY20 CDBG funds to provide support for the City of Berkeley's response to COVID-19; and
2. Allocate up to 10% of the PY20 HOME funds (not to exceed \$77,838) for Community Housing Development Organization (CHDO) operating funds, up to 25% for program administration, and the remaining to the to the Housing Trust Fund; and
3. Execute resultant agreements and amendments for the above-mentioned funds to implement proposed programs below; and
4. Submit the approved Substantial Amendment to the 2020-2025 Consolidated Plan and PY20 Annual Action Plan, to the U.S. Department of Housing and Urban Development (HUD) including public comments, and accept any resulting agreements with HUD; and
5. Adopt the revised Berkeley Citizen Participation Plan.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 4 speakers.

M/S/C (Wengraf/Davila) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/Failed (Davila/Bartlett) to suspend the rules and extend the meeting to 11:30 p.m.

**Vote:** Ayes – Davila, Bartlett, Harrison; Noes – Kesarwani, Hahn, Wengraf, Robinson, Droste, Arreguin.

**Action:** M/S/Carried (Arreguin/Wengraf) to adopt Resolution No. 69,563–N.S.

**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent - Davila.

Councilmember Davila absent 10:55 p.m. – 11:00 p.m.

## Action Calendar – Old Business

**33. Annual Housing Pipeline Report** *(Continued from July 28, 2020)*

**From: City Manager**

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

**Action:** M/S/C (Harrison/Wengraf) to continue Item 33 including supplemental and revised materials to September 22, 2020.

**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent - Davila.

**34. Contract 9274A Amendment: Ascentis Corporation 9274A for Biometric Time Card Services** *(Continued from July 28, 2020)*

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9730A with Ascentis Corporation for biometric time card services to extend the contract term by one year to June 30, 2022, and increase the contract amount by \$25,000 for a total contract amount not to exceed \$75,000.

**Financial Implications:** Various Funds - \$25,000

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

**Action:** Item 34 removed from the agenda by the City Manager.

## Action Calendar – Old Business

- 35. Urgency Ordinance: Updates to the COVID-19 Emergency Response Ordinance; Resolution: Request UC Berkeley Voluntarily Comply with Local Ordinances Restricting Evictions, Delaying Rent Payments, and Empowering Tenants to Terminate their Leases Without Penalty** (*Continued from July 28, 2020*)  
**From: Councilmember Davila (Author), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:**
1. Adopt an urgency ordinance amending Berkeley Municipal Code 13.110, Title 13, “The COVID-19 Emergency Response Ordinance,” to enhance emergency tenant protections consistent with recently adopted Alameda County laws, action in other jurisdictions, and consultation with community stakeholders.
  2. Adopt a Resolution Requesting University of California at Berkeley voluntarily comply with local eviction moratoriums and rent suspension ordinances.
- Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

**Action:** Moved to Consent Calendar. Adopted revised recommendation in Supplemental Communications Packet #1 to:

1. Refer to the 4x4 Committee amending Berkeley Municipal Code 13.110, Title 13, “The COVID-19 Emergency Response Ordinance,” to enhance emergency tenant protections consistent with recently adopted Alameda County laws, action in other jurisdictions, and consultation with community stakeholders representing marginalized groups; and request the 4x4 Committee submit proposed amendments to the Council in time for a first reading by the December 1, 2020 City Council meeting; and
2. Adopt Resolution No. 69,564-N.S. as written in Supplemental #1 with additional wording changes in 7<sup>th</sup>, 8<sup>th</sup>, and 10<sup>th</sup> Whereas clauses, and to change “local laws” to “Berkeley laws” throughout the resolution.

## Council Action Items

- 36. Vote of No Confidence in the Police Chief**  
**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  
**Action:** Item referred to the Agenda & Rules Committee as unfinished business pursuant to the Rules of Procedure.

## Information Reports

37. **City Council Short Term Referral Process – Quarterly Update**  
**From: City Manager**  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Received and filed.
38. **FY 2021 Civic Arts Grant Awards**  
**From: City Manager**  
Contact: Dave White, City Manager's Office, (510) 981-7000  
**Action:** Received and filed.
39. **Berkeley Public Library Uses Tax Funds by the Book, But More Internal Controls Needed**  
**From: Auditor**  
Contact: Jenny Wong, Auditor, (510) 981-6750  
**Action:** Received and filed as written in Supplemental Communications Packet #2

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

## Adjournment

Adjourned at 11:00 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of the City Council held on September 15, 2020.

