

**REVISED AGENDA
(ADDED CONTINUED ITEM FROM SEPTEMBER 15, 2020)**



BERKELEY CITY COUNCIL MEETING

**Tuesday, September 22, 2020
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

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

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

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/89880085934>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial **1-669-900-9128** and enter Meeting ID: **898 8008 5934**. 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.*

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. Resolution Reviewing and Ratifying the Proclamation of Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**
From: City Manager
Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020 and July 28, 2020.
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6950
- 2. Contract No. 32000282 Amendment: AG Witt, LLC for COVID-19 Emergency Operations Cost Recovery Consultant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000282 with AG Witt, LLC for COVID-19 Emergency Operations Cost Recovery Consulting increasing the amount by \$100,000 to a not to exceed amount of \$150,000.
Financial Implications: General Fund - \$100,000
Contact: Dave White, City Manager's Office, (510) 981-7000
- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 22, 2020**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - \$5,510,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

4. Revenue Grant Agreement: Federal COVID19 Funding Support from Centers for Disease Control and Prevention – Epidemiology and Laboratory Capacity Enhancing Detection Grant

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to California Department of Public Health to accept this COVID19 response grant, and to execute any resultant revenue agreements and amendments; which enables us to conduct and implement mitigation strategies in response to COVID19 for the following revenue agreement: HHCS Health Officer Unit's Communicable Disease Prevention and Control Program (CDPCP) COVID-19 Crisis Response's projected allocation of \$2,159,041 for FY 2021-2022.

Financial Implications: See report

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

5. Revenue Contracts: FY 2021 Aging Services Programs

From: City Manager

Recommendation: Adopt five Resolutions authorizing the City Manager or her designee to execute any resultant revenue agreements and amendments with Alameda County to provide congregate and home-delivered meals, family caregiver support, senior center activities and information and assistance services to seniors for the following programs for Fiscal Year 2021: 1) Congregate Meals in the amount of \$43,695; 2) Home Delivered Meals in the amount of \$50,954; 3) Family Caregiver Support Program in the amount of \$39,499; 4) Senior Center Activities in the amount of \$22,840; and 5) Information and Assistance Services in the amount of \$49,548.

Financial Implications: See report

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

6. Contract No. 31900042 Amendment: CivicPlus, Inc. for Software Maintenance and Professional for the CivicRec Application

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900042 with CivicPlus, Inc. for software maintenance and professional services for the Recreation Division's online registration and reservation system, to increase the contract amount by \$73,756, for a total not to exceed amount of \$116,756, and to extend the contract for three (3) years until November 30, 2025.

Financial Implications: See report

Contact: Savita Chaudhary, Information Technology, (510) 981-6500

Consent Calendar

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

Council Consent Items

8. **Designating the Disaster and Fire Safety Commission as the Citizens' Oversight Committee for Expenditure of the Proceeds of the Fire, Emergency Services and Wildfire Prevention Tax (Measure FF)**
From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Robinson (Co-Sponsor)
Recommendation: Adopt a resolution designating the Disaster and Fire Safety Commission as the citizens' oversight committee for the expenditure of proceeds from the Fire, Emergency Services and Wildfire Prevention Tax (Measure FF). Should Measure FF pass on the November 3 ballot, the Disaster and Fire Safety Commission shall function as the citizens' oversight committee for expenditure of the proceeds of the Fire, Emergency Services and Wildfire Prevention Tax (Measure FF). For this purpose, in addition to its other powers, the Commission may: 1) request detailed expenditure plans for tax proceeds annually, which shall be provided to it as early in the budget process as feasible; 2) make recommendations to the City Manager and the City Council as to the rate at which the tax should be set and how any tax proceeds should be spent; and 3) obtain a report on actual expenditures. The City Manager shall cooperate with the Disaster and Fire Safety Commission in providing the information it requests. All expenditures also will be subject to an annual independent financial audit to confirm that expenditures are consistent with the intent of the measure.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

