

**BERKELEY CITY COUNCIL FACILITIES, INFRASTRUCTURE,
TRANSPORTATION, ENVIRONMENT & SUSTAINABILITY COMMITTEE
SPECIAL MEETING MINUTES**

**Monday, November 2, 2020
1:00 PM**

Committee Members:

Councilmembers Cheryl Davila, Rigel Robinson, and Kate Harrison
Alternate: Councilmember Sophie Hahn

**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 Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive 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 using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL <https://us02web.zoom.us/j/87187693289>. 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 on the screen.

To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and Enter Meeting ID: **871 8769 3289**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record. City offices are currently closed and cannot accept written communications in person.

MINUTES

Roll Call: 1:03 pm.

Present: Robinson, Davila

Absent: Harrison

Councilmember Hahn present at 1:10 pm to serve as alternate.

Public Comment on Non-Agenda Matters: 1 Speaker.

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - October 21, 2020

Action: M/S/C (Robinson/Davila) to approve the 10/21/20 minutes as presented.

Vote: Ayes - Davila, Robinson; Noes – None; Abstain – None; Absent - Harrison

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair 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.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

Committee Action Items

2. Path to Permanence for Outdoor Dining and Commerce Permits Granted Under COVID-19 Public Health Emergency Declaration

From: Councilmember Droste (Author), Mayor Arreguin (Author), Councilmember Robinson (Author), and Councilmember Harrison (Co-Sponsor)

Referred: October 13, 2020

Due: February 10, 2021

Recommendation: Refer to the City Manager and the Facilities, Infrastructure, Transportation, Environment and Sustainability Policy Committee to develop ordinance language to make the temporary outdoor dining and commerce permits that were obtained under the City's declaration of emergency to become permanent. Ordinance language should include: -Merchant opt-out: To encourage and support the use of outdoor commerce, upon the conclusion of the City declaration of emergency, outdoor commerce permit holders should automatically be transitioned to permanent permit status unless the permit holder chooses to remove the installation. -Fee waivers: Fees associated with the minor encroachment permits or sidewalk seating typically necessary for outdoor dining and commerce permits should be waived for all transitioning permits. -Protocols for transfer of parklets if businesses change, turn over, etc.

Financial Implications: See report

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

Action: 1 speaker. M/S/C (Robinson/Hahn) to send the item with a positive recommendation to the City Council with the recommendation language as amended by the committee.

The revised recommendation language includes:

Refer to the City Manager to develop a program and, if necessary, ordinance language to facilitate the transition of temporary outdoor dining and commerce permits that were obtained under the City's declaration of emergency to permanent status.

- Consider criteria for transitioning spaces for Public vs. Private outdoor use.
- Consider the structural, materials, safety and other criteria for temporary vs. permanent outdoor spaces.
- Consider costs and benefits of private outdoor spaces adjacent to specific businesses on customer access, parking availability, parking revenues, and all other factors.
- Consider Merchant opt-out vs. opt-in: To encourage and support the use of outdoor commerce, upon the conclusion of the City declaration of emergency, outdoor commerce permit holders might automatically be transitioned to permanent permit status unless the permit holder chooses to remove the installation, or the City might reach out to temporary permit holders and offer an opt-in or quick transition program.

Committee Action Items

- Consider Fees and potential Fee waivers for temporary spaces transitioning to permanent status: Fees associated with the minor encroachment permits or sidewalk seating typically necessary for outdoor dining and commerce permits could be waived for all transitioning permits.
- Consider Protocols for transfer of private use parklets if businesses change, turn over, etc.
- Consider and bring forward any and all suggestions to help transition temporary spaces to permanent with as few hurdles and costs possible.
- Request the Agenda Committee consider sharing this item on Berkeley Considers.

Vote: Ayes - Hahn, Robinson; Noes – Davila; Abstain – None; Absent - Harrison

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

- 3. Adopt an Ordinance Adding a Chapter 11.62 to the Berkeley Municipal Code to Regulate Plastic Bags at Retail and Food Service Establishments**
From: Councilmembers Harrison and Hahn
Referred: November 25, 2019
Due: December 17, 2020
Recommendation: Adopt an ordinance adding a Chapter 11.62 to the Berkeley Municipal Code to regulate plastic bags at retail and food service establishments.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: The item was continued to the next meeting.
- 4. Prohibition on the Resale of Used Combustion Vehicles in 2040**
From: Community Environmental Advisory Commission
Referred: March 30, 2020
Due: December 19, 2020
Recommendation: Review and refer to the City Attorney for finalization the attached ordinance prohibiting the resale of used, existing combustion-powered vehicles beginning in 2040.
Financial Implications: See report.
Contact: Viviana Garcia, Commission Secretary, (510) 981-7460
Action: the item was continued to the next meeting.