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Mark Numainville  
City Clerk

## Communications

### **Item #12: Civil Enforcement of Face Covering Order; Amending BMC Section 2.55.040**

1. David Lerman (3)
2. Alexandra Crisafulli
3. Steven Schuyler

### **Evictions – Residential and Commercial**

4. Kem Loong
5. Katrina Uy
6. Jane Lee

### **Redistricting**

7. Phil Allen

**Support of Transportation Network Companies (TNC) Tax**

8. Ben Paulos

**Residential Preferred Parking**

9. David Lerman

**Property Tax Disparity Based on Square Footage**

10. Bob Flasher

11. Roxanne Schwartz

**Climate Funding and Climate Change**

12. Sheila Jacobs

13. Vivian Warkentin

**Housing at 2650 Telegraph**

14. Kayle Barnes

**Sugar Sweetened Beverage Tax**

15. Schneider Consulting

**Unbound Mini-Fest**

16. Cherilyn Parsons on behalf of the Bay Area Book Festival

**Brown Act and Public Meeting Callers**

17. Katarine Vidt

18. Councilmember Kesarwani

19. Thomas Lord

**Electric Mobility Roadmap**

20. Donna Graves

**Distance Learning**

21. George Torgun (2)

22. Nathan Francis

**Fund Housing Project at 1367 University Avenue**

23. Diana Bohn

**AC Transit**

24. Kevin Burke

**In Memory of John Lewis**

25. Melissa Weaver

**Board of Immigration Appeals Overturned**

26. Diana Bohn



**Satellite Affordable Housing Associates (SAHA)**

27. TLM

**Arson at The Way Church**

28. Betsy Strode

**Mental Health**

29. Boona Cheema

30. Margaret Fine

31. Elisa Mikiten

32. Andrea Prichett

**Wild Fires and Smoke**

33. Moni Law

34. Phoebe Anne Sorgen

**North Berkeley and Ashby BART**

35. Laura Klein

36. Walter Wood

37. Alisa Foster

38. David Brandon

39. Liz Horowitz (2)

40. Janice Schroeder

41. Steve Gilmartin

42. Melissa Riley

43. Wanda Warkentin

44. Toni Casal

45. Eileen Hughes

46. Deborah Gouailhardou

47. Lynda Caesara

48. Andrea Altschuler

49. Kathy Labriola

50. Sheila Goldmacher

51. Donald Goldmacher

52. Linda Franklin

**Adeline Corridor**

53. 29 form-letters

54. Matthew Lewis

55. Brian Troutwine

56. Watson Ladd

57. Matt Nichols

58. Peter Waller

59. Eric Smillie

60. David Soffa

61. Ariella Granett

- 62. Caleb Jones
- 63. Jeremy and Shelly Kaller
- 64. Claire Norris
- 65. Laura Stevens
- 66. Betsy Thagard

**5G and Telecom**

- 67. KO
- 68. Aria Cahir
- 69. Shirley Shelagnoski
- 70. Jeff Strahl
- 71. Rosemary Bensko
- 72. Vivian Warkentin (2)
- 73. Jennifer LaPorta
- 74. Carla Sienna
- 75. Blair Beekman
- 76. Alfred Twu
- 77. Tommaso Sciortino
- 78. Steve Jackson and Kori Kody
- 79. Diana Bohn
- 80. Max Ventura
- 81. Lloyd Morgan
- 82. Sandy N.
- 83. Phoebe Anne Sorgen

**Encampments and Homelessness**

- 84. Thomas Lord
- 85. Chris Denny-Brown
- 86. Liz Wiener
- 87. Peter Wen
- 88. Max Ventura
- 89. Remi Omodele
- 90. Russbumper

**Black Lives Matter**

- 91. Monica Jones
- 92. Avram Gur Arye
- 93. James Wood

**COVID-19 Related Communications**

- 94. David Lerman (4)
- 95. Alice Lee
- 96. Sharon Donovan
- 97. Blair Beekman
- 98. Ryan Bradley
- 99. Thomas Lord (2)

100. Camille Watts-Zagha
101. Evan Hamilton DeSerio
102. Will Schieber
103. Ruben Lizardo, on behalf of Cal
104. Vivian Warkentin
105. Anne Herrick
106. Hilary Pinkston
107. City of Berkeley and Rainbow Rubin
108. Bryce Nesbitt
109. George Torgun

**Police Funding, Matters, Etc.**

110. Jane Dulay
111. Richard Martin
112. Randy Parker
113. Gene Hendrix
114. Steven Schuyler
115. Tony Corman
116. Mimi Mougovan
117. Jeru Fend
118. June Greenawalt
119. Barbara Boyka
120. Julia Beers
121. Fran Haselsteiner
122. Florence Kragen
123. Barbara Fisher
124. Juli Dickey
125. Catherine Epstein
126. Tree Fitzpatrick
127. Rabi'a Keeble
128. Sally Hendrickson
129. Christine Garibian
130. Alina Fryer
131. Ellen Widess
132. Steve Block
133. Mark Etzbach
134. Charles Smith
135. Margo Tolins-Mejia
136. Jonathan Simon
137. Ellen Zucker
138. Irving Zucker
139. Barbara Fisher
140. Carol Denney
141. Three Stone Hearth
142. Lola Aruda
143. Shauna Wright

- 144. Josn Buswell-Charkow
- 145. Maris Arnold
- 146. 21 similarly worded form letters (I demand)

