



Office of the City Manager

CONSENT CALENDAR
October 26, 2021

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 14, 2021 (closed and regular), September 21, 2021 (special) and September 28, 2021 (closed and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. September 14, 2021 - Closed City Council Meeting
2. September 14, 2021 – Regular City Council Meeting
3. September 21, 2021 – Special City Council Meeting
4. September 28, 2021 – Closed City Council Meeting
5. September 28, 2021 - Regular City Council Meeting

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, SEPTEMBER 14, 2021

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this 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.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/89434002712>. 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); enter Meeting ID: 894 3400 2712. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

Preliminary Matters

Roll Call: 4:04 p.m.

Present: Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Kesarwani, Bartlett

Councilmember Bartlett present at 4:09 p.m.

Councilmember Kesarwani present at 4:34 p.m.

Public Comment - Limited to items on this agenda only – 1 speaker

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 SECTION 54956.9(d)(1)

- a. WCAB Case Numbers: #ADJ13215643

Action: M/S/C (Arreguin/Hahn) to provide direction to outside counsel and approved a stipulated settlement of permanent disability with an award of lifetime future medical care up to \$83,302.50 with an award of lifetime future medical care, as to a workers' compensation matter WCAB Case Number: # ADJ13215643.

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

2. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, LaTanya Bellow, Interim Deputy City Manager, Ravinder Rangi, Employee Relations Manager, Jon Holtzman, Labor Negotiator, Dania Torres-Wong, Labor Negotiator, Burke Dunphy, Labor Negotiator, Jen Louis, Interim Chief of Police, Abe Roman, Interim Fire Chief.

Employee Organizations: International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021 Community Services and Part-time Recreation Activity Leaders, Berkeley Fire Fighters Association Local 1227, Berkeley Police Association, Service Employees International Union, Local 1021 Maintenance and Clerical Chapters, Berkeley Fire Fighters Association, Local 1227 I.A.F.F./Berkeley Chief Fire Officers Association, Public Employees Union Local 1, Unrepresented Employees.

Action: No reportable action taken.

OPEN SESSION:

The City Council met in closed session pursuant to Government Code section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an award of lifetime future medical care, as to a workers' compensation matter WCAB Case Number: #ADJ13215643.

Adjournment

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

Vote: All Ayes.

Adjourned at 5:55 p.m.

I hereby certify that the foregoing is a true and correct record of the special closed meeting of the City Council held on September 14, 2021.

Mark Numainville
City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, September 14, 2021
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
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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>.

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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

Report from Closed Session

On September 14, 2021, the City Council met in closed session pursuant to Government Code section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an award of lifetime future medical care, as to a workers' compensation matter WCAB Case Number: # ADJ13215643.

Roll Call: 6:14 p.m.

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

Absent: None

Ceremonial Matters:

1. Pledge of Allegiance to the Flag
2. Presentation on SB 1383 Implementation from StopWaste
3. Adjourned the meeting in memory of Philip Kreycik, Berkeley Resident
4. Adjourned the meeting in memory of Vincent Kohler, Berkeley Resident
5. Adjourned the meeting in memory of Dorothy Snodgrass, Cultural Artist
6. Adjourned the meeting in memory of Carole Schimmerling, Local activist
7. Adjourned the meeting in memory of Roy Doolan, Local Attorney

City Auditor Comments:

The City Auditor noted Item 27 from the energy Commission regarding the City Fleet and the Commission's excellent work on the topic. The Auditor also highlighted Item 44 the Audit Plan and noted the planned upcoming audits for FY 2021-2022.

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment on Consent Calendar and Information Items Only: 25 speakers.

Consent Calendar

Action: M/S/C (Arreguin/Robinson) to accept revised materials from the City Manager on Item 35 (Baseline Zoning Ordinance)

Vote: All Ayes.

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

Vote: All Ayes.

Recess Items

- 1. Contract: Berkeley Convention and Visitor's Bureau, d.b.a. Visit Berkeley**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a sole source contract and any amendments with the Berkeley Convention and Visitors' Bureau, d.b.a. Visit Berkeley, to distribute one-twelfth of annual Berkeley Transient Occupancy Tax funds to support tourism marketing and promotion for the period from July 1, 2020 through June 30, 2023 for a not to exceed amount of \$700,000.
Financial Implications: Transient Occupancy Tax Fund - \$700,000
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 70,000–N.S.
- 2. Contract No. 32000240 Amendment: Berkeley Unified School District for Mental Health Services Act-Funded Programs**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute an amendment to Contract No. 32000240 with Berkeley Unified School District (BUSD) to provide Mental Health Services Act (MHSA) funded programs in local schools through June 30, 2022 increasing the contract by \$245,000 for a new total not to exceed amount of \$637,778.
Financial Implications: Mental Health Services Act Fund - \$245,000
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,001–N.S.
- 3. Revenue Grant Contract: Fiscal Year 2021-22 Alcoholic Beverage Control Grant**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a grant contract and any subsequent amendments with the State of California Department of Alcoholic Beverage Control (ABC) in the amount of \$72,440 for one fiscal year, July 1, 2021 through June 30, 2022.
Financial Implications: \$72,440 in revenue
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 70,002–N.S.

Recess Items

- 4. Contract: ERA Construction, Inc. for 1322 Glendale Avenue Retaining Wall Project**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to approve plans and specifications for the 1322 Glendale Avenue Retaining Wall Project, Specification No. 21-11448-C; accept the bid of ERA Construction, Inc. as the lowest responsive and responsible bidder; and execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$1,038,103, which includes a 10% contingency for unforeseen circumstances.
Financial Implications: Various Funds - \$1,038,103
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,003–N.S.
- 5. Contracts: TBWBH Props and Measures and V.W. Housen & Associates for Vision 2050 Implementation Services**
From: City Manager
Recommendation: Adopt two Resolutions ratifying the action taken by the City Manager during recess to execute contracts with:
1. TBWBH Props and Measures for one year in an amount not to exceed \$175,000; and
2. V.W. Housen & Associates for one year in an amount not to exceed \$175,000, for Vision 2050 Implementation Services.
Financial Implications: General Fund - \$350,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,004–N.S. (TBWBH) and Resolution No. 70,005–N.S. (V.W. Housen).
- 6. Contract: Elavon for Recreation Online Registration Payment Processing**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess, authorizing the City Manager to execute a contract with Elavon for online credit card payment processing transaction services for the Recreation Division’s online registration system, for an amount not to exceed \$220,000 for the term commencing on or about September 1, 2021 through May 31, 2023.
Financial Implications: Various Funds - \$220,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,006–N.S.

Consent Calendar

- 7. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19) and Determining the Immediate Need for and Adopting a City Employee Vaccination Policy**
From: City Manager
Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, and July 20, 2021, and reviewing the need to adopt an employee vaccination policy immediately and ratifying adoption of such policy in advance of completion of the meet-and-confer process regarding the policy's potential bargainable impacts pursuant to Government Code section 3504.5
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6950, Dee Williams-Ridley, City Manager, (510) 981-7000
Action: Adopted Resolution No. 70,007–N.S. as revised Supplemental Communications Packet #2 from the City Attorney.
- 8. Establish 2022 City Council Meeting Schedule**
From: City Manager
Recommendation: Adopt a Resolution establishing the City Council regular meeting schedule for 2022, with starting times of 6:00 p.m.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 70,008–N.S.
- 9. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the council meetings of July 1, 2021 (closed), July 13, 2021 (closed and regular), July 14, 2021 (closed), July 20, 2021 (special-4pm and special-6pm), July 27, 2021 (closed, special and regular) and July 29, 2021 (special).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved minutes as submitted.

