

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, June 15, 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/87908681987>. 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: **879 0868 1987**. 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: 6:04 p.m.

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

Absent: None

Ceremonial Matters:

1. Recognition of Arnie Passman, Local Writer and Artist
2. Recognition of Outgoing Members of the Police Review Commission
3. Adjourn in Memory of Barry Biddulph and Eric Cumby, Recent Victims of Overdose in Civic Center Park
4. Recognition of Juneteenth on June 19, 2021

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Action: M/S/C (Arreguin/Robinson) to accept supplemental material from Councilmember Harrison and Councilmember Hahn on Item 3 and supplemental from the City Manager on Item 37.

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

Councilmember Wengraf absent 6:37 p.m. – 6:41 p.m.

Recess 8:13 p.m. – 8:23 p.m.

Public Comment on Consent Calendar and Information Items Only: 67 speakers.

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

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

Consent Calendar

- 1. Lease Agreement: 2010 Addison Street at Center Street Garage with Vito Loconte and Alexie LeCount DBA Lexie's Frozen Custard**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,763-N.S. authorizing the City Manager to execute a lease agreement for 2010 Addison Street at the Center Street Garage with Vito Loconte and Alexie LeCount DBA Lexie's Frozen Custard, a sole proprietorship, for an initial term of ten (10) years with one optional five-year lease extension AND approve payment of a commission of \$9,331.23 to Colliers International for commercial brokerage fees for locating a tenant for the premises.
First Reading Vote: All Ayes
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,763–N.S.
- 2. Amend BMC 14.72.105**
From: Councilmember Wengraf (Author)
Recommendation: Adopt second reading of Ordinance No. 7,764-N.S. amending BMC 14.72.105 Neighborhood-Serving Community Facility Permits, to allow a broader range of community facilities to be eligible for parking permits.
First Reading Vote: All Ayes
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted second reading of Ordinance No. 7,764–N.S.
- 3. Systems Alignment Proposal** *(Continued from May 18, 2021. Item Contains Supplemental Material.)*
From: City Manager
Recommendation: Review the proposal for systems alignment and provide edits and suggestions in order to compile Council feedback for the purpose of drafting a revised proposal for adoption.
Financial Implications: See report
Contact: Dave White, City Manager's Office, (510) 981-7000
Action: Approved recommendation including supplemental material submitted by Councilmember Hahn and Councilmember Harrison.
- 4. Temporary Appropriations FY 2022**
From: City Manager
Recommendation: Adopt a Resolution authorizing a temporary appropriation in the sum of \$50,000,000 to cover payroll and other expenses from July 1, 2021, until the effective date of the FY 2022 Annual Appropriations Ordinance.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 69,918–N.S.

Consent Calendar

- 5. FY 2022 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0059%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,765-N.S. Second reading scheduled for June 29, 2021.
- 6. FY 2022 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0135%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,766-N.S. Second reading scheduled for June 29, 2021.
- 7. FY 2022 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0088%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,767-N.S. Second reading scheduled for June 29, 2021.
- 8. FY 2022 Tax Rate: Business License Tax on Large Non-Profits**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate for Business License Tax on large non-profits at \$0.7041 (70.41 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,768-N.S. Second reading scheduled for June 29, 2021.

Consent Calendar

- 9. FY 2022 Tax Rate: Fund Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate for funding Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF) in the City of Berkeley at an annual rate of \$0.1047 (10.47 cents) per square foot of improvements and \$0.15705 (15.705 cents) for the 18-month period from January 1, 2021 to June 30, 2022.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Abe Roman, Fire, (510) 981-3473
Action: Adopt first reading of Ordinance No. 7,769-N.S. Second reading scheduled for June 29, 2021.
- 10. FY 2022 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.1896 (18.96 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,770-N.S. Second reading scheduled for June 29, 2021.
- 11. FY 2022 Special Tax Rate: Fund the Provision of Library Services**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2402 (24.02 cents) per square foot for dwelling units and \$0.3632 (36.32 cents) per square foot for industrial, commercial, and institutional buildings.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Tess Mayer, Director of Library Services, (510) 981-6195
Action: Adopt first reading of Ordinance No. 7,771-N.S. Second reading scheduled for June 29, 2021.