**ADU/Golden Duplexes**

- 147. Judi Sui
- 148. Alisa Foster
- 149. Bella Feldman
- 150. Tiffany Cotter

**Ashby Flea Market**

- 151. Enythe Green

**Addison Street Bike Blvd**

- 152. Bill Kristy
- 153. Beth Thomas, City of Berkeley Transportation

**Illegal Removal of Five Coast Live Oak at 1915 Berryman Street**

- 154. Deborah Kropp

**Supplemental Communications and Reports 1**

**Item #12: Civil Enforcement of Face Covering Orders; Amending BMC Section 2.55.040**

- 155. Revised material, submitted by the City Manager's Office

**Item #33: Annual Housing Pipeline Report**

- 156. Revised material, submitted by Planning and Development

**Item #35: Urgency Ordinance: Updates to the COVID-19 Emergency Response Ordinance; Resolution: Request UC Berkeley Voluntarily Comply with Local Ordinances Restricting Evictions, Delaying Rent Payments, and Empowering Tenants to Terminate their Leases Without Penalty**

- 157. Revised material, submitted by Councilmember Davila

**Item #36: Vote of No Confidence in Police Chief**

- 158. Elisa Mikiten

**Supplemental Communications and Reports 2**

**Item #12: Civil Enforcement of Face Covering Orders; Amending BMC Section 2.55.040**

- 159. Jack Litewka
- 160. Thomas Lord
- 161. Huldai Nystrom (2)
- 162. Glen Kohler
- 163. Nigel Guest
- 164. Max Ventura
- 165. Jane Ellis
- 166. Gale Garcia

- 167. Wanda Warkentin
- 168. Vivian Warkentin

**Item #31: Preserving Our Children’s Recreation Areas**

- 169. Supplemental material, submitted by Councilmember Droste
- 170. Friends of Ohlone Park

**Item #33: Annual Housing Pipeline Report**

- 171. Supplemental material, submitted by Councilmember Droste

**Item #39: Berkeley Public Library Uses Tax Funds by the Book, But More Internal Controls Needed**

- 172. Supplemental material, submitted the City Auditor

**Urgent and Immediate Measures to Address Fire Safety and Fire Prevention at Grizzly Peak Blvd. Scenic Look-Out Areas**

- 173. Urgent item, submitted by Councilmember Wengraf

**Supplemental Communications and Reports 3**

**Item #2: Revenue Grants: California Office of Traffic Safety (OTS) for the 2021 “Selective Traffic Enforcement Program (STEP)” and “Traffic Records Improvement Project (TRIP) Grants**

- 174. Chimey Lee

**Item #12: Civil Enforcement of Face Covering Orders; Amending BMC Section 2.55.040**

- 175. Revised material, submitted by the City Manager
- 176. Chris Cullader
- 177. Diana (2)
- 178. Chimey Lee
- 179. Anne McClintock
- 180. Isis Feral
- 181. Linda Franklin

**Item #22: 100% Sustainable Trips by 2040**

- 182. Tom Lent and Liza Lutzker for Walk Bike Berkeley

**Item #24: Letter to East Bay Regional Park District supporting renaming Vollmer Peak**

- 183. Russbumper
- 184. Chimey Lee

**Item #29: Resolution: Opposition to Proposition 20**

- 185. Joel Gerwein
- 186. Mary Ann Leff
- 187. George Kich
- 188. Joel Siegel

189. Igor Tregub

**Item #31: Preserving Our Children’s Recreation Areas**

190. Chelsea Hirshton

**Action Calendar – Public Hearings**

**Item #32: Substantial Amendment to the 2020-2025 Consolidated Plan including the PY20 (FY21) Annual Action Plan in Response to the Addition of Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds**