Consent Calendar

- 10. Contract No. 108410-1 Amendment: Paw Fund for Spay and Neuter Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 108410-1 with Paw Fund to provide no cost spay and neuter surgeries to eligible pet owners, to increase the amount by \$9,812 for a total contract amount not to exceed \$116,966 and subject to the City's annual appropriation process, and to extend the contract through September 14, 2022.
Financial Implications: General Fund - \$9,812
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 70,009–N.S.
- 11. Adopt a Resolution Authorizing MuniServices, LLC to Examine the Local Sales or Transactions and Use Tax Records on Behalf of the City of Berkeley**
From: City Manager
Recommendation: Adopt a Resolution authorizing MuniServices, LLC to perform examination of the local sales or transactions and use tax records. MuniServices provides City of Berkeley sales tax audit services which includes examination of the Local Sales or Transactions and Use Tax records pertaining to the Bradley-Burns Local Sales and Use Tax Law which is part of the Revenue and Taxation Code in California.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 70,010–N.S.
- 12. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 14, 2021**
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 - \$4,075,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

Consent Calendar

- 13. Amendments to Berkeley Municipal Code Section 19.44.020 (Housing Advisory Commission)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 19.44.020 to include oversight of Measure O bond-funded housing initiatives as established by Resolution No. 68,703-N.S. and future voter-approved bonds and measures dedicated to affordable housing.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted first reading of Ordinance No. 7,782–N.S. Second reading scheduled for September 28, 2021.
- 14. Contract No. 10209E Amendment: Bay Area Hearing Voices Network**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 10209 with Bay Area Hearing Voices Network for hearing voices support groups for adults and youth who hear voices and have visions, to increase the amount by \$34,736 for a total contract amount not to exceed \$137,914, and to extend the contract through June 30, 2022.
Financial Implications: Mental Health Services Act Fund - \$34,736
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,011–N.S.
- 15. Mental Health Services Act Fiscal Year 2021-2022 Annual Update**
From: City Manager
Recommendation: Adopt a Resolution approving the Mental Health Services Act Fiscal Year 2021-2022 Annual Update, which provides information on current and proposed uses of funds for mental health programming, and forwarding the Update to appropriate state officials.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,012–N.S.

Consent Calendar

- 16. Revenue Contract: Department of Health Care Services Performance Contract for City of Berkeley**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with the California Department of Health Care Services (DHCS) from July 1, 2021 through June 30, 2024, for the Mental Health Services Act (MHSA), Lanterman-Petris-Short (LPS) Act, Projects for Assistance in Transition from Homelessness (PATH), Community Mental Health Services Block Grant (MHBG), and Crisis Counseling Assistance and Training Program (CCP) programs and county provision of community mental health services pursuant to the Bronzan-McCorquodale Act. For the purposes of this contract, DHCS considers the City of Berkeley a small County.
Financial Implications: Approximately \$26,035,194 (revenue)
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,013–N.S.
- 17. Revenue Contracts: FY 2022 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 2022:
1. Congregate Meals in the amount of \$47,000;
 2. Home Delivered Meals in the amount of \$57,527;
 3. Family Caregiver Support Program in the amount of \$41,195;
 4. Senior Center Activities in the amount of \$28,350; and
 5. Information and Assistance Services in the amount of \$61,500.
- Financial Implications:** See report
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,014–N.S. (Congregate), Resolution No. 70,015–N.S. (Home), Resolution No. 70,016–N.S. (Family), Resolution No. 70,017–N.S. (Senior), and Resolution No. 70,018–N.S. (Information), including revisions in Supplemental Communications Packet #2 from HHCS.
- 18. Classification and Salary Range: Communications Specialist**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 69,998-N.S. Classification and Salary Resolution for Unrepresented Manual to add to Unit Z-2 (Confidential Professional Employees) the classification Communications Specialist with an hourly salary range of \$47.33 - \$56.18 effective September 14, 2021.
Financial Implications: See report
 Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,019–N.S.

Consent Calendar

- 19. Contract 104583-1 Amendment: Government Finance Officers Association for System Design Document Review to Support Enterprise Resource Planning Implementation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with the Government Finance Officers Association for business process review services, increasing the amount by \$40,000 for a total contract value not to exceed \$194,285 from March 16, 2015 to December 30, 2021.
Financial Implications: FUNDS\$ Replacement Fund - \$40,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,020–N.S.
- 20. Contract No. 32100060 Amendment: RevolutionCyber, LLC for Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100060 with RevolutionCyber, LLC for additional professional services for the implementation of the City’s Data Safety program, for an amount not to exceed \$19,250 and a total contract value not to exceed \$121,275 from November 13, 2020 through June 30, 2022.
Financial Implications: General Fund - \$19,250
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,021–N.S.
- 21. Contract No. 10785 Amendment: West Coast Arborist, Inc. for Tree Removal and Pruning Service**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend contract No. 10785 with West Coast Arborist, Inc. for tree removal and pruning service by increasing the contract amount by \$250,000 for a not-to-exceed amount of \$1,190,000 and extending the term to November 24, 2023.
Financial Implications: Parks Tax Fund - \$250,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,022–N.S.
- 22. Contract No. 31900137 Amendment: ELS Architecture and Urban Design for On-Call Architectural Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900137 for on-call architectural services with ELS Architecture and Urban Design by increasing the contract amount by \$900,000 for a total not-to-exceed amount of \$2,600,000.
Financial Implications: Measure T1 Fund - \$900,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,023–N.S.

Consent Calendar

- 23. Contract No. 31900202 Amendment: Bay Area Tree Specialists for As-needed Tree Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend contract No. 31900202 with Bay Area Tree Specialists for as-needed tree services, increasing the amount by \$300,000 for a total contract amount not-to-exceed \$800,000 and extend the term to May 28, 2023.
Financial Implications: Various Funds - \$300,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,024–N.S.
- 24. Contract No. 31900218 Amendment: West Coast Arborists, Inc. for As-needed Tree Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend contract No. 31900218 with West Coast Arborists Inc. for as-needed tree services, increasing the amount by \$300,000 for a total-amount-not to exceed amount of \$500,000 and extend the term to May 28, 2023.
Financial Implications: Various Funds - \$300,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,025–N.S.
- 25. Purchase Orders Extension: Diesel Direct West, Inc. for Fuel for City Vehicles and Equipment**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the multi-year purchase orders with Diesel Direct West, Inc. for fuel for City vehicles and equipment, increasing the combined amount by \$1,400,000 for a total amount not to exceed \$8,844,000, and extending the term through June 30, 2022 or until authorized funds are exhausted.
Financial Implications: Various Funds - \$1,400,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,026–N.S.

