

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, January 19, 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/84342904842>. 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: 843 4290 4842. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

To submit an e-mail comment during the meeting to be read aloud during public comment, email clerk@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.

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

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

Preliminary Matters

Roll Call:

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

1. Adjourn in memory of Tom Guarino, PG&E Governmental Affairs Representative
2. Adjourn in memory of Harry Brill, Labor Activist
3. Adjourn in memory of Ted Edlin, City Commissioner

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Consent Calendar

The Council will first determine whether to move items on the agenda for “Action” or “Information” to the “Consent Calendar”, or move “Consent Calendar” items to “Action.” Three members of the City Council must agree to pull an item from the Consent Calendar for it to move to Action. Items that remain on the “Consent Calendar” are voted on in one motion as a group. “Information” items are not discussed or acted upon at the Council meeting unless they are moved to “Action” or “Consent”.

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to “Action.” Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

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

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

- 1. Amendment: FY 2021 Annual Appropriations Ordinance** *(Item contains revised material.)*
From: City Manager
Recommendation: Adopt a new first reading of Ordinance No. 7,748-N.S. amending the FY 2021 Annual Appropriations Ordinance No. 7,724–N.S. for fiscal year 2021 based upon recommended re-appropriation of committed FY 2020 funding and other adjustments authorized since July 1, 2020, in the amount of \$197,890,469 (gross) and \$193,471,132 (net).
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000
- 2. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the council meetings of December 1, 2020 (closed and regular), December 3, 2020 (closed), December 8, 2020 (4pm-special and 6pm-special) and December 15, 2020 (closed, special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 3. Temporarily Suspending Certain Provisions of the Commissioners' Manual that Apply to Meetings of Subcommittees**
From: City Manager
Recommendation: Adopt a Resolution temporarily suspending the provisions of the Commissioners' Manual and Resolution No. 69,063-N.S. that ad hoc subcommittees of City boards and commissions follow State open meeting procedures, thereby enabling ad hoc subcommittees to meet and conduct work while allowing City staff to continue emergency response efforts related to the COVID-19 pandemic.
Financial Implications: No direct fiscal impact
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 4. Annual Commission Attendance and Meeting Frequency Report** *(Continued from November 10, 2020. Item contains supplemental material.)*
From: City Manager
Recommendation: Review and accept the annual Commission Attendance and Meeting Frequency Report.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 5. Authorized Agent Update for FEMA Public Assistance for COVID-19**
From: City Manager
Recommendation: Adopt a Resolution authorizing the Deputy City Managers and AG Witt, LLC to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the City of Berkeley for the FEMA-4482-DR-CA California COVID-19 Pandemic.
Financial Implications: See report
Contact: Dave White, City Manager's Office, (510) 981-7000

Consent Calendar

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 19, 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 - \$4,235,362

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

7. Rescinding Housing Trust Fund Guidelines and Adopting New Guidelines

From: City Manager

Recommendation: Adopt a Resolution rescinding the City's current Housing Trust Fund Guidelines (Resolution No. 64,394-N.S.) and adopting new Housing Trust Fund Guidelines that preserve essential components while updating the process to award funds and certain requirements.

Financial Implications: See report

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

8. Authorization to Execute a Revised Programmatic Agreement with the California State Historic Preservation Officer

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a revised Programmatic Agreement (PA) with the California State Historic Preservation Officer (SHPO) to clarify which rehabilitation activities would not require SHPO's review.

Financial Implications: See report

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

9. Predevelopment and Acquisition Loan for 2527 San Pablo Avenue

From: City Manager

Recommendation: Adopt a Resolution: 1. Authorizing the execution of a \$5,500,000 loan to Satellite Affordable Housing Associates (SAHA) for costs related to acquisition and predevelopment of the proposed affordable housing development at 2527 San Pablo Avenue (2527 San Pablo), utilizing existing reserved funds previously allocated by Council. 2. 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