191. Presentation, submitted by HHCS

**Council Action Items**

**Item #36: Vote of No Confidence in the Police Chief**

192. Elana Auerbach (2)

193. Jeremy Lent

194. Robert De Goff – In support of the Police Chief

195. Kathleen Lopes – in support of the Police Chief

196. Hillary Brooks

197. Philip le roux – In support of the Police Chief

198. Mark Bell – In support of the Police Chief

199. Wini Williams

200. Lars Arney – in support of the Police Chief

201. MJ Baumann

202. Josh Buswell-Charkow – in support of the Police Chief

203. Julia Sen

204. Marcel Hawiger – in support of the Police Chief

205. Maxina Ventura (2)

206. Phyllis Kamrin – in support of the Police Chief

207. Catherin Huchting, on behalf of Friends of Adeline

208. Jeff Shaddock – in support of the Police Chief

**Urgent Item**

**Urgent and Immediate Measures to Address Fire Safety and Fire Prevention at Grizzly Peak Blvd. Scenic Look-Out Areas**

209. Revised material, submitted by Councilmember Wengraf

210. Franziska Raedeker

211. Joan Lester

212. Zachary Epstein

213. Cindy and Jim Rosenthal

214. Sue von Baeyer

215. Alison Ascher Webber

216. David Johnson

217. Thomas Courtade

218. Matt Van Dalsem

219. Susan Kwong
220. Rebecca Mills
221. Melinda and Andrea diSessa
222. Kevin Hurley
223. Nenele and Brad Bunnin
224. Maura Ghizzoni and Danny Rand
225. Mark Ferrari
226. Rocky Offner
227. Margaret Booth
228. Dan Romik
229. Melissa Foley
230. Ruth Langridge
231. Shirley Issel
232. Francesca Saveri
233. Ellen Hill
234. Ellen Archilla and Jacques Watteyne
235. Linda Twilling
236. Thom and Betty Seaton
237. Bruce D'Ambrosio and Jane Jorgensen
238. Barbara Freeman
239. Lisa Richards
240. Sarah Baughn
241. Janis Kahn and Jeff Greve
242. Roya Arasteh
243. Nancy Turak
244. John Blaustein
245. Gina Rieger
246. Ron Dion
247. Lota and Mac Rygiel
248. Simone Miller
249. Helene Vilett
250. Maksim and Thuy Liffe
251. Marvin Snow
252. Sharon Pincus
253. William Hurley
254. Jane Molnar
255. Cora Stryker
256. Emily Rader
257. Lynn Glaser
258. Bill Fleig and Ramsey Silberberg
259. Irene Storch
260. Rebecca Weiner
261. Paul Kevin Anderson
262. Olga Shalygin Orloff
263. Beth Newman
264. Dennis Mulqueeney

265. Jerry Skrainar
266. David Eisenbud
267. Tom Hertenstein
268. J. Pearce Hurley (2)
269. Silvia Bunge
270. Robert Holloway
271. Mary Harte
272. Bryan Graham
273. Michael Goldhaber
274. Leah Rosenthal
275. Ellen Goldblatt
276. Lezlie Kinyon
277. Antony and Judy Lepire
278. Kathleen Weaver
279. Jill Geller
280. Penny Barron
281. Henry DeNero
282. Rob and Alex Katzenstein
283. Kathy Skrainar
284. Paul Winsberg
285. Beth Feingold
286. Jennifer Payne
287. Cynthia Moore
288. Susan Frankel
289. Ramona Meyer-Piagentini and Owen Roberts
290. Catalina Ruiz-Healy
291. Greta Vollmer
292. Ellen Feigenbaum and Peter Schwab
293. Phyllis Steiber
294. Jessica Stiles
295. Linda Tran
296. Joe Van Steen
297. Matty Nemantollahi
298. Gail Feldman
299. Stephen F.
300. Barbara Vaughan
301. Caitlin Evans
302. Dan McDunn
303. Erin Meadows
304. Peter and Anne Esmonde
305. Stuart Hellman
306. Jeff Frey
307. Arinna Hollander
308. Patty Johnston
309. Janis Dairiki
310. David Lindberg



- 311. Joshua Bloom
- 312. Ken Krich
- 313. Sue Wild-Kirn
- 314. Rachel Sing
- 315. Barryett Enge
- 316. Kuniko Weltin-Wu (2)
- 317. Ellen Jones
- 318. Carla Shapreau
- 319. John Joisce
- 320. Cheryl Ann Fulton
- 321. Jaida Samudra
- 322. Sarah Bowles
- 323. Carolyn Stern
- 324. Elizabeth Powell
- 325. Dana Kilian
- 326. Molly Fraker
- 327. Andrea Cassidy
- 328. Doris Sloan
- 329. Laura X
- 330. Mary Beth Bykowsky
- 331. Susie Bailey
- 332. Andrea Cassidy
- 333. Michael Cassidy
- 334. Celia Damon
- 335. Tami Rowen
- 336. Kaela Kory
- 337. Sarah Liu
- 338. Rhonda Anthony Gruska
- 339. Eric Allman
- 340. Martine Kraus
- 341. Cynthia Leslie-Bole
- 342. Bob Jarman
- 343. Megan Holmes
- 344. Barbara Brunetti
- 345. Joshua Bloom
- 346. Emily Weinstein

## **Miscellaneous Communications**

### **Aquatic Park**

- 347. Narendra Dev

### **AB 3088**

- 348. Carole Marasovic

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES**

**TUESDAY, SEPTEMBER 22, 2020**

**4:00 P.M.**

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 closed session 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 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/81891250764>. 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** and enter Meeting ID: **818 9125 0764**. 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](mailto: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.*

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## Preliminary Matters

**Roll Call:** 4:04 p.m.

**Present:** Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Bartlett

Councilmember Bartlett present at 4:12 p.m.

**Public Comment - Limited to items on this agenda only – 0 speakers**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) AND 54956.9(d)(1):

City of Berkeley v. Regents of the University of California, Alameda Superior Court Case No. RG19023058

**Action:** No reportable action taken.

### 2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(4):

Initiation of litigation – one case The City Council will consider whether to initiate or intervene in a lawsuit against the Regents of the University of California.

**Action:** M/S/C (Arreguin/Davila) to provide direction to the City Attorney to intervene in the lawsuit, Save Berkeley's Neighborhoods v. Regents of the University of California, concerning UC Berkeley's development on the Clark Kerr Campus.

**Vote:** Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf, Droste, Arreguin; Abstain – Bartlett, Robinson.

## OPEN SESSION:

The City Council has directed the City Attorney to intervene in the lawsuit, Save Berkeley's Neighborhoods v. Regents of the University of California, concerning UC Berkeley's development on the Clark Kerr Campus.