Consent Calendar

- 26. Transfer of Two Property Parcels to the State of California for the Ashby-San Pablo Intersection Improvements Project**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute the attached Grant Deed for Parcel No. 63719 and Quitclaim Deed for easement on Parcel No. 63720-1 with the State of California, Department of Transportation (“Caltrans”) and any associated documents as necessary for the transfer of the property interests in these two parcels of property to Caltrans, for the Ashby-San Pablo Intersection Improvements Project (“Project”), Specification No. 18-11182-C.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted first reading of Ordinance No. 7,783–N.S. Second reading scheduled for September 28, 2021.
- 27. Recommendations for Fleet Electrification Policy and Financing**
From: Energy Commission
Recommendation: Refer to the City Manager to update the Municipal Fleet Electrification Assessment and electric vehicle (EV) charging funding priorities to respond to the City Auditor’s Report “Fleet Replacement Fund Short Millions” and to align with the objectives stated in the City’s Electric Mobility Roadmap to Prioritize Municipal Fleet Modal Shift to Electric Bicycles and Other Forms of Zero-Emissions Mobility Where Feasible.
Financial Implications: See report
Contact: Billi Romain, Commission Secretary, (510) 981-7400
Action: Adopted recommendation.
- 28. Letter of Support for SB-459 Political Reform Act of 1974: Lobbying**
From: Open Government Commission
Recommendation: Send a letter of support to Senator Nancy Skinner in support of SB-459 Political Reform Act of 1974: Lobbying.
Financial Implications: None
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
Action: Adopted recommendation.

Consent Calendar

29. Referral Response: Recommendation to Retain Current Structure of Zero Waste Commission

From: Zero Waste Commission

Recommendation: The Zero Waste Commission recommends that its current structure remain intact, and with an updated charter that reflects historic goals, and both current and future developments in the City of Berkeley's Zero Waste programs, facilities, services, policies, and state- and county-imposed mandates.

Financial Implications: See report

Contact: Heidi Obermeit, Commission Secretary, (510) 981-6300

Action: To take no action on the Commission recommendation pursuant to Council's previous direction on June 15, 2021.

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

30. 2022 UC Berkeley Chicanx Latinx Legacy Event

From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember including \$1,000 from Mayor Arreguin, to the UC Berkeley Chicanx Latinx Alumni Association, the fiscal sponsor of the 2022 UC Berkeley Chicanx Latinx Legacy Events, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.

Financial Implications: Mayor's Discretionary Funds - \$1,000

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

Action: Adopted Resolution No. 70,027–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Bartlett \$250; Councilmember Hahn - \$200; Councilmember Harrison - \$200.

31. Annual Appropriations Ordinance (AAO) Referral: Supply Bank

From: Mayor Arreguin (Author)

Recommendation: Refer to the November 2021 Annual Appropriations Ordinance process \$25,000 for Supply Bank to support their services in providing essential school supplies to Berkeley families.

Financial Implications: \$25,000

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

Action: Councilmember Bartlett added as a co-sponsor. Recommendation approved.

Council Consent Items

32. **Expansion of the Berkeley Fair Elections Program**
From: Mayor Arreguin (Author), Councilmember Droste (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Refer to the Fair Campaign Practices Commission (FCPC) to develop an ordinance to expand the Berkeley Fair Elections Program to include School Board Director, Rent Board Commissioner and City Auditor among the offices eligible to participate in the public financing program.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Recommendation approved.
33. **Resolution in Support of Observance of August 30, the International Day of the Victims of Enforced Disappearances in El Salvador**
From: Councilmember Kesarwani (Author), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a Resolution in support of retroactively enacting August 30 as a day of observance in recognition of the International Day of the Victims of Enforced Disappearances in El Salvador.
Financial Implications: None
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Mayor Arreguin added as a co-sponsor. Adopted Resolution No. 70,028–N.S.
34. **Resolution Expressing Conceptual Support for an East Bay Wildfire Prevention and Vegetation Management Joint Powers Agency**
From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Droste (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Adopt a Resolution in favor of Conceptual Support for an East Bay Wildfire Prevention and Vegetation Management Joint Powers Agency.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 70,029–N.S. as revised in Supplemental Communications Packet #1 from Councilmember Wengraf.

Recess 8:57 p.m. – 9:08 p.m.

Action Calendar

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

The Presiding Officer will request that persons wishing to speak use the "raise hand" function to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak use the "raise hand" function to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. 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.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

35. Adoption of the Baseline Zoning Ordinance (BZO)

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance rescinding the current Berkeley Municipal Code (BMC) Title 23 and adopting the new Baseline Zoning Ordinance (BZO) as BMC Title 23 with an effective date of December 1, 2021.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 2 speakers.

M/S/C (Arreguin/Robinson) to continue the public hearing to September 28, 2021.

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

Action Calendar – Old Business

- 36. Objective Standards Recommendations for Density, Design and Shadows From: Joint Subcommittee for the Implementation of State Housing Laws** *(Continued from July 27, 2021) (Item contains supplemental material)*
Recommendation: Refer to the Planning Commission and Design Review Committee to review the recommendations from the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) for objective standards for density, design and shadows and draft Zoning Ordinance amendments for City Council consideration.
Financial Implications: See report
Contact: Alene Pearson, Commission Secretary, (510) 981-7400
Action: Item 36 continued to September 28, 2021.
- 37. Amending the Berkeley Election Reform Act (BERA) Relating to Officeholder Accounts** *(Reviewed by the Agenda & Rules Committee) (Continued from May 25, 2021)*
From: Agenda & Rules Committee: Mayor Arreguin, Councilmembers Hahn and Wengraf
Recommendation: Take one of the following actions:
1. Refer a proposal to the Fair Campaign Practices Commission (FCPC) amending the Berkeley Election Reform Act (BERA), BMC Chapter 2.12, and Lobbyist Registration Act, BMC Chapter 2.09, to enact “a reasonable set of limitations and rules” to regulate the maintenance of officeholder accounts, as developed and referred for consideration by the Agenda and Rules Committee; or
2. Refer a proposal to the FCPC amending BERA, BMC Chapter 2.12, to prohibit Officeholder Accounts, as originally proposed by the Fair Campaign Practices Commission.
Policy Committee Recommendation: Send the item to Council with two proposed alternatives: 1) Councilmember Hahn’s proposal to regulate officeholder accounts, and 2) the Fair Campaign Practices Commission proposal to prohibit officeholder accounts; and to include the Commission’s analysis of regulating officeholder accounts in the item that goes to the full Council.
Financial Implications: See report
Contact: Agenda & Rules Committee members: Jesse Arreguin, Committee Chair, (510) 981-7100, Sophie Hahn, Councilmember, District 5, (510) 981-7150, Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: M/S/C (Arreguin/Robinson) to schedule Item 37 for the October 12, 2021 meeting.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

Councilmember Harrison absent at 8:57 p.m.

- 38. Referral to the Zero Waste and Energy Commission (or Successor Commission) to Hold Joint Meetings to Conduct Community Outreach and Education Events with Regard to the Proposed Ordinance Regulating the Use of Carryout and Pre-checkout Bags and to Make Recommendations to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Committee** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*

Action Calendar – New Business

- 39. Open Government Commission Recommendations to City Council Regarding Teleconferenced Meetings**
From: Open Government Commission
Recommendation: Establish City Council practices for holding public meetings via teleconference technologies: (1) clearly define how the order of public speakers is determined and maintain a speaker's queue visible to members of the public; (2) clearly outline the process by which a speaker may cede time to another speaker; and (3) require that addendums to agenda items be made accessible to the public on the City Website as soon as they are made available to members of City Council.
Financial Implications: None
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
Action: Moved to Consent Calendar and adopted the recommendation from the Mayor in Supplemental Communications Packet #2.
- 40. Implementation of California Senate Bill 1383 Short-Lived Climate Pollutants**
From: City Manager
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Received and filed.
- 41. Mental Health Services Center Renovation Project Wins American Public Works Association (APWA) National Award**
From: City Manager
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Received and filed.
- 42. Fair Campaign Practices Commission FY2021-2022 Work Plan**
From: Fair Campaign Practices Commission
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
Action: Received and filed.
- 43. Open Government Commission FY2021-2022 Work Plan**
From: Open Government Commission
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
Action: Received and filed.
- 44. City Auditor Fiscal Year 2022 Audit Plan**
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750
Action: Received and filed.