9. Providing our Unhoused Communities in the City of Berkeley with Potable Water and addressing Water Insecurity
From: Councilmember Davila (Author)

Recommendation:

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

Financial Implications: None

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

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

From: Councilmember Davila (Author)

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

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

Financial Implications: None

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

Council Consent Items

11. **Resolution in Support of California Proposition 17, Restores Right to Vote After Completion of Prison Term, Legislative Constitutional Amendment**
From: Councilmember Hahn (Author), Councilmember Robinson (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Adopt a Resolution in support of California Proposition 17, Restores Right to Vote After Completion of Prison Term, Legislative Constitutional Amendment, on the November 3, 2020 ballot, to amend the State Constitution to eliminate disenfranchisement for people on parole, restoring voting rights upon release from prison.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
12. **Support for SB-1079 Residential Property: Foreclosure**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Robinson (Co-Sponsor)
Recommendation: Send a resolution in support of SB-1079 Residential Property: Foreclosure (Skinner) to Senator Skinner, Assemblymember Wicks, and Governor Gavin Newsom. This bill proposes a trio of provisions intended to mitigate against blight, vacancy, and the transfer of residential property ownership from owner occupants to corporate landlords in the event that California experiences a wave of foreclosures.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action 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 line up at the podium 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 – Continued Business

- A. **Annual Housing Pipeline Report** *(Item contains revised and supplemental materials. Continued from September 15, 2020)*
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – Old Business

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

Action Calendar – New Business

14. **Adoption - Civic Center Vision and Implementation Plan**
From: City Manager
Recommendation: Adopt a Resolution approving Berkeley's Civic Center Vision and Implementation Plan, and declaring Council's intention to support the vision and preferred design concepts articulated in the plan
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
15. **2019 Crime Report and Five Year Use of Force Report**
From: City Manager
Recommendation: Review and discuss the presentation on Crime Report for 2019 and Use of Force Report for 2015-2019.
Financial Implications: None
Contact: Andrew Greenwood, Police, (510) 981-5900

Council Action Items

16. **Healthy Checkout Ordinance** (*Reviewed by the Health, Life Enrichment, Equity & Community Committee. Item contains revised materials*)
From: Councilmember Harrison (Author), Councilmember Hahn (Author)
Recommendation:
1. Adopt an ordinance requiring stores over 2,500 square feet in size to sell more nutritious food and beverage options in their checkout areas.
2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the ordinance and sources of funding to support this program.
3. Refer to the Sugar Sweetened Beverage Product Panel of Experts to consider recommending funding allocations, and to work with City staff to develop protocols for, implementation, education, and enforcement.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Council Action Items

17. Support Community Refrigerators

From: Councilmember Davila (Author)

Recommendation:

1. Adopt a Resolution to create an allocation of the homeless budget towards the purchasing of community refrigerators to be distributed in Council districts to provide access to food for those who have no refrigeration or may be food insecure.
2. Allocate \$8,000 of the budget for the purchasing of the refrigerators.

Financial Implications: See report

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

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

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

Recommendation:

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

Financial Implications: None

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

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.*

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

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 September 17, 2020.*

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 #16: Healthy Checkout Ordinance**

1. Holly Scheider (3)

### **Item #17: Support Community Refrigerators**

2. Gargi Nigam
3. Vishaal Kuna
4. Kavin Kumaravel
5. Vivian Kuang

### **Berkeley Marina Drugs/Homelessness/Defecation**

6. Daniel Hernandez

### **COVID-19 Related**

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

### **BART Stations**

10. Rick Lewis

**Fossil Fuels**

11. Leah Redwood

**Water Insecurity**

12. 23 form letters

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

13. Charlene Woodcock

**Climate Emergency**

14. Thomas Lord

**Fire Prevention**

15. Jeanette Franzone

**Homelessness and Trash**

16. Rachel Gorham

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

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

**Supplemental Communications and Reports**

*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.