Unscheduled Items

- 5. Prohibition on the Sale of Gasoline, Diesel, and Other Carbon-Based Transportation Fuels by 2045**
From: Community Environmental Advisory Commission
Referred: March 30, 2020
Due: December 19, 2020
Recommendation: Review and refer to the City Attorney for finalization the attached ordinance prohibiting the sale of gasoline, diesel, and other carbon-based transportation fuels effective January 1st, 2045.
Financial Implications: See report
Contact: Viviana Garcia, Commission Secretary, (510) 981-7460
Action: the item was continued to the next meeting.

- 6. Prohibition on the Use of City Streets for Operating, Parking, or Idling Combustion Vehicles by 2045**
From: Community Environmental Advisory Commission
Referred: March 30, 2020
Due: December 19, 2020
Recommendation: Review and refer to the City Attorney for finalization the attached ordinance prohibiting the use of City-owned streets for the operation, parking, or idling of combustion vehicles beginning in 2045, and establishing an offset-driven fee-based enforcement mechanism.
Financial Implications: See report
Contact: Viviana Garcia, Commission Secretary, (510) 981-7460
Action: The item was continued to the next meeting.

Unscheduled Items

7. **Introduce an Ordinance terminating the sale of gasoline, diesel and natural gas passenger vehicles throughout the City of Berkeley by 2025** (*Revised Material Received*)

From: Councilmember Davila

Referred: November 18, 2019

Due: December 10, 2020

Recommendation: Adopt a resolution with the following actions:

1. Direct the City Attorney to prepare any draft ordinances to terminate the sale of gasoline, diesel and natural gas passenger vehicles throughout the City of Berkeley by 2025; this shall include the termination of purchasing these vehicles to support City fleets and, for the general public, a staged phase out such as cars over \$28K by 2023, cars over \$22K by 2024, and all cars by 2025, so as to actively create a used electric vehicle market for lower income customers that allows them to acquire electric vehicles at a cost equal to or below that of comparable gasoline, diesel, or natural gas vehicles.

2. Short term referral to the City Manager and/or designee(s) to report to the City Council in 90 days, in consultation with other City Departments with the following information: (A) Feasibility of terminating the sale of gasoline, diesel and natural gas passenger vehicles; (B) ways to promote and facilitate the sale of all-electric vehicles in the City, particularly among low income communities, including the provision of local tax incentives and rebates, as large as is necessary to cover any cost difference between an electric car and a comparable gas car; the simplification of building code requirements for chargers; and the establishment of charging stations and related infrastructure to support all-electric vehicles; (C) any "just transition" elements related to the above action, including the impact upon and opportunities for auto mechanics.

Financial Implications: See report

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

Action: The item was continued to the next meeting.

8. **Potential Bonding and Funding Opportunities for Improving the PCI of Residential Streets, and Creating a Paving Master Plan**

Referred: January 21, 2020

Due: November 23, 2020

Recommendation: On January 21, 2020, the City Council referred the following language from the revised agenda material from Councilmember Harrison in the Supplemental Communications Packet 2, and as further revised by the Council, to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee for consideration:

Refer to the Facilities, Infrastructure, Transportation, Environment, & Sustainability Committee to work with the Public Works Department and the Commission to explore potential bonding and funding opportunities for improving the PCI of residential streets, and creating a paving master plan.

Action: The item was continued to the next meeting.

Unscheduled Items

9. **Referral Response: Ordinance Amending Berkeley Municipal Code Chapter 7.52, Reducing Tax Imposed for Qualifying Electrification, Energy Efficiency and Water Conservation Retrofits**
From: City Manager
Referred: July 21, 2020
Due: January 4, 2021
Recommendation: 1. Delay adoption of the first reading of an ordinance amending the Berkeley Municipal Code (BMC) Chapter 7.52 to expand the Seismic Transfer Tax Rebate Program to include qualifying sustainability and resilience measures, and any associated budget requests, until FYE 2022 when more information on budget due to COVID-19 response and recovery is available; and
2. Refer to the City Manager the design of a companion Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements to low-income residents (on 10/7).
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: The item was continued to the next meeting.