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

Adjournment

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

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

Adjourned at 10:07 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council regular meeting held on September 14, 2021.

Mark Numainville
City Clerk

Communications – September 14, 2021

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.

Homelessness + RV's + Tent Encampments + Harassing Business Customers + City of Reno Outreach and Enforcement Solution, Etc.

1. John Caner on behalf of Downtown Berkeley Association
2. Councilmember Harrison
3. Todd Andrew (2)
4. Margot Smith
5. Eric Friedman
6. Jan Nakamura
7. Nathan Scullion
8. Diana Bohn (4)
9. Russbumper
10. Daisy Reynado, owner of University Haircare
11. Wini Williams
12. Steve Martinot
13. Kenneth Berland
14. Elana Auerbach
15. Alex Sharenko
16. Brent Mishler
17. Kathleen Curran
18. Shmuel Weissman
19. Hillary Kilmnik
20. Ben Buettner
21. Tim Southwick, on behalf of Toyota of Berkeley

Housing (Infill + Affordable + BART + ADU)

22. Avram Gur Arye (3)
23. Councilmember Harrison

- 24. Andreas Clover, on behalf of the Building & Construction Trades Council of Alameda County
- 25. Tony Corman
- 26. Marica Poole
- 27. Chris Paizis

SB 9

- 28. Berkeley Neighborhoods Council
- 29. Madeleine Shearer

Berkeley Marina and Ferry

- 30. Camille Antinori

Dangerous Intersection of Ashby & MLK

- 31. Thuan Tran
- 32. Farid Javandel, on behalf of the City of Berkeley
- 33. Tarik Adnan Moon

UC Berkeley Agreement + 1921 Walnut + LRDP

- 34. Sas Colby
- 35. Peter Smalley
- 36. Doug Jackson
- 37. Zee Hakimoglu
- 38. Shirley Dean
- 39. Christine Schwartz
- 40. Diana Bohn
- 41. Marcia Poole
- 42. Margot Smith
- 43. Nazli Parvizi
- 44. Natalie Logusch
- 45. Greysonne Coomes

Berkeley Mutual Aid

- 46. David Peattie, on behalf of Berkeley Disaster Prep Neighborhood Network (2)

Ghost Guns

- 47. Eric Friedman

Consolidating Human Welfare & Peace and Justice Commissions

- 48. Praveen Sood, Chair of Human Welfare and Community Action Commission

Francisco Street Danger

- 49. David Lerman
- 50. Public Works, City of Berkeley

Easy Does It Emergency Services – Abuse of Clients and Staff

- 51. HolLynn
- 52. Omowale Fowles

Frances Albrier Community Center Funding

- 53. Mikko Jokela

Berkeley Labor Commission

- 54. Andrea Mullarkey

Eden I&R Newsletter

- 55. Eden I&R (2)

Palestinian Action

- 56. Linda Franklin

Pet Parade in Downtown Berkeley

- 57. John Caner
- 58. Amy Murray

Vaccinations

- 59. Vivian Warkentin

August 8th as Burma Day

- 60. Jeremiah Pinguelo

5G

- 61. Carol Hirth
- 62. Stephanie Thomas

Police Use of Military Equipment

- 63. Carol Denney

Skate Park

- 64. Beth Mora

FAA Flight Pattern Change

- 65. Steven Miyake

Unusual Problems in the Supreme Court

- 66. Christopher Johnson

Afghanistan Crisis

- 67. Crystal Ngo

Disposition of Council Referral PRJ 0019733 and PRJ 0012451

- 68. Katherine Lee, Interim Director of Police Accountability

Requiring Vaccinations for Police Department Employees

69. Izzy Ramsey, on behalf of the Police Accountability Board

70. LaTanya Bellows, Human Resources Director

Defective Induction Cooktops

71. Ben Hubbell

Demise of Milvia Street, near Civic Center

72. Michael Katz

Downtown Berkeley Association Staff Incident

73. Moni Law

Abusive Noise from 2734 College Avenue

74. Anne Whyte

California's Drought

75. Wende Williams Micco

76. Berkeley's Mayor Office

Community Gardens and Open Space

77. Bonnie Borucki

URL's Only

78. Russbumper (6)

Supplemental Communications and Reports 1

Item #34: Resolution Expressing Conceptual Support for an East Bay Wildfire Prevention and Vegetation Management Joint Power Agency

79. Revised material, submitted by Councilmember Wengraf

Item #35: Adoption of the Baseline Zoning Ordinance (BZO)

80. David Kellogg

Item #38: Referral to the Zero Waste and Energy Commission (or Successor Commission) to Hold Joint Meetings to Conduct Community Outreach and Education Events with Regard to the Proposed Ordinance Regulating the Use of Carryout and Pre-checkout Bags and to Make Recommendations to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Committee

81. Revised material, submitted by Councilmember Harrison

Supplemental Communications and Reports 2

Item #7: Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a

Novel (New) Coronavirus (COVID-19) and Determining the Immediate Need for and Adopting a City Employee Vaccination Policy

82. Supplemental material, submitted by the Attorney's Office

Item #17: Revenue Contracts: FY 2022 Aging Services Program

83. Revised material, submitted by HHCS

Item #32: Expansion of the Berkeley Fair Elections Program

84. ACLU of Northern California

Item #35: Adoption of the Baseline Zoning Ordinance (BZO)

85. Revised material, submitted by Councilmember Hahn

86. Tom Lent, on behalf of Walk Bike Berkeley

Item #39: Open Government Commission Recommendations to City Council Regarding Teleconferenced Meetings.

87. Supplemental material, submitted by Mayor Arreguin

Supplemental Communications and Reports 3

Presentation on SB 1383 Implementation from Stop Waste

88. Presentation submitted by Public Works, Zero Waste Division

Item #7: Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19) and Determining the Immediate Need for and Adopting a City Employee Vaccination Policy

89. Patrick McCullough

Item 29: Referral Response: Recommendation to Retain Current Structure of Zero Waste Commission

90. Martin Bourque, on behalf of the Ecology Center

Item #30: 2022 UC Berkeley Chicax Latinx Legacy Event

91. David Denton

Item #35: Adoption of the Baseline Zoning Ordinance (BZO)

92. Revised material, submitted by Planning

93. Presentation, submitted by Planning

94. George Porter

Item #38: Referral to the Zero Waste and Energy Commission (or Successor Commission) to Hold Joint Meetings to Conduct Community Outreach and Education Events with Regard to the Proposed Ordinance Regulating the Use of Carryout and Pre-checkout Bags and to Make Recommendations to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Committee

95. Alfred Twu and Igor Tregub, on behalf of the Sierra Club (2)

96. Elnora Williams

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

**Tuesday, September 21, 2021
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/88120816296>. 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: 881 2081 6296. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

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

Preliminary Matters

Roll Call: 6:05 p.m.

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

Absent: Bartlett

Councilmember Bartlett present at 6:06 p.m.

Worksession

1. Housing Element Update

From: City Manager

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

Action: Presentation made and discussion held.

Public Comment - Items on this agenda only – 22 speakers

Adjournment

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

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

Councilmember Droste absent at 8:21 p.m.

Adjourned at 8:29 p.m.