Consent Calendar

- 10. Revenue Contract: Community Services Block Grant for Calendar Year 2021**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept the Community Services Block Grant (CSBG) Contract Number 21F-4001 for the amount of \$275,106 to provide services for low-income people for the period January 1, 2021 to December 31, 2021, with the option to extend the contract period through May 31, 2022.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 11. 2021 Health Plan Changes**
From: City Manager
Recommendation: Adopt two Resolutions:
1. Approving rates for the Kaiser Health Maintenance Organization (HMO) health plans as follows: (a) 15.58% increase for Kaiser S1 Group #60 (Active Group); (b) 15% increase for the HSA-Qualified Deductible HMO Plan (Active Group) (c) 1.89% increase for Pre-Medicare Eligible Retirees (Retiree Group); and (d) -4.00% decrease for Post-65 Senior Advantage (Retiree Group)
2. Approving rates for the Sutter Health Plus health plans as follows: (a) 1.87% increase for the Active HMO ML 26 group; and (b) 1.19% increase for the Pre-Medicare retiree group.
The health plan premium rates will be effective for the period of January 1, 2021 through December 31, 2021.
Financial Implications: See report.
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
- 12. 2021 Fee Assessment – State of California Self-Insurance Fund (Workers’ Compensation Program)**
From: City Manager
Recommendation: Adopt a Resolution authorizing payment to the State of California Department of Industrial Relations for Fiscal Year 2021 for administering the Workers’ Compensation Program, in an amount not to exceed \$235,979.91.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
- 13. Memorandum of Understanding: Berkeley Fire Fighters Association/I.A.F.F. Local 1227 Berkeley Chief Fire Officers Association**
From: City Manager
Recommendation: Adopt a Resolution approving a new one (1) year Memorandum of Understanding (hereafter referred to as “MOU”) with the Berkeley Fire Fighters Association/I.A.F.F. Local 1227 Berkeley Chief Fire Officers Association (hereafter referred to as the “Association”) with a term of June 30, 2020 through June 30, 2021 and authorizing the City Manager to make non-substantive edits to the format and language of the Memorandum of Understanding in alignment with the tentative agreement, and conforming to legal requirements.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800

Consent Calendar

14. **Contract Amendments: Plan Check Services**

From: City Manager

Recommendation: Adopt two Resolutions authorizing the City Manager to execute contract amendments for an additional amount of \$500,000 each, to new total amounts not to exceed \$1,500,000 for each contract, and extending the terms of the contracts for a one-year period to June 30, 2022 with:

1. West Coast Code Consulting, Contract No. 119641-2
2. Telesis Engineers, Contract No. 119639-1

Financial Implications: See report

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

15. **Filling Vacancies Among the Elected Representatives of the Poor**

From: Human Welfare and Community Action Commission

Recommendation: Adopt a Resolution confirming the appointments of Ms. Denah Bookstein (District 1); and Mr. Carlos Hill (District 1) as elected representatives of the poor on the Human Welfare and Community Action Commission (HWCAC), having been voted onto the Commission at the HWCAC December 9, 2020 meeting, and that their terms expire December 9, 2022.

Financial Implications: None

Contact: Mary-Claire Katz, Commission Secretary, (510) 981-5400

16. **Amendments to the Berkeley Lobbyist Registration Act**

From: Open Government Commission

Recommendation: Adopt an ordinance amending the Berkeley Lobbyist Registration Act (BMC Chapter 2.09) to incorporate the recommendations of the Open Government Commission (OGC).

Financial Implications: None

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

Consent Calendar

17. Renaming of Four City Paths for Founders of the Berkeley Path Wanderers Association

From: Public Works Commission

Recommendation: Adopt a Resolution pursuant to Berkeley's Policy for Naming and Renaming Public Facilities, the Public Works Commission (PWC) recommends the naming and renaming of four Berkeley Paths, as identified on the map at Attachment 1 to the report, in honor of the four women founders of the Berkeley Path Wanderers:

1. Rename a path off of Keith Avenue near Shasta Road, currently named Eleanor Path, to "Eleanor Hall Gibson Path," after founder Eleanor Hall Gibson, who passed away in 2016;
2. Name the following paths, subject to a 2/3 vote of the City Council as provided at Section 2(B) of the Policy, as follows: - The extension connector of Walnut Street through the UC complex between Hearst and Berkeley Way to be named "Ruth Armstrong Path" in honor of Ruth Armstrong (Moskovitz); - The path parallel to the top of Solano Avenue running along Los Angeles Avenue up the tunnel slope towards the Marin Circle, to be named "Jacque Ensign Way" in honor of Jacque Ensign; and - Path 71 to be named "Patricia DeVito Path" in honor of Pat DeVito. In addition to the renaming of these four paths, the Public Works commission supports the inclusion of interpretive signage describing the contributions of each of the honored individuals.