## Adjournment

**Action:** M/S/C (Robinson/Harrison) to adjourn the meeting.

**Vote:** Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Absent – Droste.

Adjourned at 6:20 p.m.

I hereby that the foregoing is a true and correct record of the closed session meeting held on September 22, 2020.

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Mark Numainville  
City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, September 22, 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.*

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

## Preliminary Matters

**Roll Call:** 6:36 p.m.

**Present:** Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** None

### Ceremonial Matters:

1. Recognition of the 50<sup>th</sup> year of the Ecology Center
2. Adjourn in memory for Supreme Court Justice Ruth Bader Ginsberg
3. Adjourn in memory of the 200,000 victims of COVID-19 in the United States and all victims worldwide.

### City Auditor Comments:

The City Auditor noted that September is Suicide Prevention Month. The City Auditor noted the revisions in Item 8 regarding Measure FF. The City Auditor noted the importance of receiving data and documentation from departments in a timely manner and that recent meetings with the Police Department and the City Manager indicate that requested information from BPD should be available soon. The City Auditor also noted the addition of needed staff and the gradual resumption of regular audit activities.

### City Manager Comments:

The City Manager noted the request of the Auditor and the City's commitment to work collaboratively. The City Manager announced that due to health and safety reasons the prohibition on overnight camping in City parks will be enforced citywide.

**Public Comment on Non-Agenda Matters:** 10 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 13 speakers.

**Action:** M/S/C (Arreguin/Harrison) to accept revised materials from Mayor Arreguin regarding Item 8.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

## Consent Calendar

- 1. Resolution Reviewing and Ratifying the Proclamation of 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 and July 28, 2020.  
**Financial Implications:** See report  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted Resolution No. 69,565–N.S.
- 2. Contract No. 32000282 Amendment: AG Witt, LLC for COVID-19 Emergency Operations Cost Recovery Consultant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000282 with AG Witt, LLC for COVID-19 Emergency Operations Cost Recovery Consulting increasing the amount by \$100,000 to a not to exceed amount of \$150,000.  
**Financial Implications:** General Fund - \$100,000  
Contact: Dave White, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 69,566–N.S.
- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 22, 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:** Various Funds - \$5,510,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.

## Consent Calendar

- 4. Revenue Grant Agreement: Federal COVID19 Funding Support from Centers for Disease Control and Prevention – Epidemiology and Laboratory Capacity Enhancing Detection Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to California Department of Public Health to accept this COVID19 response grant, and to execute any resultant revenue agreements and amendments; which enables us to conduct and implement mitigation strategies in response to COVID19 for the following revenue agreement: HHCS Health Officer Unit's Communicable Disease Prevention and Control Program (CDPCP) COVID-19 Crisis Response's projected allocation of \$2,159,041 for FY 2021-2022.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,567–N.S.
- 5. Revenue Contracts: FY 2021 Aging Services Programs**  
**From: City Manager**  
**Recommendation:** Adopt five Resolutions authorizing the City Manager or her designee to execute any resultant revenue agreements and amendments with Alameda County to provide congregate and home-delivered meals, family caregiver support, senior center activities and information and assistance services to seniors for the following programs for Fiscal Year 2021: 1) Congregate Meals in the amount of \$43,695; 2) Home Delivered Meals in the amount of \$50,954; 3) Family Caregiver Support Program in the amount of \$39,499; 4) Senior Center Activities in the amount of \$22,840; and 5) Information and Assistance Services in the amount of \$49,548.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,568–N.S. (Congregate Meals); Resolution No. 69,569–N.S. (Home Delivered Meals); Resolution No. 69,570–N.S. (Family Caregiver); Resolution No. 69,571–N.S. (Senior Center); and Resolution No. 69,572–N.S. (Information and Assistance).
- 6. Contract No. 31900042 Amendment: CivicPlus, Inc. for Software Maintenance and Professional for the CivicRec Application**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900042 with CivicPlus, Inc. for software maintenance and professional services for the Recreation Division's online registration and reservation system, to increase the contract amount by \$73,756, for a total not to exceed amount of \$116,756, and to extend the contract for three (3) years until November 30, 2025.  
**Financial Implications:** See report  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 69,573–N.S. amended to correct the contract term to five (5) years.



## Consent Calendar

7. **Contract Amendment: for Marken Mechanical Services Contract 10142 now MSR Mechanical LLC for on-call heating, air conditioning, and ventilation services for the City**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an Amendment to Contract No. 10142, with Marken Mechanical Services to; document the company's ownership and name change to MSR Mechanical LLC; to increase the contract in an amount not to exceed \$30,000 for a total contract amount not to exceed \$80,000; and to extend the term through June 30, 2022.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,574–N.S.