I hereby certify that the foregoing is a true and correct record of the city council special meeting held on September 21, 2021.

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: Housing Element Update

1. Presentation, submitted by Planning

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, SEPTEMBER 28, 2021

5:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this 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.

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 839 7282 1687. 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: 5:04 p.m.

Present: Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Kesarwani, Bartlett

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):

- a. Hesselgesser v. City of Berkeley, Superior Court of the State of California, County of Alameda Case No. RG18929031, removed to and now pending in United States District Court, Northern District of California Case No. 3:19-cv-00610-JD

Action: M/S/C (Wengraf/Hahn) to authorize the City Attorney to settle Hesselgesser v. City of Berkeley, et al. United States District Court, Northern District of California, Case No. 3:19-CV-00610-JD for \$110,000.

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

OPEN SESSION:

The City Council met in closed session and authorized the City Attorney to settle Hesselgesser v. City of Berkeley, et al. United States District Court, Northern District of California, Case No. 3:19-CV-00610-JD for \$110,000.

Adjournment

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

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

Adjourned at 5:26 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council special closed meeting held on September 28, 2021.

Mark Numainville
City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, September 28, 2021
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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*To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **821 4397 5247**. 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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To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

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

Preliminary Matters

Roll Call: 6:03 p.m.

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

Absent: Kesarwani, Taplin, Bartlett

Councilmember Taplin present at 6:04 p.m.

Councilmember Kesarwani present at 6:09 p.m.

Councilmember Bartlett present at 6:15 p.m.

Ceremonial Matters:

1. Recognition of Berkeley Fire for Efforts to Save Echo Lake Camp
2. Recognition of Loren Jones, Local Activist
3. Adjournment in Memory of Professor Leon Litwack, UC Berkeley Professor
4. Adjournment in Memory of Gene Poschman, Former Planning Commissioner
5. Adjournment in Memory of Frank Darr, Local Activist
6. Recognition of September as Childhood Cancer Month

City Manager Comments:

City Manager showed a video from the Fire Department regarding wildfire evacuation. The Fire Department is holding practice evacuations on October 8 and October 9.

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment on Consent Calendar and Information Items Only: 40 speakers.

Consent Calendar

Action: M/S/C (Arreguin/Robinson) to accept an urgency item from Mayor Arreguin pursuant to Government Code Section 54954.2(b)(2) entitled Re-Establishing a COVID-19 Business Damage Mitigation Fund. Councilmember Robinson added as a co-sponsor.

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to accept an urgency item from the City Attorney pursuant to Government Code Section 54954.2(b)(2) entitled Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference.

Vote: All Ayes.

Action: M/S/C (Arreguin/Harrison) to accept revised and supplemental materials on Item 16 (City Manager), Item 18 (Harrison), and Item 23 (Taplin).

Vote: All Ayes.

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

Vote: All Ayes.

Recess 9:12 p.m. – 9:22 p.m.

Urgency Item: Re-Establishing a COVID-19 Business Damage Mitigation Fund

From: Mayor Jesse Arreguín (Author)

Recommendation: Refer to the City Manager to re-establish the COVID-19 Business Damage Mitigation Fund in an amount up to \$50,000 to provide one-time grants to small businesses who experience property damage due to vandalism and other problematic behavior during this COVID-19 local State of Emergency. Authorize the City Manager to appropriate funding for the Mitigation Fund from Berkeley Relief Fund donations received through the East Bay Community Foundation.

Action: Approved recommendation.

Urgency Item: Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference

From: Farimah Faiz Brown, City Attorney

Recommendation: Adopt a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference.

Action: Adopted Resolution No. 70,030–N.S.

Recess Items

- Contract No. 32100192 Amendment: California Constructores for Construction of Pedestrian Improvements at California Street/Dwight Way Intersection**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 32100192 with California Constructores for work on the Fiscal Year 2020 Sidewalk Repairs Project, Specification No. 20-11409-C, to perform safety-related pedestrian improvements at the California Street/Dwight Way intersection, increasing the current contract amount by up to \$175,900, for a total amount not to exceed \$2,175,900.
Financial Implications: General Fund - \$175,900
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,031–N.S.

Consent Calendar

- 2. Amendments to Berkeley Municipal Code Section 19.44.020 (Housing Advisory Commission)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,782–N.S. amending Berkeley Municipal Code Chapter 19.44.020 to include oversight of Measure O bond-funded housing initiatives as established by Resolution No. 68,703-N.S. and future voter-approved bonds and measures dedicated to affordable housing.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted second reading of Ordinance No. 7,782-N.S.
- 3. Transfer of Two Property Parcels to the State of California for the Ashby-San Pablo Intersection Improvements Project**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,783-N.S. authorizing the City Manager to execute the attached Grant Deed for Parcel No. 63719 and Quitclaim Deed for easement on Parcel No. 63720-1 with the State of California, Department of Transportation (“Caltrans”) and any associated documents as necessary for the transfer of the property interests in these two parcels of property to Caltrans, for the Ashby-San Pablo Intersection Improvements Project (“Project”), Specification No. 18-11182-C.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,783-N.S.
- 4. Contract No. 9712A Amendment: QuickCaption, Inc. for Real-Time Closed Captioning Stenography Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9712A with QuickCaption, Inc. for the provision of real-time closed captioning stenography services, including captioning virtual meetings, at all work sessions, regular and special meetings of the City Council and Successor Agency to the former Redevelopment Agency, increasing the contract by \$120,000 for a total not to exceed amount of \$321,900.
Financial Implications: General Fund - \$120,000
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 70,032–N.S.

Consent Calendar

5. Grant from the William and Flora Hewlett Foundation

From: City Manager

Recommendation: Adopt a Resolution accepting a \$10,525 grant from the William and Flora Hewlett Foundation, which augments a prior grant of \$20,000 awarded and accepted in 2019 for an assessment of arts space affordability challenges, displacement risks and possible strategies to protect affordable spaces for arts organizations, artists and cultural workers in Berkeley.

Financial Implications: \$10,525 (Grant)

Contact: Dave White, City Manager's Office, (510) 981-7000

Action: Adopted Resolution No. 70,033–N.S.

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 28, 2021

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 - \$6,675,000

Contact: Henry Oyekanmi, Finance, (510) 981-7300

Action: Approved recommendation.

7. Contract: Genasys for Citywide Outdoor Warning System

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract with Genasys, Inc. for consulting, planning, construction, installation, software hosting, and implementation of a Citywide Outdoor Warning System (OWS), for a total amount not to exceed \$1,974,457.

Financial Implications: Measure FF - \$1,974,457

Contact: Abe Roman, Fire, (510) 981-3473

Action: Adopted Resolution No. 70,034–N.S.

8. Grant Application: Funding from FEMA's Assistance to Firefighters Grant to Support a Regional Fire Service Leadership Development Academy

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant Program in the amount of \$168,272 to fund a Regional Fire Service Leadership Development Academy (LDA), and to accept grant funds and execute resulting grant agreements.

Financial Implications: See report

Contact: Abe Roman, Fire, (510) 981-3473

Action: Adopted Resolution No. 70,035–N.S.