Consent Calendar

- 12. FY 2022 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate for funding the provision of emergency services for the disabled at \$0.02378 (2.378 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,772-N.S. Second reading scheduled for June 29, 2021.
- 13. FY 2022 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0170%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,773-N.S. Second reading scheduled for June 29, 2021.
- 14. FY 2022 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0077%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,774-N.S. Second reading scheduled for June 29, 2021.
- 15. FY 2022 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.05818 (5.818 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.08804 (8.804 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Abe Roman, Interim Fire Chief, (510) 981-5500
Action: Adopt first reading of Ordinance No. 7,775-N.S. Second reading scheduled for June 29, 2021.

Consent Calendar

- 16. FY 2022 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0412 (4.12 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,776-N.S. Second reading scheduled for June 29, 2021.
- 17. Designate the Line of Succession for the Director of Emergency Services**
From: City Manager
Recommendation: Adopt a Resolution approving the designated line of succession to the position of Director of Emergency Services in the event of an officially declared disaster, and rescinding Resolution No. 69,245-N.S.
Financial Implications: None
Contact: Abe Roman, Fire, (510) 981-3473
Action: Adopted Resolution No. 69,919–N.S.
- 18. Revenue Grant: Funding Support from Alameda County to Public Health Infrastructure Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Public Health Infrastructure Program in the projected amount of \$32,080 for Fiscal Year (FY) 2022.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,920–N.S.
- 19. Housing Trust Fund Predevelopment Loan Advance for Maudelle Miller Shirek Community (2001 Ashby Avenue)**
From: City Manager
Recommendation: Adopt a Resolution: 1. Authorizing an advance of \$1.5 million in Measure O funds to Maudelle Shirek L.P. for costs related to predevelopment of the Maudelle Miller Shirek Community, located at 2001 Ashby Avenue. 2. Clarifying that the City may execute the development contract for Maudelle Miller Shirek Community for the remaining Measure O funds prior to the second issuance of the bond. 3. Authorizing the City Manager to execute all original or amended documents or agreements to effectuate this action.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,921–N.S.

Consent Calendar

20. *****Item Removed by City Manager*** Contract No. 31900254 Amendment: Easy Does It to Provide Emergency Disability Services and Audit Recommendation Update for Fiscal Year 2022 – 2023**
From: City Manager
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
21. **Revenue Grant Agreement: Funding Support from the State of California for the Tuberculosis Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Tuberculosis Control Program in the projected amount of \$14,000 for Fiscal Year (FY) 2022.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,922–N.S.
22. **Revenue Contract: Community Services Block Grant Discretionary Funding for Contract Number 21F-4403 to Provide Services for Low-Income People**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: 1. Accept the Community Services Block Grant (CSBG) Contract Number 21F-4403 for the amount of \$28,250 to provide services for low-income people for the period June 1, 2021 through May 31, 2022, and 2. Execute one or more expenditure contracts totaling \$28,250 assistance and services for homeless households, including flexible funding for rental assistance, move-in costs for clients assisted with rental assistance, hygiene services and supports such as portable toilets and handwashing stations or shower and laundry services, supplies for unhoused residents distributed by outreach teams, and/or other COVID-19-related services for low-income individuals as needed.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,923–N.S.
23. **Contract No. 32100044 Amendment: Renne Public Law Group LLP for Chief Labor Negotiator Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100044 increasing contract amount by \$100,000 with Renne Public Law Group LLP for Chief Labor Negotiator services, for a revised total contract amount not to exceed \$150,000.
Financial Implications: General Fund - \$100,000
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,924–N.S.