## Council Consent Items

8. **Designating the Disaster and Fire Safety Commission as the Citizens' Oversight Committee for Expenditure of the Proceeds of the Fire, Emergency Services and Wildfire Prevention Tax (Measure FF)**  
**From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Robinson (Co-Sponsor)**  
**Recommendation:** Adopt a resolution designating the Disaster and Fire Safety Commission as the citizens' oversight committee for the expenditure of proceeds from the Fire, Emergency Services and Wildfire Prevention Tax (Measure FF). Should Measure FF pass on the November 3 ballot, the Disaster and Fire Safety Commission shall function as the citizens' oversight committee for expenditure of the proceeds of the Fire, Emergency Services and Wildfire Prevention Tax (Measure FF). For this purpose, in addition to its other powers, the Commission may: 1) request detailed expenditure plans for tax proceeds annually, which shall be provided to it as early in the budget process as feasible; 2) make recommendations to the City Manager and the City Council as to the rate at which the tax should be set and how any tax proceeds should be spent; and 3) obtain a report on actual expenditures. The City Manager shall cooperate with the Disaster and Fire Safety Commission in providing the information it requests. All expenditures also will be subject to an annual independent financial audit to confirm that expenditures are consistent with the intent of the measure.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 69,575–N.S. as revised in the materials accepted at the meeting from Mayor Arreguin with the further revision to remove the final resolved in the revised materials related to independent audits.

## Council Consent Items

**9. Providing our Unhoused Communities in the City of Berkeley with Potable Water and addressing Water Insecurity**

**From: Councilmember Davila (Author)**

**Recommendation:**

1. Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$500 from Councilmember Cheryl Davila, to help pay for the procurement of water bottles to be given to our unhoused residents and communities, using funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila, the Mayor and any other Councilmembers who would like to contribute.
2. Refer to City Manager to include an allocation in the upcoming AAO budget to use existing homeless services to fund Berkeley Free Clinic's program to address water insecurity among Berkeley's unhoused communities. This program will initially require \$10,000 to construct and maintain a large tank with a foot pump for dispensing water from a spout that can be used for drinking or handwashing.

**Financial Implications:** None

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

**Action:** Added Councilmember Harrison as a co-sponsor. 1. Adopted Resolution No. 69,576–N.S. revised to state the not to exceed amount as \$500 for all councilmembers and to include contributions from the following Councilmembers up to the amounts listed: Councilmember Davila - \$500; Councilmember Harrison - \$500; Councilmember Bartlett - \$200; Councilmember Kesarwani - \$200; Councilmember Robinson - \$250; Mayor Arreguin - \$250; Councilmember Hahn - \$250; Councilmember Wengraf - \$250. 2. Approved recommendation.

**10. Resolution to Incorporate the Practice of 1 Minute and 46 seconds of Mindfulness into City Council Meetings** *(Reviewed by the Agenda & Rules Committee)*

**From: Councilmember Davila (Author)**

**Recommendation:** Adopt a resolution to amend the City Council Meeting Agendas and Council Rules of Procedures to include one minute and forty-six seconds of silence to adopt mindfulness into Council meetings to remember the loss of lives due to police violence.

*(On August 31, 2020, the Agenda and Rules Committee made a Qualified Positive Recommendation to the City Council to observe one minute and forty-six seconds of silence at the September 22, 2020 regular meeting to remember the loss of lives due to police violence; and further remind Councilmembers that moments of reflection, recognition, or celebration are requested through the Mayor's office for inclusion on the ceremonial calendar.)*

**Financial Implications:** None

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

**Action:** Approved recommendation of the Agenda and Rules Committee.

## Council Consent Items

11. **Resolution in Support of California Proposition 17, Restores Right to Vote After Completion of Prison Term, Legislative Constitutional Amendment**  
**From: Councilmember Hahn (Author), Councilmember Robinson (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of California Proposition 17, Restores Right to Vote After Completion of Prison Term, Legislative Constitutional Amendment, on the November 3, 2020 ballot, to amend the State Constitution to eliminate disenfranchisement for people on parole, restoring voting rights upon release from prison.  
**Financial Implications:** None  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Adopted Resolution No. 69,577–N.S.
12. **Support for SB-1079 Residential Property: Foreclosure**  
**From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Robinson (Co-Sponsor)**  
**Recommendation:** Send a resolution in support of SB-1079 Residential Property: Foreclosure (Skinner) to Senator Skinner, Assemblymember Wicks, and Governor Gavin Newsom. This bill proposes a trio of provisions intended to mitigate against blight, vacancy, and the transfer of residential property ownership from owner occupants to corporate landlords in the event that California experiences a wave of foreclosures.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted Resolution No. 69,578–N.S.

Observed 1 minute and 46 seconds of mindfulness in honor of the victims of police violence.

Recess 8:16 p.m. – 8:26 p.m.

## Action Calendar – Continued Business

- A. **Annual Housing Pipeline Report** (*Item contains revised and supplemental materials. Continued from September 15, 2020*)  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** 7 speakers. Report presented and discussion held. No action taken.

**Action:** M/S/C (Arreguin/Harrison) to continue Items 13, 15, 17, and 18 to October 13, 2020.

**Vote:** All Ayes.

## Action Calendar – Old Business

13. **Proposed Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley** (*Continued from March 10, 2020*)  
**From:** Commission on Disability  
**Recommendation:** Receive a presentation on the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley.  
**Financial Implications:** See report  
Contact: Dominika Bednarska, Commission Secretary, (510) 981-6300  
**Action:** Item 13 continued to October 13, 2020.