Consent Calendar

- 9. Contract No. 31900132 Amendment: Building Opportunities for Self-Sufficiency for Representative Payee Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract amendment with vendor Building Opportunities for Self-Sufficiency (BOSS) to provide Representative Payee services. The amendment will add \$100,000 to the current contract and extend it through June 30, 2022 for a total contract not to exceed amount of \$300,000.
Financial Implications: Mental Health Service Act Fund - \$100,000
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,036–N.S.
- 10. Contract: Berkeley Free Clinic for Laboratory Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments or extensions with the Berkeley Free Clinic (BFC) for laboratory services, in an amount not to exceed \$150,000 for the period July 1, 2021 through June 30, 2024.
Financial Implications: General Fund - \$150,000
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,037–N.S.
- 11. 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 between the City of Berkeley and Alameda County Behavioral Health Care Services for the term July 1, 2021 through June 30, 2023 for an expenditure of up to \$491,933 to fund the operational costs of a Mental Health Wellness Center located in Berkeley.
Financial Implications: Mental Health Service Act Fund - \$491,933
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,038–N.S.
- 12. Donation: Memorial Bench at Cesar Chavez Park in Memory of Nancy Park**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park in memory of Nancy Park.
Financial Implications: \$3,400 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,039–N.S.

Consent Calendar

- 13. Donation: Memorial Bench at Greg Brown Park in memory of Michael, Anna, and John Wyman**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Greg Brown Park in memory of Michael, Anna, and John Wyman.
Financial Implications: \$3,400 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,040–N.S.
- 14. Donation: Memorial Bench at the Jane Hammond Softball Field at Corodonicos Park in memory of Dixie Lewis**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at the Jane Hammond Softball Field at Codornices Park in memory of Dixie Lewis.
Financial Implications: \$3,400 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,041–N.S.
- 15. Donation: Memorial Bench at Shorebird Park at the Berkeley Marina in Memory of Shay M. Finnegan**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Shorebird Park in memory of Shay M. Finnegan.
Financial Implications: \$3,400 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,042–N.S.

Consent Calendar

16. Exclusive Negotiating Agreement with Innovation Properties Group for 199 Seawall Drive

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an Exclusive Negotiating Agreement with Innovation Properties Group to develop a pre-development agreement that could lead to a long-term lease of City property at 199 Seawall Drive and a short-term license for a portion of the adjacent parking lot.

Financial Implications: None

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

Action: Adopted Resolution No. 70,043–N.S. as amended in the supplemental materials from the City Manager with a revision in Section 8.e. of Exhibit A, the agreement, to read:

e. Labor Peace. IPG understands that it is the City's expectation that any future Master Lease, and any potential sublease agreements, would include provisions that a hospitality operation at the 199 Seawall Drive property shall be required to provide evidence satisfactory to the City that it is party to a labor peace agreement that protects the City's proprietary interest in the property.

17. Contract No. 10508 Amendment: Ben Noble, City and Regional Planning for Zoning Ordinance Revision Project (ZORP)

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10508 with Ben Noble, City and Regional Planning, to develop objective standards in the Zoning Ordinance as ZORP Phase 2, increasing the contract amount by \$125,000 to a new total not-to-exceed contract amount of \$425,000, and extending the contract period to December 31, 2023.

Financial Implications: General Fund - \$125,000

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

Action: Adopted Resolution No. 70,044–N.S.

Consent Calendar

18. Lease Agreement with Motorola Solutions for Public Safety Radios

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to enter into an initial seven-year lease and any future amendments with seven annual payments estimated at \$920,000 and not to exceed \$6.5 million dollars total for public safety radios with Motorola Solutions.

Financial Implications: See report

Contact: Jennifer Louis, Police, (510) 981-5900, Abe Roman, Fire, (510) 981-3473

Action: 1) Adopted Resolution No. 70,045–N.S. authorizing the City Manager to enter into an initial seven-year lease and any future amendments with seven annual payments estimated at \$920,000 and not to exceed \$6.5 million dollars total for public safety radios with Motorola Solutions.

2) Adopt the following policy: It is the policy of the Berkeley City Council that the City of Berkeley, including the Berkeley Police Department and Berkeley Fire Department, will continue its practice of the primary channel being used in an unencrypted manner and shall only use encrypted public safety radio channels during Special Response Team operations, special patrol and investigative operations, prolonged critical incidents, execution of search warrants, or to transmit Criminal Justice Information and Personally Identifiable Information related to the California Law Enforcement Telecommunications System and pursuant to California Department of Justice Information Bulletin No. 20-09-CJIS. In accordance with the First Amendment and in spirit of transparency, all other public safety radio transmissions shall be unencrypted and thereby transmittable to the news media and public through scanners or other relevant technology.

3) Provide direction to the City Manager that before the contract is executed the City Manager will present an item for the sanctuary policy waiver to the Council on a future agenda.

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

19. Purchase Orders: Bruce's Tire, Inc. for New Automobile and Truck Tires

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute yearly purchase orders for new tires for City owned vehicles and equipment with Bruce's Tire, Inc. in an amount not to exceed \$2,900,000 for FY 2022 through FY 2026.

Financial Implications: Equipment Maintenance Fund - \$2,900,000

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

Action: Adopted Resolution No. 70,046–N.S.

Consent Calendar

20. Extending the Requirements for Telestaff Time Reporting

From: Disaster and Fire Safety Commission

Recommendation: The Disaster and Fire Safety Commission (DFSC) recommends that the Berkeley Fire Department require that all overtime recorded for Fire Suppression be coded properly in the Telestaff application to show the reason for the overtime. Further, to assist determining what overtime is eligible to be charged to Measure GG as “Minimum Staffing” that overtime must be properly coded as supporting minimum staffing. (Currently, this would be code 00FS10 and 00FS11). This would not affect charges for Measure GG approved time or overtime. In addition, we recommend that in any future reports to the DFSC on Measure GG budget that the report include a breakdown of the time by labor purpose of both regular and overtime.

Financial Implications: See report

Contact: Keith May, Commission Secretary, (510) 981-3473

Action: Approved the City Manager’s recommendation:

The City Manager concurs with the content and recommendations of the Disaster and Fire Commission’s Report. At the time of this report, details regarding how the information was being transferred from the Telestaff program and added to Enterprise Resource Management Application (ERMA) was not fully realized by the Disaster and Fire Safety Commission.

Telestaff records all overtime of personnel with various codes that relates to specific reasons that personnel are being hired to work. Those codes are noted and assigned in ERMA when payroll is being completed by finance staff. The Commission’s recommendation is a standard practice when staff is completing payroll procedures.

21. Appointment of Tommy Escarcega to Mental Health Commission

From: Mental Health Commission

Recommendation: Adopt a Resolution appointing: Tommy Escarcega as a representative of the Special Public Interest, Consumer Category, to complete her first 3-year term beginning September 29, 2021 and ending September 28, 2024.

Financial Implications: None

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

Action: Adopted Resolution No. 70,047–N.S.

Council Consent Items

22. **Referral to Strengthen Public Health and Environmental Impact Mitigation for Industrial Facilities in the Manufacturing Zone**
From: Councilmember Kesarwani (Author), Councilmember Taplin (Co-Sponsor), Councilmember Droste (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Refer to the City Manager to: Establish a procedure for enhanced review of use permits in the manufacturing zone for industrial facilities—upon initial submission or upon submission of an amended use permit—in order to ensure public health and environmental impacts are appropriately mitigated as a condition of the use permit. Further, if appropriate, consider mitigation that includes the use-permit applicant contracting with a certified third-party to install air quality monitoring device(s) that can enable periodic reporting on pollutants relevant to the particular industrial process proposed in the initial or amended use permit. Explore feasibility of increasing penalty fee schedule as a deterrence for use-permit violations related to public health and environmental impacts, such as air, noise, and water pollution.
Financial Implications: Staff time
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Approved recommendation as revised in Supplemental Communications Packet #2 from Councilmember Kesarwani to add Councilmembers Droste, Taplin and Wengraf as cosponsors. Also, to add limited refinements to the recommendation specifying ongoing monitoring and reporting of pollutants associated with the particular process proposed in the initial or amended use permit; and adds soil pollution to the list of potential environmental impacts.