Financial Implications: See report

Contact: Joe Enke, Commission Secretary, (510) 981-6300

Council Consent Items

18. Revisions to Enabling Legislation for Reimagining Public Safety Task Force

From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution:

1. Rescinding Resolution No. 69,673-N.S.; and
2. Establishing a Reimagining Public Safety Task Force, comprised of: (a) one representative appointed by each member of the City Council and Mayor pursuant to the Fair Representation Ordinance, B.M.C. Sections 2.04.030-2.04.130, (b) one representative appointed by the Mental Health Commission, Youth Commission, and Police Review Commission (to be replaced by a representative of the Police Accountability Board once it is established), and (c) one representative appointed by the Associated Students of the University of California (ASUC) External Affairs Vice President, one representative appointed by the Berkeley Community Safety Coalition (BCSC) Steering Committee, and three additional members to be appointed "At-Large" by the Task Force, with appointments subject to confirmation by the City Council.

The Task Force will be facilitated by a professional consultant, the National Institute for Criminal Justice Reform (NICJR), with administrative support by the City Manager's office, and will serve as the hub of community engagement for the Reimagining Public Safety effort initiated and guided by the NICJR team. The Task Force will also include the participation of City Staff from the City Manager's Office,

Council Consent Items

Human Resources, Health, Housing and Community Services, Berkeley Fire Department, Berkeley Police Department, and Public Works Department. For visual, see Attachment 3.

With the exception of “At-Large” appointments, appointments to the Task Force should be made by January 31, 2021, and reflect a diverse range of experiences, knowledge, expertise and representation. To maintain the Council’s July 14, 2020, commitment to centering the voices of those most impacted in our process of reimagining community safety appointments should be made with the goal of achieving a balance of the following criteria:

- a. Active Members of Berkeley Community (Required of All)*
- b. Representation from Impacted Communities
 - Formerly incarcerated individuals
 - Victims/family members of violent crime
 - Immigrant community
 - Communities impacted by high crime, over-policing and police violence
 - Individuals experiencing homelessness
 - Historically marginalized populations
- c. Faith-Based Community Leaders
- d. Expertise/Leadership in Violence Prevention, Youth Services, Crisis Intervention, and Restorative or Transformative Justice
- e. Health/ Public Health Expertise
- f. City of Berkeley labor/union representation
- g. Law Enforcement Operation Knowledge
- h. City Budget Operations/Knowledge
- i. Committed to the Goals and Success of The Taskforce (Required of All)

As outlined in the July 14, 2020, City Council Omnibus Action, City Council provided direction for the development of a new paradigm of public safety that should include, but is not limited to:

- 1) Building on the work of the City Council, the City Manager, Berkeley Police Department (BPD), the Police Review Commission and other City commissions and other working groups addressing community health and safety.
- 2) Research and engagement to define a holistic, anti-racist approach to community safety, including a review and analysis of emerging models, programs and practices that could be applied in Berkeley.
- 3) Recommend a new, community-centered safety paradigm as a foundation for deep and lasting change, grounded in the principles of Reduce, Improve and Reinvest as proposed by the National Institute for Criminal Justice Reform considering, among other things:
 - A. The social determinants of health and changes required to deliver a holistic approach to community-centered safety.
 - B. The appropriate response to community calls for help including size, scope of operation and power and duties of a well-trained police force.
 - C. Limiting militarized weaponry and equipment.
 - D. Identifying alternatives to policing and enforcement to reduce conflict, harm, and institutionalization, introduce alternative and restorative justice models, and reduce or eliminate use of fines and incarceration.

Council Consent Items

E. Options to reduce police contacts, stops, arrests, tickets, fines and incarceration and replace these, to the greatest extent possible, with educational, community serving, restorative and other positive programs, policies and systems.

F. Reducing the Berkeley Police Department budget to reflect its revised mandates, with a goal of a 50% reduction, based on the results of requested analysis and achieved through programs such as the Specialized Care Unit.

Direct the City Manager to ensure that the working group of City Staff as outlined in the October 28th Off-Agenda Memo is coordinating with the Task Force.

The Task Force will provide input to and make recommendations to NICJR and City Staff on a set of recommended programs, structures and initiatives incorporated into a final report and implementation plan developed by NICJR to guide future decision making in upcoming budget processes for FY 2022-23 and, as a second phase produced, in the FY 2024-2025 budget processes.