Unscheduled Items

10. Initiate a Citywide, Regional and International Just Transition to a Regenerative Economy to Address the Climate Emergency *(Supplemental Material Received)*
From: Councilmember Davila (Author)

Referred: July 13, 2020

Due: December 27, 2020

Recommendation: Adopt a resolution to initiate a citywide, regional and international Just Transition to a Regenerative Economy to address the Climate Emergency, and taking the following actions: 1. The City of Berkeley recognizes sustainability is not enough to protect residents from cumulative impacts of centuries of environmental and social degradation and instead will reorient its city planning, policy, and resource allocation to be socially and environmentally positive and will invest in a regenerative whole city infrastructure, policy, development and design process. 2. The City of Berkeley following the lead of Amsterdam and other cities will join in an attempt to embrace Doughnut Economics, which, by definition, recognizes the necessity of meeting the needs of residents within the carrying capacity of our planet Earth and the greater Bay Area bioregion. 3. The City of Berkeley will accelerate the transition to a zero-waste cradle to cradle, circular economy by a developing a series of ordinances ensuring only earth friendly products are sold within city limits by 2025. 4. All City of Berkeley commissions shall propose city policies, procedures and programs to enact a just transition that is socially, economically and ecologically regenerative by securing racial justice, bioregional restoration and sustainability, maximally reduces greenhouse gas emissions, increases public health, increases disaster preparedness and community resilience and reverses inequality and wealth extraction from Berkeley and Bay Area residents. 5. The City of Berkeley will create a city commission responsible for planning and implementing a Just Transition to a Regenerative Economy that is anti-racist, provides reparations and transformative support for those who are black, Indigenous, people of color, low income, and those struggling with mental health challenges, is community-driven and democratically-funded, environmentally-regenerative, and prioritizes local and independent businesses. 6. The City of Berkeley commits to suspend any and all projects and policies that are incompatible with protecting the Earth and people from further environmental degradation, social inequality, public health risks, and global warming and urges all neighboring agencies, statewide, national, and international, to do the same. 7. The City of Berkeley will create a regional and statewide collaborative to ensure the maximal climate mitigation and adaptation scenarios to begin as soon as possible and formally requests all regional agencies, cities, and counties to a shared table to devise and execute a Just Transition plan to the Regenerative Economy here in the greater Bay Area through a regional Green New Deal. 8. The City of Berkeley calls on governments who have declared a climate emergency and who broadly recognize the immense challenge facing humanity to form a transnational task force to be sustained until 2050 to co-execute a shared transitional peace effort in moving their immediate societies and economies toward ethical and regenerative trajectories. 9. The City of Berkeley within the first 90 days will invite all the cities, counties, and institutions such as the UC system to form a regional and statewide task force to oversee a justice- oriented evidence- based transition to a regenerative economy to be sustained until 2050;

Unscheduled Items

10. The City of Berkeley identifies our current economy with its focus on near-term perpetual growth requiring resource extraction and wealth enclosure as defunct and incompatible with the needs of sustainability, human thriving, and dignity, and calls for a new economic system which in its design meets human needs within planetary and local environmental and social boundaries, focuses on human and ecological flourishing, furthers a regenerative human presence on earth, achieves equitable distribution of resources throughout the planet, and fosters an immediate transition to avert climate catastrophe in the near and long term. 11. The City of Berkeley endorses the intention and vision behind a global Green New Deal that reverses centuries of colonization, and post-colonial imbalances of power, health, wealth, sovereignty, addresses the climate emergency at the speed and scale necessary, and protects the world from impending climate impacts. 12. The City of Berkeley recognizes the importance of indigenous leadership in designing and implementing a Regenerative Economy in Berkeley, the greater Bay Area, and the world, and shall invite delegates from indigenous communities to all stages of the planning and implementation process.

Financial Implications: See report

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

Action: The item was continued to the next meeting.

11. Enforce Bi-Weekly (Once Every Two Weeks) Residential Cleaning Measures to Address Encampments and Promote Clean Streets in Berkeley

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

Referred: October 13, 2020

Due: February 10, 2021

Recommendation: Refer to the City Manager to promote equitable street cleaning practices and require biweekly (once every two weeks), cleanings of populated encampment sites in Berkeley and adjacent residential neighborhoods. In order to determine where City Staff should prioritize residential cleaning services, the City Manager should establish a radius around the campsites. When encampments are on non-City owned property, such as Caltrans, the City should bill the appropriate agency for the cost of staff and materials.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action: The item was continued to the next meeting.

Unscheduled Items

12. Recognize the Rights of Nature

From: Councilmember Davila (Author)

Referred: October 13, 2020

Due: February 10, 2021

Recommendation: Adopt a resolution to recognize that the natural living world has a right to exist, thrive, regenerate and evolve its life cycles; to protect the ecosystems upon which our own vitality depends; and to transform our human relationship with nature from a property-based to a legal rights-bearing entity.

Financial Implications: See report

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

Action: The item was continued to the next meeting.

Items for Future Agendas

- None

Adjournment: 2:27 pm.

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

Vote: Ayes - Davila, Hahn, and Robinson; Noes – None; Abstain – None; Absent - Harrison

I hereby certify that this is a true and correct record of the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee meeting held on November 2, 2020.

Michael MacDonald, Assistant City Clerk