## Action Calendar – New Business

14. **Adoption - Civic Center Vision and Implementation Plan**  
**From:** City Manager  
**Recommendation:** Adopt a Resolution approving Berkeley’s Civic Center Vision and Implementation Plan, and declaring Council’s intention to support the vision and preferred design concepts articulated in the plan  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:00 a.m.  
**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – Davila; Abstain – None; Absent - Wengraf.
- Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:15 a.m.  
**Vote:** Ayes – Kesarwani, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – Davila, Bartlett; Abstain – None; Absent - Wengraf.
- Councilmember Wengraf absent 11:00 p.m. – 12:15 a.m.
- Action:** 8 speakers. M/S/C (Robinson/Droste) to adopt Resolution No. 69,579–N.S. amended to strike the reference to the “preferred design concept.”  
**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Davila, Wengraf.
- Councilmember Davila absent 11:57 p.m. – 12:15 a.m.

## Action Calendar – Old Business

### 15. 2019 Crime Report and Five Year Use of Force Report

**From:** City Manager

**Recommendation:** Review and discuss the presentation on Crime Report for 2019 and Use of Force Report for 2015-2019.

**Financial Implications:** None

Contact: Andrew Greenwood, Police, (510) 981-5900

**Action:** Item 15 continued to October 13, 2020 including supplemental material from Councilmember Hahn.

## Council Action Items

### 16. Healthy Checkout Ordinance *(Reviewed by the Health, Life Enrichment, Equity & Community Committee. Item contains revised materials)*

**From:** Councilmember Harrison (Author), Councilmember Hahn (Author)

**Recommendation:**

1. Adopt an ordinance requiring stores over 2,500 square feet in size to sell more nutritious food and beverage options in their checkout areas.
2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the ordinance and sources of funding to support this program.
3. Refer to the Sugar Sweetened Beverage Product Panel of Experts to consider recommending funding allocations, and to work with City staff to develop protocols for, implementation, education, and enforcement.

**Financial Implications:** See report

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

**Action:** 15 speakers. Councilmembers Kesarwani and Davila added as co-sponsors. M/S/C (Hahn/Harrison) to:

1. Adopt first reading of Ordinance No. 7,734-N.S. with amendments in Section 9.82.060 to change the effective date to March 1, 2021 and the enforcement date to January 1, 2022. Second reading scheduled for October 13, 2020.
2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the ordinance and sources of funding to support this program.
3. Refer to the Sugar Sweetened Beverage Product Panel of Experts to consider recommending funding allocations, and to work with City staff to develop protocols for, implementation, education, and enforcement.

**Vote:** All Ayes.

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

**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – Davila; Abstain - Wengraf.

## Council Action Items

### 17. Support Community Refrigerators

**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

**Action:** Item 17 continued to October 13, 2020.

### 18. Request the United States House of Representatives and/or Senate to introduce “The Breathe Act”

**From: Councilmember Davila (Author), Councilmember Bartlett (Co-Sponsor)**

**Recommendation:**

1. Adopt a resolution requesting the United States House of Representatives and Senate to introduce legislation known as “The Breathe Act”
2. Send copies of this resolution to United States Congresswoman Barbara Lee, Alexandria Ocasio-Cortez, Pramila Jayapal, Rashida Tlaib, Ayanna Pressley and Senator Bernie Sanders.

**Financial Implications:** None

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

**Action:** Item 18 continued to October 13, 2020.

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

## Adjournment

Adjourned at 12:15 a.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of the City Council held on September 22, 2020.

---

Mark Numainville  
City Clerk

## Communications

### Item #16: Healthy Checkout Ordinance

1. Holly Scheider (3)

### Item #17: Support Community Refrigerators

2. Gargi Nigam

3. Vishaal Kuna
4. Kavin Kumaravel
5. Vivian Kuang

**Berkeley Marina Drugs/Homelessness/Defecation**

6. Daniel Hernandez

**COVID-19 Related**

7. Isaac Pastor-Chermak
8. Mark Gottlieb
9. Vivian Warkentin

**BART Stations**

10. Rick Lewis

**Fossil Fuels**

11. Leah Redwood

**Water Insecurity**

12. 23 form letters

**Large-Scale Development at 600 Addison - Aquatic Park**

13. Charlene Woodcock

**Climate Emergency**

14. Thomas Lord

**Fire Prevention**

15. Jeanette Franzone

**Homelessness and Trash**

16. Rachel Gorham

**Berkeley Mutual Aid – Memorandum to the City of Berkeley**

17. David Peattie, on behalf of the Berkeley Disaster Prep Neighborhood Network

**Supplemental Communications and Reports 1**

**Item #11: Resolution in Support of California Proposition 17, Restores Right to Vote After Completion of Prison Term, Legislative Constitutional Amendment**