Financial Implications: See report

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

- 19. Urging the National Parks Service to Establish a National Parks Unit in the San Francisco Bay Area to Honor the Black Panther Party for Self Defense**
From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Mayor Arreguin (Co-Sponsor)

Recommendation: Adopt a resolution calling on the National Parks Service to conduct a Reconnaissance Survey to assess the suitability of lands in the San Francisco Bay Area to honor the Black Panther Party in Berkeley, Oakland, Richmond, and the surrounding Bay Area; send letter to the National Parks Service, and President[-elect] Joseph R. Biden, Jr with resolution.

Financial Implications: None

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

- 20. Relief for Child Care Providers**
From: Councilmember Hahn (Author), Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Mayor Arreguin (Co-Sponsor)
Recommendation: Adopt a resolution making child care providers, including all forms of early childhood education, eligible for grants and other assistance under the Berkeley Relief Fund.

Financial Implications: See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

- 21. Resolution Reaffirming the City of Berkeley's Commitment to Roe v. Wade**
From: Councilmember Wengraf (Author), Councilmember Droste (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Adopt a Resolution reaffirming the City of Berkeley's commitment to Roe v. Wade and honoring the 48th anniversary of its passage.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Council Consent Items

22. Support for AB 15 and AB16

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

Recommendation: Send a letter of support for AB 15, the Tenant Stabilization Act of 2021, and AB 16, the Tenant, Small Landlord, and Affordable Housing Provider Stabilization Act of 2021, to Assemblymembers Buffy Wicks and David Chiu and Senator Nancy Skinner, and urge the legislature not to preempt cities like Berkeley from taking robust steps to protect tenants.

Financial Implications: See report

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

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

23. Introduce an Ordinance terminating the sale of gasoline, diesel and natural gas passenger vehicles throughout the City of Berkeley by 2025 (Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)

From: Councilmember Davila (Author)

Recommendation: Adopt a resolution with the following actions:

1. Refer to the City Manager to prepare any draft ordinances that, to the extent legally permissible, achieve an 80% phase out of the sale of gasoline, diesel and natural gas passenger vehicles throughout the City of Berkeley by 2027. This shall include termination of purchasing these vehicles to support City fleets and, for the general public, a staged phase out of such cars valued at over \$28K by 2025, over \$23K by 2026, and all others by 2027, in order 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. Refer to the City Manager and/or designee(s) to report to the City Council, in consultation with other City Departments the following information: (A) Feasibility of terminating the sale of gasoline, diesel and natural gas passenger vehicles; (B) ways to promote and facilitate the use and 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

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between an electric car and a comparable gas car; ways to promote and facilitate the purchase and use of electric micro mobility alternatives (e-bikes, scooters) in the City, particularly among low income communities and families, including loaner programs, subsidized long term rentals, purchase subsidies, and expanded secure parking for e-bikes, including larger cargo bikes; and the establishment of public charging station 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.

(On November 18, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item as amended by the committee with the following recommendation: Adopt a resolution with the following actions: 1. Refer to the City Manager to prepare any draft ordinances that, to the extent legally permissible, achieve an 80% phase out of the sale of gasoline, diesel and natural gas passenger vehicles throughout the City of Berkeley by 2027. This shall include termination of purchasing these vehicles to support City fleets and, for the general public, a staged phase out of such cars valued at over \$28K by 2025, over \$23K by 2026, and all others by 2027, in order 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. Refer to the City Manager and/or designee(s) to report to the City Council, in consultation with other City Departments the following information: (A) Feasibility of terminating the sale of gasoline, diesel and natural gas passenger vehicles; (B) ways to promote and facilitate the use and 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; ways to promote and facilitate the purchase and use of electric micro mobility alternatives (e-bikes, scooters) in the City, particularly among low income communities and families, including loaner programs, subsidized long term rentals, purchase subsidies, and expanded secure parking for e-bikes, including larger cargo bikes; and the establishment of public charging station 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 Calendar