Council Consent Items

23. Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Berkeley's Bicycle Boulevards and on At-Risk West Berkeley Residential Streets

From: Councilmember Taplin (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 14.56.070 to add 3-ton commercial truck weight limits on:

1. Ninth Street between Dwight Way and Heinz Avenue
2. Addison Street between San Pablo Avenue and Sixth Street;
3. Allston Way between San Pablo Avenue and Sixth Street;
4. Bancroft Way between San Pablo Avenue and Sixth Street;
5. Channing Way between San Pablo Avenue and Fourth Street;
6. Dwight Way between San Pablo Avenue and Sixth Street;
7. Camelia Street between Eighth Street and Ninth Street;
8. Eighth Street between Jackson Street and Camelia Street;
9. Ninth Street between Camelia Street and Cedar Street;
10. Virginia Street between Sacramento Street and Martin Luther King Jr. Way;
11. Virginia Street between Shattuck Avenue and Euclid Avenue;
12. Channing Way between Martin Luther King Jr. Way and Piedmont Avenue;
13. Heinz Avenue between Ninth Street and San Pablo Avenue;
14. Russell Street between San Pablo Avenue and Shattuck Avenue;
15. Russell Street between Telegraph Avenue and Claremont Avenue;
16. California Street between Hopkins Street and University Avenue;
17. California Street between Dwight Way and Russell Street;
18. King Street between Russell Street and Stanford Avenue;
19. Milvia Street from Dwight Way to Russell Street;
20. Bowditch Street from Bancroft Way to Dwight Way;
21. Hillegass Avenue from Dwight Way to Woolsey Street

Financial Implications: See report

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

Action: Adopted first reading of Ordinance No. 7,784–N.S. as revised in Supplemental Communications Packet #2 and Packet #3 from Councilmember Taplin to add several at-risk streets in neighborhoods experiencing through truck traffic, add Councilmember Hahn as a co-sponsor, and add exemptions for qualifying vehicles. Second reading scheduled for October 12, 2021.

24. Resolution in Support of Afghan Refugees

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

Recommendation: Adopt a Resolution in support of refugees from Afghanistan.

Financial Implications: None

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

Action: Adopted Resolution No. 70,048–N.S.

Council Consent Items

25. **Accessible Recreation Center for Ashby BART East Parking Lot** (*Item contains revised materials*)
From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Refer to the City Manager to explore the feasibility of incorporating an accessible recreation center as part of the development of the Ashby BART East Parking Lot.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Item withdrawn by request of the author.
26. **Adopt a Resolution Renewing and Re-Affirming Wildfire Prevention and Safety**
From: Councilmember Wengraf (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Request that the Berkeley City Council adopt a resolution re-affirming that wildfire prevention and safety is a top priority in the City of Berkeley.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 70,049–N.S. as revised in Supplemental Communications Packet #1 from Councilmember Wengraf to add mention of AP News analysis reporting Berkeley Hills zip code 94708 in the worst 1% of state for wildfire evacuation, the article and map showing 94708 location.
27. **Amending BMC Section 14.56.040 to Reduce the Commercial Weight Limit on Marin Ave**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Droste (Co-Sponsor)
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 14.56.040 to reduce the commercial vehicle weight limit from four tons gross weight to three tons gross weight on Marin Avenue between Grizzly Peak Boulevard and The Marin Fountain Circle.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted first reading of Ordinance No. 7,785–N.S. Second reading scheduled for October 12, 2021.

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 Calendar – Public Hearings

Action items may be reordered at the discretion of the Chair with the consent of Council.

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak use the "raise hand" function to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

28. **ZAB Appeal: 2943 Pine Avenue, Use Permit #ZP2020-0107**

From: City Manager

Recommendation: Conduct a public hearing, and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2020-0107 to construct a 729 square-foot, second-story addition to an existing one-story 1,822 square-foot single-family dwelling, with an average height of 23 feet 1 inch, add a fifth bedroom, and legalize an existing 10-foot fence at the rear and left side, on a lot that is existing non-conforming for lot coverage, and dismiss the appeal.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 12 speakers. M/S/C (Arreguin/Wengraf) to close the public hearing.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste (Recused – lives within 500 feet of subject property).

Action: M/S/C (Hahn/Harrison) to adopt Resolution No. 70,050–N.S. affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2020-0107 to construct a 729 square-foot, second-story addition to an existing one-story 1,822 square-foot single-family dwelling, with an average height of 23 feet 1 inch, add a fifth bedroom, and legalize an existing 10-foot fence at the rear and left side, on a lot that is existing non-conforming for lot coverage, and dismiss the appeal.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste (Recused – lives within 500 feet of subject property).

Action: M/S/C (Arreguin/Wengraf) to suspend the rules and extend the meeting to 11:30 p.m. to hear Items 30 and 32 and stating the intent to call a special meeting to hear Item 31.

Vote: All Ayes.

Action Calendar – Public Hearings

29. **Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04** *(Continued from July 13, 2021)*

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23C.24] and amendments to relevant Definitions [BMC Chapter 23F.04] in the Zoning Ordinance.

Financial Implications: None

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

Action: Item continued to October 12, 2021 including Supplemental material in Supplemental Communications Packet #1 from Councilmember Harrison.

30. **Adopt a Resolution and Ordinance for a Shared Electric Micromobility Permit Program**

From: City Manager

Recommendation: Conduct a public hearing and upon its conclusion:

1. Adopt a Resolution approving a Shared Electric Micromobility Permit Program, establishing fees for the program, and designating the City Manager as custodian of the program; and
2. Adopt the first reading of an Ordinance adding Berkeley Municipal Code Chapter 14.63 and amending Chapter 14.68 to establish the Shared Electric Micromobility Permit Program and related parking regulations.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 6 speakers.

M/S/C (Arreguin/Robinson) to close the public hearing.

Vote: All Ayes.

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

Vote: All Ayes.

Action: M/S/C (Robinson/Arreguin) to 1. Adopt Resolution No. 70,051–N.S.; 2. Adopt first reading of Ordinance No. 7,786–N.S.; 3. Amend the Terms and Conditions document to raise the speed limit for e-bikes to 20 mph; and 4. Refer to the City Manager to develop a process for micromobility operators to request and pay the City to convert on-street vehicle parking spaces to shared micromobility parking, especially in high use areas downtown, near campus, and along commercial corridors. Second reading scheduled for October 12, 2021.

Vote: All Ayes.

Action Calendar

31. **Approval of Interim Regulations for the Police Accountability Board and Office of the Director of Police Accountability for Handling Complaints Against Sworn Officers of the Police Department**
From: Police Accountability Board and Director of Police Accountability
Recommendation: Approve Interim Regulations to be used by the Police Accountability Board and Director of Police Accountability for Handling Complaints Against Sworn Officers of the Police Department under City Charter Article XVIII, Section 125 (Measure II). The City Council is asked to choose between the Board's modified proposal, conditioned upon City Attorney approval, or the Interim Director's preferred version.
Financial Implications: None
Contact: Katherine Lee, Interim Director of Police Accountability, (510) 981-4950
Action: Item 31 continued to a special meeting of the City Council at a date to be determined by the Mayor.