Consent Calendar

24. **Contract No. 10851 Amendment: Bryce Consulting, Inc. for Professional Classification Studies, Compensation Surveys and Desk Audits**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10851 increasing the contract amount by \$53,000 with Bryce Consulting, Inc. for Professional Classification Studies, Compensation Surveys and Desk Audit services, for a revised total contract amount not to exceed \$102,999 through December 31, 2023.
Financial Implications: General Fund - \$53,000
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,925–N.S.
25. **Contract No. 9649D Amendment: Sloan Sakai, LLP for Chief Labor Negotiator Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9649D increasing the contract amount by \$215,000 with Sloan Sakai, LLP for Chief Labor Negotiator services, for a revised total contract amount not to exceed \$665,000.
Financial Implications: General Fund - \$215,000
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,926–N.S.
26. **Memorandum Agreement: International Brotherhood of Electrical Workers Local 1245**
From: City Manager
Recommendation: Adopt one Resolution approving a new two-year Memorandum Agreement with the International Brotherhood of Electrical Workers Local 1245 (hereinafter referred to as the “Union”) with a term of June 28, 2020 through June 30, 2022, authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the Memorandum Agreement.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,927–N.S.

Consent Calendar

- 27. Adopt Tentative Agreement with SEIU Local 1021 Community Services Unit And Part-Time Recreation Leaders Association related to the Inclusion of the Legislative Assistants into the Unit**
From: City Manager
Recommendation: Adopt a Resolution approving the terms and conditions related to the Legislative Assistant classification's inclusion into the existing Memorandum of Understanding (hereafter referred to as "MOU") with SEIU Local 1021 Community Services Unit And Part-Time Recreation Leaders Association (hereafter referred to as the "Union"), and authorizing the City Manager to direct staff to execute and implement the terms and conditions of employment set forth in the Tentative Agreement dated May 18, 2021. Also, authorize the City Manager to make edits to the format and language of the Memorandum of Understanding in alignment with the Tentative Agreement, and conforming to legal requirements, when the parties ultimately reach agreement regarding the successor MOU currently under negotiation with the larger CSU bargaining unit.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,928–N.S.
- 28. Contract: Get IT Tech for a New Electronic Gate System at the Waterfront**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract with Get IT Tech to provide a new electronic gate system at the Waterfront in an amount not-to-exceed of \$73,458, which includes a contract amount of \$61,215 and a 20% contingency in the amount of \$12,243.
Financial Implications: Marina Fund - \$73,458
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,929–N.S.
- 29. Contract: Community Conservation Centers, Inc. for Processing and Marketing Services of Recyclable Materials**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a new Contract with Community Conservation Centers, Inc. (CCC) for the sorting and marketing of residential and commercial curbside collected recyclables, and the recycling drop-off and buyback centers. The contract term is five (5) years, commencing July 1, 2021 through June 30, 2026, with an option to extend by mutual agreement for another five (5) years, commencing July 1, 2026 through June 30, 2031, for a total contract amount not to exceed \$30,080,793 for a ten year period.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,930–N.S.

Consent Calendar

- 30. Contract: Ecology Center, Inc. for the Residential Curbside Recycling Collection**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a new contract with Ecology Center, Inc. for the collection of residential curbside recycling and delivery of these recyclable materials to Berkeley Recycling for processing and marketing. The contract term is five (5) years, commencing July 1, 2021 through June 30, 2026, with an option to extend by mutual agreement for another five (5) years, commencing July 1, 2026 through June 30, 2031, for a total contract not to exceed amount of \$54,518,752 for the ten year period.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,931–N.S.
- 31. Contract No. 111976-1 Amendment: HF&H Consultants, LLC for the Study of the City Providing Commercial Collection Services and Development and Update of Rate Model**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 111976-1 with HF&H Consultants, LLC to increase the current contract by \$50,000 for a total not to exceed amount of \$250,000 and to extend the contract term to June 30, 2023 for the Development and Update of a Zero Waste Rate Model.
Financial Implications: Zero Waste Fund - \$50,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,932–N.S.
- 32. Contract No. 120470-1 Amendment: Fairbanks Scales, Inc. for Preventative Maintenance and Repairs at the City’s Solid Waste Management and Transfer Station**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No.120470-1 with Fairbanks Scales, Inc. for preventative maintenance and repairs on the various scales at the City’s Solid Waste Management and Transfer Station, extending the contract term by two years to June 30, 2025, and increasing the contract amount by \$150,000 for a total contract amount not to exceed \$340,000.
Financial Implications: Zero Waste Fund - \$150,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,933–N.S.