24. **Support calling upon food companies within Berkeley to implement the requirements of Proposition 12 as soon as possible by only selling eggs and meat from cage-free facilities** (*Continued from December 15, 2020. Item contains revised material.*)
From: Councilmember Davila (Author), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a Resolution calling upon supermarkets, restaurant companies, and other food corporations with locations in Berkeley, CA to implement the requirements of Proposition 12 as soon as possible by only selling eggs and meat from cage-free facilities.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
25. **Declare Racism as a Public Health Crisis, a Threat and Safety Issue in the City of Berkeley** (*Reviewed by the Health, Life Enrichment, Equity and Community Committee*)
From: Councilmember Davila (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Declare Racism as a Public Health Crisis, a Threat and Safety Issue in the City of Berkeley, and commit to eliminate all socioeconomic barriers to health equity. In addition:
1. Declare the resolution an emergency measure for the immediate preservation of public peace, property, health, or safety, especially during the COVID-19 pandemic and it shall take effect and be in force immediately upon its adoption.
 2. Budget Referral to convene a series of town hall sessions for all community members, City workers, and small business owners to discuss the concerns of people of color and marginalized community members, and develop strategies and programs (especially Mental Health Programs for the unhoused stay housed) for greater inclusivity, understanding, empathy, compassion, and unity. The purpose of these meetings should be to strengthen anti-racist capacity building and commitments within the city. This can be done by discussing the current quantitative and qualitative reality of racial justice and injustice, racism and non-racism in all areas of city life toward developing measures to ensure the achievement racial equity in Berkeley. These town halls, strategies and programs could include: the definition and lived experience of racism in systemic and institutional forms the effects and trauma caused by them, and provide resources to combat implicit bias on all levels. Community partners to consider to facilitate such workshops include Beyond Diversity: Courageous Conversations About Race and Showing Up for Racial Justice (SURJ).
 3. City Council will establish a working group to promote racial equity as well as the development of programs to address racial equity in this City.
 4. Direct the City Manager or his/her designee to record COVID-19 data by race/ethnicity and to explore greater health disparities that have emerged as a result of this crisis.
 5. Direct the City Manager or his/her designee to hold several fundraisers at town hall sessions for black-owned small businesses, research of state and federal RFPs for the purpose of grants acquisitions for program development in the City of Berkeley that have been affected by Covid-19 and/or recent protests.

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6. Direct the City Manager or his/her designee to prepare a Health in All Policies Ordinance (see attached City of Richmond Ordinance) for Council review and adoption, critically evaluating the public health impact of all legislative and budgetary proposals, especially upon people of color and marginalized community members.
7. Direct the City Manager or his/her designee to adopt a mandatory requirement of 16 hours of ongoing annual online and in-person training on implicit bias, cultural sensitivity, and cultural humility for City Employees, commissioners, and community members; and
8. Direct the City Manager or his/her designee in partnership with the Berkeley Public Health Division and the Mental Health Division to develop a Strategic Plan for Health Equity, with the inclusion of a diverse group of staff with expertise in this subject matter and begin immediate implementation of recommendations.
9. Direct the City Manager or his/her designee to have an antiracism dashboard that delineates and tracks progress towards specific antiracist goals. This would involve:
 - 1) tracking and measuring specific data that shows the extent to which racism has become a public health crisis; which would in turn enable
 - 2) the City and the Community to dramatically reduce instances of racism, if not totally eliminate some of them; and
 - 3) demonstrate to constituents that the other recommendations have made, and must continue to make, a tangible difference. The dashboard shall include: analyzing hospital infant mortality by race; tracking food insecurity among Berkeley residents, and correlation to racial demographics; analyzing the effects of biological weathering and resultant mental health challenges on immune strength for black individuals, and studying mental health resource availability and outreach targeting at-risk black communities; analyzing the administration of medications and health therapies by race, in an attempt to understand Berkeley health providers position vis a vis the systemic under-prescription and under-treatment of Black patients pain; tracking violent incidents targeting queer Black residents, and studying the availability of mental health resources and culturally competent healthcare for queer Black patients; identifying the largest sources of corporate environmental or carcinogenic pollution in Berkeley, and the racial demographics of people with prolonged exposure to those regions (i.e. workers and residents within range of toxic substances); identifying the locations of city waste storage/processing and the racial demographics of those most closely exposed; examining property taxes by neighborhood, and correlation to school resources and student racial demographics; examining the availability of stable and affordable Internet access, as necessary for all possible student activities offered and required by Berkeley public schools;
10. Collaborate with the Berkeley Unified School District and the Vision 2020 to see how this is correlated to household racial demographics; analyzing students' realistic access to extracurricular activities such as arts and athletics; race-based differential access means that some students have less access to educational opportunities that help with physical and mental health; identifying the levels of lead and other toxins in public school buildings, and correlation to resource allocation and racial demographics among schools.
11. Submit copies of this resolution to State Assemblymember Buffy Wicks, State Senator Nancy Skinner, Congresswoman Barbara Lee, Alameda County Supervisor Keith Carson, as well as various organizations such as the Berkeley NAACP, the

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African American Holistic Resource Center Steering Committee, and Healthy Black Families.