Action Calendar – Public Hearing

32. **Adoption of the Baseline Zoning Ordinance (BZO)** *(Continued from September 14, 2021) (Item contains supplemental material)*
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance rescinding the current Berkeley Municipal Code (BMC) Title 23 and adopting the new Baseline Zoning Ordinance (BZO) as BMC Title 23 with an effective date of December 1, 2021.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- Public Testimony:** The Mayor opened the public hearing. 1 speaker. M/S/C (Arreguin/Wengraf) to close the public hearing.
Vote: All Ayes.
- Action:** M/S/C (Hahn/Wengraf) to adopt first reading of Ordinance No. 7,787–N.S. as presented in Supplemental Communications Packet #2 from the City Manager. Second reading scheduled for October 12, 2021.
Vote: All Ayes.

Action Calendar

33. **Objective Standards Recommendations for Density, Design and Shadows From: Joint Subcommittee for the Implementation of State Housing Laws** *(Continued from September 14, 2021) (Item contains supplemental material)*
Recommendation: Refer to the Planning Commission and Design Review Committee to review the recommendations from the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) for objective standards for density, design and shadows and draft Zoning Ordinance amendments for City Council consideration.
Financial Implications: See report
Contact: Alene Pearson, Commission Secretary, (510) 981-7400
Action: Item 33 continued to October 12, 2021.

Information Reports

34. **Sanctuary City Contracting Compliance Report for FY 2020**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.
35. **Financial First Aid Kit: A Guide to Emergency Financial Preparedness for Berkeley Residents**
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda – 1 speaker.

Adjournment

Adjourned at 11:40 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council regular meeting held on September 28, 2021.

Mark Numainville
City Clerk

Communications

Item #26: ZAB Appeal: 2943 Pine Avenue, Use Permit #ZP2020-0107

1. Anne Nachtwey
2. Everett and Shannon Hartwell

Tent Encampments - Homelessness

3. Jae Wheeler, on behalf of Music Lovers, Inc. (2)
4. Charles Clarke
5. Jed Waldman

BART Housing

6. Ann Einkelstein
7. Theo Posselt
8. Serena Lim
9. Elliot Parrish
10. Matthew Wadlund
11. Tyson Miklebost
12. Forest Kaser
13. Laura Stevens
14. Jane Scantlebury
15. Ariella Granett
16. Betsy Thagard
17. Donna Graves
18. Sean Kennedy
19. Laura Klein
20. Marcia Freedman

Masks – Vaccines – COVID-19

21. Wise Queen
22. Alfred Manning
23. Snowsu2t3@
24. Vivian Warkentin

Satellite Affordable Housing Associates (SAHA)

25. Sabina McMurtry

UA Homes

26. Benjamin Hubbell

Drinking Water in Berkeley

27. David Lerman

East Bay Community Energy

28. EBCE

1740 San Pablo Ave New Construction – Funding Application

29. Kate Traynor, on behalf of BRIDGE

Support for Affordable Housing Overlay

30. BNHCA Steering Committee

Free Speech at Council Meetings

- 31. Barbara Gilbert
- 32. Eric Friedman

Ashby Garden at 1376 Ashby - Land Purchase Proposal

- 33. Bonnie Borucki

Supplemental Communications and Reports 1

Re-Establishing a COVID-19 Business Damage Mitigation Fund

- 34. Urgent item, submitted by Mayor Arreguin

Item #26: Adopt a Resolution Renewing and Re-Affirming Wildfire Prevention and Safety

- 35. Revised material, submitted by Councilmember Wengraf

Item #28: ZAB Appeal: 2943 Pine Avenue, Use Permit #ZP2020-0107

- 36. Linda Yen

Item #29: Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04

- 37. Supplemental material, submitted by Councilmember Harrison
- 38. Jenniffer Hamilton
- 39. Ben Obriecht
- 40. Claudia Kawczynska
- 41. Debra Sanderson, Co-chair, ADU Task Force

Item #31: Approval of Interim Regulations for the Police Accountability Board and Office of the Director of Police Accountability for Handling Complaints Against Sworn Officers of the Police Department

- 42. Zipporah Collins

Item #32: Adoption of the Baseline Zoning Ordinance (BZO)

- 43. Supplemental material, submitted by Planning

Supplemental Communications and Reports 2

Item #22: Referral to Strengthen Public Health and Environmental Impact Mitigation for Industrial Facilities in the Manufacturing Zone

- 44. Revised material, submitted by Councilmember Kesarwani

Item #23: Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Berkeley's Bicycle Boulevards and on At-Risk West Berkeley Residential Streets

- 45. Supplemental material, submitted by Councilmember Taplin
- 46. Igor Tregub

Item #28: ZAB Appeal: 2943 Pine Avenue, Use Permit #ZP2020-0107

- 47. Rena Rickles Law Office (5)
- 48. Linda Yen

Item #29: Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04

49. George Porter

Item #30: Adopt a Resolution and Ordinance for a Shared Electric Micromobility Permit Program

50. Ben Gerhardstein, on behalf of Walk Bike Berkeley

Item #31: Approval of Interim Regulations for the Police Accountability Board and Office of the Director of Police Accountability for Handling Complaints Against Sworn Officers of the Police Department

51. Revised material, submitted by the Police Accountability Board

52. Sally Nelson

53. Margot Smith

Item #32: Adoption of the Baseline Zoning Ordinance (BZO)

54. Supplemental material, submitted by Planning

Supplemental Communications and Reports 3

Re-Establishing a COVID-19 Business Damage Mitigation Fund

55. Supplemental material, submitted by Mayor Arreguin

Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference

56. Urgent item, submitted by the City Attorney's Office

Item #16: Exclusive Negotiating Agreement with Innovation Properties Group for 199 Seawall Drive

57. Revised material, submitted by Parks, Recreation and Waterfront

Item #18: Lease Agreement with Motorola Solutions for Public Safety Radios

58. Supplemental material, submitted by Councilmember Harrison

59. Maryann O'Sullivan

60. Yael Platt

61. Elana Auerbach

62. Negeene Mosaed

63. Romeo Channer

64. Michael Freeman

Item #22: Referral to Strengthen Public Health and Environmental Impact Mitigation for Industrial Facilities in the Manufacturing Zone

65. Igor Tregub, on behalf of the Sierra Club

Item #23: Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Berkeley's Bicycle Boulevards and on At-Risk West Berkeley Residential Streets

66. Supplemental material, submitted by Councilmember Taplin

Item #28: ZAB Appeal: 2943 Pine Avenue, Use Permit #ZP2020-0107

67. Presentation, submitted by Planning

68. Rena Rickles

Item #29: Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04

69. Lisa and Tim Goodman

70. Henson Jones

Item #30: Adopt a Resolution and Ordinance for a Shared Electric Micromobility Permit Program

71. Ben Gerhardstein, on behalf of Walk Bike Berkeley

72. Rowan Naldoo, on behalf of Independent Medical Supplies

73. Bob Walsh, on behalf of Government Partnerships

74. Luis and Orellana, on behalf of Golden Gate Park Activities Center

Item #31: Approval of Interim Regulations for the Police Accountability Board and Office of the Director of Police Accountability for Handling Complaints Against Sworn Officers of the Police Department

75. Holly Scheider

76. Cindy Shamban

77. Elizabeth Ferguson

78. Julianna Dickey

79. Catherine Huchting

80. Debbie Perkins (2)

81. Mary Elieisar

82. Tony Wilkinson