18. Daisy Chavez, on behalf of Initiate Justice

**Item #14: Adoption – Civic Center Vision and Implementation Plan**

19. Carrie Olson, on behalf of the Berkeley Architectural Heritage Association
20. John Caner, on behalf of the Downtown Berkeley Association
21. Michael Fullerton

**Item #16: Healthy Checkout Ordinance**

22. David Vliet, on behalf of LifeLong Medical Care

- 23. Nefer Kelley and HOPS Advocates
- 24. Joseph Friedman
- 25. Antoinette Marie Rossi
- 26. Pauline Bondonno
- 27. Laura Miller

## **Supplemental Communications and Reports 2**

### **Item #14: Adoption – Civic Center Vision and Implementation Plan**

- 28. John Caner

### **Item #15: 2019 Crime Report and Five Year Use of Force Report**

- 29. Supplemental material, submitted by Councilmember Hahn

### **Item #16: Healthy Checkout Ordinance**

- 30. Virginia Turner, on behalf of the Berkeley Youth Alternatives
- 31. Nefer Kelley Farias, on behalf of the Bay Area Community Resource
- 32. Matt Weimar
- 33. Pauline Bondonno, on behalf of the Community Health Education Institute
- 34. Laura Miller
- 35. Simone

## **Supplemental Communications and Reports 3**

### **Item #9: Providing our Unhoused Communities in the City of Berkeley with Potable Water and Addressing Water Insecurity**

- 36. 25 similarly worded form letters

### **Item #11: Resolution in Support of California Proposition 17, Restores Right to Vote After Completion of Prison Term, Legislative Constitutional Amendment**

- 37. Brittany Stonesifer, on behalf of the ACLU

### **Item #A: Annual Housing Pipeline Report**

- 38. Presentation, submitted by Planning

### **Item #14: Adoption – Civic Center Vision and Implementation Plan**

- 39. Presentation, submitted by the Office of Economic Development
- 40. Kelly Hammargren
- 41. Berkeley Neighborhood Council Executive Committee
- 42. Steven Finacom
- 43. Shirley Dean
- 44. Councilmember Harrison
- 45. John Caner
- 46. George Petty

### **Item #16: Healthy Checkout Ordinance**

- 47. Dan Colegrove
- 48. Nefer Kelley
- 49. Laura Miller
- 50. Sukhmony Brar
- 51. Blythe Young, on behalf of the American Heart Association (2)



- 52. Glomax@
- 53. Emily Pham
- 54. Sonia H
- 55. Monique Blodgett
- 56. John Caner, on behalf of the Downtown Berkeley Association

## **Miscellaneous Communications**

### **Three-Way Pandemic**

- 57. Negeene Mosaed

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES**

**TUESDAY, SEPTEMBER 29, 2020**

**4:00 P.M.**

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**

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*To join by phone: Dial **1-669-900-9128** or **1-888-475-4499 (toll free)** and enter Meeting ID: **845 7364 4176**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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## Preliminary Matters

**Roll Call:** 4:05 p.m.

**Present:** Davila, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Kesarwani, Bartlett

Councilmember Kesarwani present at 4:23 p.m.

Councilmember Bartlett present at 4:26 p.m.

**Public Comment - Limited to items on this agenda only – 0 speakers**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

**1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) AND 54956.9(d)(1):**

a. CTIA v. City of Berkeley, Case No. 15-cv-02529-EMC

**Action:** No reportable action taken.

b. Stahlschmidt v. City of Berkeley, Case No. RG 20069713

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

**Action:** M/S/C (Hahn/Wengraf) to adjourn the meeting.

**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent: Davila.

Adjourned at 5:19 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council closed meeting held on September 29, 2020.

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Mark Numainville  
City Clerk

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, September 29, 2020**

**6:00 P.M.**

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/89084364433>. 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** and enter Meeting ID: **890 8436 4433**. 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](mailto: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:** 6:06 p.m.

**Present:** Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** None

**Public Comment - Limited to items on this agenda only - 6 speakers.**

## Action Calendar

### 1. Vision 2050 Task Force Recommendations

**From:** Vision 2050 Task Force

**Recommendation:**

1. Accept the Vision 2050 Initiative Report and adopt the recommended City Council Actions.

2. Refer to the City Manager the recommended City Manager Actions as well as the principles, strategies and actions outlined in the report.

**Financial Implications:** See report

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

**Action:** 6 speakers. M/S/C (Arreguin/Wengraf) to accept the Vision 2050 Initiative Report and adopt the recommended city council actions, with the following amendments: add language to Principle 2 throughout the report so it reads: "Have efficient, inspired, and well-maintained infrastructure," and also, in developing the 2050 legislative package, prioritize the projects which address the greatest risks first; and to refer to the City Manager the recommended City Manager actions as well as the principles, strategies and actions outlined in the report.

**Vote:** Ayes - Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Davila.

Councilmember Davila absent 8:17 p.m. – 8:21 p.m.

## Adjournment

**Action:** M/S/C (Robinson/Droste) to adjourn the meeting.

**Vote:** Ayes - Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Davila.

Adjourned at 8:21 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on September 29, 2020.

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April Richardson  
Assistant City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

- None