(On November 23, 2020, the Health, Life Enrichment, Equity & Community Committee made a qualified positive recommendation for the City Council to take the following action:

1. Make the following statement:

Declare Racism as a public health crisis and a threat and safety issue for the City of Berkeley, and commit the City of Berkeley to eliminating all racial and socioeconomic barriers to health equity.

2. Recommend that City Councilmembers consider working together or independently to convene a public session or sessions in their districts on racism as a public health crisis and threat and safety issue, to further public knowledge and input on these important matters and help create a movement to address racial disparities in Berkeley.

3. Refer to the Mayor and City Manager to discuss how to incorporate programs and policies to address racial equity in the work of the City of Berkeley.

4. Refer to the City Manager and Office of Economic Development to consider how the City of Berkeley can support women and minority owned businesses through the COVID crisis and recovery period.

5. Refer to the City Manager to adapt the Richmond Health in All Policies Ordinance and return to Council a version for the City Council to consider adopting, or any other recommendation related to the proposed Ordinance.

6. Refer to the City Manager to consider requiring and providing antiracism, implicit bias, cultural sensitivity and cultural humility training for all City of Berkeley employees, and the City Council, and to consider ways to make such training accessible to the public via online or other training opportunities.

7. Refer to the City Manager to include an Anti-Racism dashboard on the City of Berkeley's new website, to consolidate information about racial disparities across all City of Berkeley services and initiatives.

8. Recommit to continuing the City of Berkeley's work with Berkeley Unified School District through the 2020 Vision process, and recommend adding a focus on extracurricular activities and access to enrichment and support outside of the classroom.)

Financial Implications: \$50,000

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

26. Guaranteeing COVID-19 Hazard Pay for Grocery Store Workers
From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Mayor Arreguin (Co-Sponsor)

Recommendation: Refer the City Manager and City Attorney to draft an emergency ordinance to guarantee hazard pay of an additional five dollars an hour for grocery store workers, effective upon adoption and until the City returns to the Yellow-Tier 4 rate of positivity for COVID-19.

Financial Implications: None

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

Action Calendar

27. **Extending Time for Temporary Parklets and Sidewalk Seating Post-COVID-19**
From: Councilmember Hahn (Author), Councilmember Harrison (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt an ordinance revising BMC Chapter 16.18 Right-of-Way Encroachments and Encroachment Permits and BMC Section 14.48.150 Sidewalk Seating, Benches, and Planters to extend the period of time that Parklets and Sidewalk Seating established under the COVID-19 declared City emergency can remain in place to 365 days after the termination of the declared City emergency rather than the current 90 days.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Information Reports

28. **Condominium Conversion Program – Annual Report**
From: City Manager
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
29. **Referral Response: Housing and Homeless Uses for City-Owned, Former Redevelopment Agency Property at 1631 Fifth Street**
From: City Manager
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply:*

1) *No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred.*

2) *In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil>

COMMUNICATION ACCESS INFORMATION:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.



Captioning services are provided at the meeting, on B-TV, and on the Internet.

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*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on January 7, 2021.*

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville, City Clerk

## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing through [Records Online](#).*

### **Item #18: Revisions to Enabling Legislation for Reimagining Public Safety Task Force**

1. Steve Martinot

#### **North Berkeley BART**

2. 69 form letters (I am a resident)
3. Andrea Altschuler
4. Mary Lai
5. Janice Schroeder
6. Patricia Maud Engel
7. Vicki Sommer
8. Joel Resnikoff
9. Toni Casal
10. Miranda Ewell
11. Jeannette MacMillan
12. Jodi Ravel
13. Kathleen Jo
14. Claudia Valas
15. Jack Kurzweil