Consent Calendar

33. Support of Assembly Bills 881, 1454 & 1276

From: Zero Waste Commission

Recommendation:

1. Support Assembly Bill 881 (Plastic Waste Exports) which closes an existing loophole in California law that allows mixed plastic exports to be counted as recycling regardless of their ultimate destination, which is often overseas landfills, incinerators, or waterways, and send a letter expressing the City Council's support to Assemblymember Gonzalez.
2. Support Assembly Bill 1454 (Bottle Bill Modernization) which helps keep recycling centers open and provides much-needed support for new centers to open in areas where there are not enough centers to serve consumers, including rural and urban areas, and send a letter expressing the City Council's support to Assemblymember Bloom.
3. Support Assembly Bill 1276 (Unnecessary Food Serviceware) which expands plastic straws upon-request law to include other single-use food accessories, other food facilities, and third-party delivery platforms – including food that is taken away, delivered, or served on-site - and send a letter expressing the City Council's support to Assembly Member Carrillo.

Financial Implications: None

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

Action: Approved recommendation as amended in Supplemental Communications Packet #2 by Councilmember Hahn to add Senator Allen and Senator Bates to letter recipients list.

Council Consent Items

34. Support for AB-279 (Muratsuchi) Intermediate Care Facilities and Skilled Nursing Facilities: COVID-19

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

Recommendation: Adopt a Resolution in support of AB-279 (Muratsuchi) Intermediate Care Facilities and Skilled Nursing Facilities: COVID-19 and send copies of the Resolution letters supporting AB-279 to the Senate Health Committee, Senator Skinner, Assemblymembers Muratsuchi, Santiago, Wicks, and Governor Newsom.

Financial Implications: None

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

Action: Adopted Resolution No. 69,934–N.S.

Council Consent Items

35. **Letter of Opposition Unless Amended on SB 9**
From: Councilmember Wengraf (Author), Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Pass a resolution and send a letter to Senators Atkins, Caballero, Rubio, Wiener and Skinner, Assemblymember Wicks and Governor Newsom, expressing the Berkeley City Council's concerns about SB 9: Housing development: Approvals (Atkins) as drafted, and state our opposition to the bill unless it is amended to address these specific concerns.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: No action taken.
Vote: Ayes – Harrison, Hahn, Wengraf; Noes – Kesarwani, Robinson, Droste; Abstain – Taplin, Bartlett, Arreguin.

Action Calendar – Public Hearings

36. **Levy and Collection of Fiscal Year 2022 Street Lighting Assessments**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt two Resolutions confirming the assessment for the Berkeley Street Lighting Assessments District No. 1982-1 and the Street Lighting Assessment District 2018, approving the Engineer's Reports, and authorizing the levying and collection of assessments in Fiscal Year 2022.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- Public Testimony:** The Mayor opened the public hearing. 1 speaker. M/S/C (Arreguin/Robinson) to close the public hearing.
Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Taplin.
- Councilmember Taplin absent 9:24 p.m. – 9:27 p.m.
- Action:** M/S/C (Harrison/Hahn) to adopt Resolution No. 69,935–N.S. (District No. 1982-1) and Resolution No. 69,936–N.S. (District 2018).
Vote: All Ayes.

Action Calendar – New Business

37. City Council Comments on the FY 2022 Proposed Biennial Budget

From: City Manager

Recommendation: Provide comments on the FY 2022 Proposed Biennial Budget.

Financial Implications: See report

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

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

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

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:45 p.m.

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

Councilmember Droste absent 11:21 p.m. – 11:50 p.m.

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:50 p.m.

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

Action: 23 speakers. Presentation made by City Manager. Discussion held.

Action Calendar – New Business

38. Referral Response: Path to Permanence: Outdoor Dining and Commerce in the Public Right-of-Way

From: City Manager

Recommendation: Take the following actions to allow for increased outdoor dining and commerce to be permitted permanently in the public right-of-way:

1. Adopt first reading of an Ordinance revising BMC Section 14.48.190 Parklets and BMC Section 16.18 Right of Way Encroachments and Encroachment Permits to simplify the permitting process for the conversion of temporary parklets and outdoor commerce installations after a declared local emergency; and
2. Adopt first reading of an Ordinance revising BMC Section 14.48.150 Sidewalk Seating to expand the areas and scope of activities that may be permitted via a sidewalk seating permit (a type of engineering permit) after a declared local health emergency, implement a new fee for the use of parking spaces for commercial activity; and
3. Adopt a Resolution empowering the City Manager to implement a fee schedule for structures and activities permitted in the public right of way permitted under BMC Sections 14.48.190 Parklets, 14.48.150 Sidewalk Seating after the declaration of a local emergency lapses or is revoked. The resolution extends the current fee waivers for application, review, and use fees for structures and activities permitted in the public right of way permitted under BMC Sections 14.48.190 Parklets, 14.48.150 Sidewalk Seating and 13.44 Street Events and Block Parties from June 30, 2021, to instead coincide with the cessation of the declared local health emergency.

Financial Implications: See Report

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Action: Moved to Consent Calendar.

1. Adopted first reading of Ordinance No. 7,777-N.S. Second reading scheduled for June 29, 2021.
2. Adopted first reading of Ordinance No. 7,778-N.S. Second reading scheduled for June 29, 2021.
3. Adopted Resolution No. 69,937–N.S.

Information Reports

39. City Council Short Term Referral Process – Quarterly Update

From: City Manager

Contact: Mark Numainville, City Clerk, (510) 981-6900

Action: Received and filed.

40. Update on the Implementation of FIP Task Force Recommendations

From: City Manager

Contact: Jennifer Louis, Police, (510) 981-5900

Action: Received and filed.

Information Reports

41. **Animal Care Commission 2021/2022 Work Plan**
From: Animal Care Commission
Contact: Amelia Funghi, Commission Secretary, (510) 981-6600
Action: Received and filed.
42. **Planning Commission Work Plan 2021-2022**
From: Planning Commission
Contact: Alene Pearson, Commission Secretary, (510) 981-7400
Action: Received and filed.

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

Adjournment

Adjourned at 11:50 p.m.

Communications

Item #15: FY 2022 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)

1. Disaster and Fire Safety Commission

Item #35: Letter of Opposition Unless Amended on SB 9

2. Sally Nelson
3. Sandra Bernard
4. Judy Bebelaar
5. Summer Brenner
6. Lisa Bruce (2)
7. Tony Corman
8. John Harris
9. Sara Hartley
10. Laura Klein
11. Thomas Luce
12. Michelle Pasternack
13. Elaine Chan
14. Paul Newacheck
15. Dawn Thomas
16. Barbara Fisher
17. Lynda Caesara
18. Doris Nassiry
19. Greysonne Coomes
20. Pamela Ormsby
21. John Rice
22. Theresa Gensler

23. Tobey Wiebe
24. Janice Schroeder
25. Andrew Reichart
26. Mukta Vie
27. Juliet Lamont
28. Gianna Ranuzzi

Item #37: City Council Comments on the FY 2022 Proposed Biennial Budget

29. Hayley Currier, on behalf of TransForm

Hiring a Police Chief

30. Jack Kurzwell
31. 13 similarly-worded form letter

Electrification Plan

32. Phoebe Sorgen

Homelessness and Crime

33. Alex Know, Executive Director of the Telegraph Business Improvement District
34. Rohini Haar
35. Wende Williams Micco
36. Katya Hancock
37. Christopher Riess

Bike Park

38. Steve Matous
39. Tetsu Tokunaga

Zoning

40. Christiine Simon
41. Madeleine Shearer (2)

Certificate of Service

42. Judy Hunt

Town Halls Broadcasts on Facebook

43. David Lerman (2)

Palestine

44. Russbumper (2)

People's Park

45. Russbumper

BART Housing

- 46. Lee Bishop
- 47. Matthew Lewis
- 48. Reynaldo Santa Cruz
- 49. Jason Warriner
- 50. Marla and Rick Faszholz
- 51. Carol Hirth
- 52. Walter Wood