16. Libby Lee-Egan
17. Eileen Hughes
18. Reynaldo Santa Cruz
19. Whitney Moss
20. Lee Bishop
21. Julieta Pisani McCarthy
22. Cece Littlepage (2)
23. Linda Gallaher-Brown
24. Caroline & Stephen Shiboski
25. Sheila Himmel
26. Alan Finkelstein
27. Peggy Scott
28. Meryl Siegal
29. Laura Garcia Moreno
30. Joel Resnikoff
31. Eleni Sotos
32. Marianne Schulman
33. Kenneth Gross
34. Andrea Altschuler
35. Becca Schonberg
36. Leslie Valas
37. Michael Katz
38. Jacqueline Wilson and Family
39. Aime Baldwin (2)
40. Barbara Fisher
41. Claudia Valas
42. Teresa Clarke
43. Sue Martin
44. Mary Behm-Steinberg
45. Mariko Nobori
46. Cathryn Hrudicka
47. Judy Peck
48. Irene Rice
49. Deborah Gouailhardou
50. Larry Orman
51. Leah Levy
52. Daniel Borgstrom
53. Danny and Adrienne Snyder
54. Rebecca Burke and Jay Koslofsky
55. Raymond Barglow
56. Eileen Hughes
57. Virginia Browning
58. Todd Jailer
59. Gary Dahl
60. David Brandon

**Pickleball**

- 61. Jeanne Schuman
- 62. Brian MacDougall
- 63. Laurie Mac Dougall
- 64. Susanne Mitchell

**African-American Holistic Resource Center**

- 65. Sivan Orr
- 66. Eric Friedman
- 67. Barbara Ann White

**Keep Playgrounds Open**

- 68. Tia Pelz
- 69. Pat Reilly
- 70. Megha Charalambides
- 71. Sarah Burt
- 72. Hillary Kilimnik
- 73. Katya Stoakes
- 74. Rainbow Rubin
- 75. Elif Lostuvali
- 76. Dan Bristol
- 77. Elena Montoya

**Vision 2025**

- 78. Nilang
- 79. Jill Eckart

**Covid-19 Related**

- 80. Jennifer Pearson
- 81. Nathan Francis
- 82. Tyler Walsh
- 83. Nova Blazej
- 84. Michai Freeman
- 85. Moni Law (2)
- 86. M. Mendonca
- 87. Elena Montoya
- 88. Clark Socie
- 89. Linda Cranmer
- 90. Vivian Warkentin
- 91. David Lerman (3)
- 92. Lisa Hernandez, City of Berkeley Health Officer

**5G & Wired**

- 93. Greg Jan
- 94. Lloyd Morgan
- 95. Protect Berkeley
- 96. Max Ventura

**Solar Speed Limit Sign**

- 97. Victoria Hritonenko
- 98. Maya Trilling
- 99. Joe Lurie
- 100. Bruce Perens
- 101. Donna Rosenthal
- 102. Fred Bamber
- 103. Lola Vollen

**Homelessness**

- 104. Russbumper (4)
- 105. Willow Katz
- 106. Teal Major

**Needle Disposal**

- 107. Zoe Keeler
- 108. Ziad Shafi

**Bayer Corporation**

- 109. Max Ventura
- 110. Councilmember Harrison

**Cannabis**

- 111. JJ
- 112. Getting It Right From the Start

**PG&E**

- 113. Michael Nystrom

**Golden Gate Field Horses**

- 114. Scott Chaney, on behalf of the California Horse Racing Board
- 115. Heather

**ADU's**

- 116. Gradiva Couzin, Chair, Disaster and Fire Safety Commission

**Ceremonial Matters – Cheryl Davila**

- 117. Andrea Mullarkey
- 118. Cheryl Davila
- 119. Elisa Mikiten

**Downtown Streets Team's Safety Protocol**

- 120. Carol Denney
- 121. Julia Lang

### **Environmental Concerns**

- 122. Russbumper
- 123. Vivian Warkentin
- 124. Thomas Lord
- 125. Meryl Siegal

### **Rent Control**

- 126. Krista Glickman

### **Posting Policy Commission Minutes**

- 127. Kelly Hammargren

### **Berkeley's City Budget**

- 128. David Lerman

### **Neighborhood Rat Infestation**

- 129. Sheila Goldmacher

### **Slavery**

- 130. Russbumper

### **Adeline Corridor**

- 131. Lynn Cooper

### **Residential Parking Permits**

- 132. Jeff Stein

### **Happy New Year and Thanks**

- 133. Bob Flasher

### **URL's Only**

- 134. Barbara Gilbert
- 135. Russbumper (5)
- 136. Vivian Warkentin (11)

### **Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.