Security Cameras

- 53. Elana Auerbach

Meeting Procedures

- 54. Christopher Kohler

Communications

- 55. Barbara Gilbert

AB 537 and SB 556 Bills

- 56. Sue Johnson

Minimum Wage – High Rental Cost and Homelessness

- 57. Christopher La Combe

Mobile Crisis Response Teams

- 58. John Caner, on behalf of Downtown Berkeley Association

Reimbursement of COVID Expenditures to Measure GG

- 59. Disaster and Fire Safety Commission

Pathway STAIR Center and 746 Grayson Accessibility

- 60. Homeless Commission

Tulsa Riots of 1921

- 61. Carol Wyatt

Lack of Park Maintenance

- 62. Bob Flasher

Rights of Nature

- 63. Amy Berlin

Mayor's Working Group on Fair and Impartial Policing

- 64. Ismail Ramsey, Kitty Calavita, Mansour Id-Deen, Hector Malvido, Nathan Mizell, Jim Chanin, Elliot Halpern, Moni Law

TOPA (Tenants Opportunity to Purchase Act)

65. Janice Stockwell
66. Sharon Robinson
67. @bhghome.com
68. Foresta Sieck-Hill
69. Daniel Rollinger
70. Debbie Sanderson
71. Akilah Browne
72. Mark Bell
73. Betsy Thagard
74. Tom Athanasiou and Rachel Sommerville
75. Ilona Clark
76. LZ Zephyr
77. Nancy Pakter
78. Linda Lipscomb
79. Leah Simon-Weisberg
80. Jack Lebeau
81. Brittney Goodman (2)
82. Brian Ort
83. Debra Ballinger
84. Zoe Polk
85. Greg San Martin
86. Rahel Smith
87. Tuan Ngo
88. Michelle Bergtraun, Alex Bergtraun, Piera Segre
89. Joann Sullivan
90. Catherine Stern
91. Alice Armstrong
92. Kathy Snowden
93. Kevin Rose-Williams
94. Francis McIlveen
95. Wendi Lelke-Wallway
96. Alan Block (2)
97. Cecilia Lunaparra
98. Edward Lau
99. Peter Muzio
100. Taptango
101. Sheila Goldmacher
102. Jeremy Ehrlich
103. Cameron Hess
104. Maureen Kildee
105. Marc Janowitz
106. Linda Lipscomb
107. Barbara Henry
108. Linda Keilch
109. Mary Lai

110. Evita Chavez
111. Kiran Shenoy (2)
112. Riya Master
113. Alfred Twu
114. Sylvia
115. Gail Mandella
116. M. Waitling
117. Ted Stroll
118. Erin Le
119. Joaquin Pochat
120. 8 similarly-worded form letters
121. 71 similarly-worded form letters
122. 77 similarly-worded form letters
123. 84 similarly-worded form letters

Supplemental Communications and Reports 1

Item #35: Letter of Opposition Unless Amended on SB 9

124. 13 similarly-worded form letters
125. Jane Martin
126. Sheila Goldmacher
127. Walter Dominquez
128. Christopher Kroll
129. Charlene Woodcock
130. Madeleine Shearer (2)
131. Zipporah Collins
132. Donna Mickleson
133. Susie Bluestone
134. Larry Bensky
135. Pat and Vern Phillips
136. Kathryn Freistadt and Fernando Agudelo-Silva
137. Elisabeth Lamoureaux
138. Dona Bretherick
139. Melissa Mangini
140. Janet Byron
141. Phyllis Orrick
142. Jeannette MacMillan
143. Gary Miguel
144. Eric Johnson
145. Teresa Clarke
146. Cecile Leneman
147. Barbara Thompson
148. Brian Gilbane
149. Sara Hartley
150. Leah and John Rosenthal
151. Jeanne Marguerite Brenna
152. Mary Spence

- 153. Emily Blossom
- 154. Peter Jan Honigsberg
- 155. Sara Hartley
- 156. Carol Hirth
- 157. Steven Medbery
- 158. Ann May
- 159. Eli Gilad
- 160. Holly Scheider
- 161. Berkeley Citizens Action
- 162. Roger Marquis
- 163. Carla Woodworth
- 164. Rebecca Dahlberg
- 165. Amber Turley
- 166. Greysonne Coomes
- 167. Rob Wrenn
- 168. Patrick Sheahan
- 169. Mary Lee Noonan
- 170. Deborah O'Grady
- 171. Berkeley Neighborhoods Council
- 172. Patricia Adler

Item #37: City Council Comments on the FY 2022 Proposed Biennial Budget

- 173. Julia Cato, on behalf of the Berkeley Tenants Union Steering Committee
- 174. Wendy Alfsen
- 175. Barbara Gilbert
- 176. Racial and Criminal Justice Reform Group

Supplemental Communications and Reports 2

Item #3: Systems Alignment Proposal

- 177. Kelly Hammargren

Item #33: Support of Assembly bills 881, 1454 & 1276

- 178. Supplemental material, submitted by Councilmember Hahn

Item #35: Letter of Opposition Unless Amended on SB 9

- 179. 10 similarly-worded form letters
- 180. Michelle Pasternack
- 181. Robinson Brown (2)
- 182. Rachel Bradley
- 183. Lee Ann Weber
- 184. John Blaustein
- 185. Martin Schifffenbauer
- 186. Karen Folger Jacobs
- 187. Oren Cheyette
- 188. Eva Herzer
- 189. M. Haas
- 190. Steven Frank
- 191. Elizabeth Powell

192. William Bogert
193. Bernard Marszalek
194. Travis Close
195. Judith Daar
196. Hans Jones
197. Christine Rosen
198. Harald Leventhal
199. Kelly Hammargren
200. Mary Louise Zernicke
201. Ceara Brencic
202. Andrew Johnson
203. Margaretta Mitchell
204. Michael Barnes
205. Cece Littlepage
206. Todd Andrew
207. Jeffrey Kaplan
208. Ben Gerhardstein
209. Anne Boersma
210. Lesley Emmington
211. Linda Olivenbaun
212. Diana Bohn
213. Seymour Warkov
214. Christopher Kroll
215. Friends of Adeline
216. Gary Dahl
217. Mara and Richard Garman
218. Nenelle Bunnin
219. Cindy Shamban
220. Stephanie Manning
221. Lisa Bruce
222. Berkeley Tenants Union
223. Ellen Woods
224. Todd Darling
225. Phil Allen
226. Michael Katz
227. Judy Simmons
228. Madeleine Shearer
229. Theo Posselt
230. Anthony Bruce

Item #37: City Council Comments on the FY 2022 Proposed Biennial Budget

231. Bob Flasher
232. Russbumper (2)
233. Veena Channon
234. Ray Yep
235. Moni Law
236. Associated Students University of California, Berkeley

- 237. Julia Chambers
- 238. Cal Berkeley Democrats

Supplemental Communications and Reports 3

Item #3: Systems Alignment Proposal

- 239. Supplemental material, submitted by Councilmember Hahn
- 240. Supplemental material, submitted by Councilmember Harrison

Item #25: Contract No. 9649D Amendment: Sloan Sakai, LLP for Chief Labor Negotiator Services

- 241. Davie Peattie
- 242. Luis Cazares
- 243. Barbara Gilbert (2)

Item #35: Letter of Opposition Unless Amended on SB 9

- 244. 4 similarly-worded form letters
- 245. Elaine Magree
- 246. Lynn Glaser
- 247. Alfred Twu
- 248. Ellen Newman
- 249. Susanne Tilney
- 250. S. Entwistle
- 251. Leni Siegel
- 252. Sue Martin
- 253. Kerna Trottier
- 254. Igor Tregub
- 255. Constance Rivemale
- 256. Kathleen Giustino
- 257. Nancy Carleton
- 258. Anirvan Chatterjee
- 259. Deborah Kropp
- 260. Eileen Joyce
- 261. Miranda Ewell
- 262. Jeannette McNeil
- 263. John Holzrichter
- 264. Anne-Lise
- 265. David Koo

Action Calendar – New Business

Item #37: City Council Comments on the FY 2022 Proposed Biennial Budget

- 266. Supplemental material, submitted by Budget
- 267. Greg Dyer
- 268. Diana Bohn
- 269. Sam Kang
- 270. Carol Lashof
- 271. Miranda Ewell

- 272. Richard Thomason
- 273. Bruce Riordan
- 274. Julia Yarak
- 275. Richard West

Item #38: Referral Response: Path to Permanence: Outdoor Dining and Commerce in the Public Right-of-Way

- 276. Denny Abrams
- 277. Charles Kahn