



Office of the City Manager

CONSENT CALENDAR
November 17, 2020

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Mark Numainville, City Clerk
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the council meetings of October 1, 2020 (closed), October 6, 2020 (closed), October 8, 2020 (closed), October 13, 2020 (special and regular), October 20, 2020 (closed and special) and October 27, 2020 (closed and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. October 1, 2020 – Closed City Council Meeting
2. October 6, 2020 – Closed City Council Meeting
3. October 8, 2020 – Closed City Council Meeting
4. October 13, 2020 – Special City Council Meeting
5. October 13, 2020 – Regular City Council Meeting
6. October 20, 2020 – Closed City Council Meeting
7. October 20, 2020 – Special City Council Meeting
8. October 27, 2020 – Closed City Council Meeting
9. October 27, 2020 – Regular City Council Meeting

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

THURSDAY, OCTOBER 1, 2020

3:30 P.M.

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 closed session meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

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*To join by phone: Dial 1-669-900-9128 and enter Meeting ID: 830 6259 9562. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 3:32 p.m.

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

Absent: Kesarwani

Public Comment - Limited to items on this agenda only – 0 speakers.

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b):

a. **Title of position to be evaluated:** City Manager

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 5:54 p.m.

I hereby certify that the forgoing is a true and correct record of the closed session meeting held on October 1, 2020.

Mark Numainville
City Clerk

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, OCTOBER 6, 2020
2:30 P.M.

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

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 817 2647 3970. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 2:34 p.m.

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

Absent: Bartlett, Kesarwani

Councilmember Bartlett present subsequent to roll call.

Public Comment - Limited to items on this agenda only – 2 speakers.

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b):

a. **Title of position to be evaluated:** City Manager

Action: No reportable action taken.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

No reportable action taken.

Adjournment

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

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

Adjourned at 5:16 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of October 6, 2020 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
THURSDAY, OCTOBER 8, 2020
4:00 P.M.

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

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Preliminary Matters

Roll Call: 4:01 p.m.

Present: Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Arreguin

Absent: Bartlett, Wengraf

Councilmember Wengraf present at 4:05 p.m.

Councilmember Bartlett present at 4:30 p.m.

Public Comment - Limited to items on this agenda only – 24 speakers.

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b):

a. Title of position to be evaluated: City Manager

Action: No reportable action taken.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

No reportable action taken.

Adjournment

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

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

Adjourned at 6:33 p.m.

Councilmembers Hahn, Wengraf, and Droste absent prior to adjournment.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of October 8, 2020 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

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

Tuesday, October 13, 2020

5:00 P.M.

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

Preliminary Matters

Roll Call: 5:04 p.m.

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

Absent: Bartlett

Councilmember Bartlett present at 5:17 p.m.

Action Calendar

1. **Presentation: Ohlone History and Culture**

From: Councilmember Hahn

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150; Jesse Arreguin, Mayor, (510) 981-7100

Action: 8 speakers. Presentation made and discussion held.

Adjournment

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

Vote: All Ayes.

Adjourned at 6:38 p.m.

I hereby certify that the forgoing is a true and correct record of the special session meeting held on October 13, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1+

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

- None

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, October 13, 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

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Preliminary Matters

Roll Call: 6:47 p.m.

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

Absent: None

Ceremonial Matters:

1. Adjourned in memory of Sheila Darr, Local Activist
2. Adjourned in memory of all victims of COVID-19 and the Wildfires

City Manager Comments:

The City Manager provided an update on the process for Reimagining Public Safety.

Public Comment on Non-Agenda Matters: 7 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 14 speakers.

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

Vote: All Ayes.

Consent Calendar

1. **Amending Ordinance No. 7,692-N.S. extending the grace period for Fair Chance Housing Ordinance**
From: Mayor Arreguin (Author)
Recommendation: Adopt second reading of Ordinance No. 7,733-N.S. amending Ordinance No. 7,692-N.S. (Fair Chance Housing Ordinance) to extend the grace period for landlords to be held liable to January 1, 2021 so that staff has adequate time to complete the intended outreach prior to the ordinance going into full effect.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted second reading of Ordinance No. 7,733-N.S.

Consent Calendar

- 2. Healthy Checkout Ordinance; Adding Berkeley Municipal Code Chapter 9.82**
From: Councilmember Harrison (Author), Councilmember Hahn (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Davila (Co-Sponsor)
Recommendation: Adopt second reading of Ordinance No. 7,734-N.S. requiring stores over 2,500 square feet in size to sell more nutritious food and beverage options in their checkout areas, and adding Berkeley Municipal Code Chapter 9.82.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Adopted second reading of Ordinance No. 7,734–N.S.
- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 13, 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: One-Time Grant Fund - \$325,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.
- 4. Revenue Contract: Department of Health Care Services Performance Contract for City of Berkeley**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with the California Department of Health Care Services (DHCS). The contract, which will run through June 30, 2021, is for multiple projects that DHCS administers across the State, including the Mental Health Services Act (MHSA), the Lanterman-Petris-Short (LPS) Act, Projects for Assistance in Transition from Homelessness (PATH), Community Mental Health Services Block Grant (MHBG), and Crisis Counseling Assistance and Training Program (CCP) programs, and for county provision of community mental health services pursuant to the Bronzan-McCorquodale Act. The City of Berkeley will only receive revenue through the MHSA for this contract.
Financial Implications: Approximately \$6,000,000 (revenue)
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,580–N.S.

Consent Calendar

5. Lease Agreement for 225 University Avenue – Qasemi Abdul Moqim dba Berkeley Sportsman Center

From: City Manager

Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement and necessary amendments with Qasemi Abdul Moqim, doing business as Berkeley Sportsman Center, at 225 University Avenue at the Berkeley Marina for a term of three years, with a two-year option.

Financial Implications: See report

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

Action: Adopt first reading of Ordinance No. 7,735–N.S. Second reading scheduled for October 27, 2020.

6. Measure T1 Phase 1 Project List Additions

From: City Manager

Recommendation: Adopt a Resolution authorizing the following additions to the Measure T1 Phase 1 project list with no additional funding: James Kenney Park play area (ages 2-5, and 5-12) and picnic area; Euclid Street (at Rose Garden); Cedar Street from 6th Street to San Pablo Avenue; Center Street from Martin Luther King Jr. Way to Shattuck Avenue; Rose Street from Le Roy Avenue to La Loma Avenue; Santa Fe Avenue from Gilman Street to Cornell Avenue/ Page Street; Shasta Road from Grizzly Peak Boulevard to east City limit; Arcade Avenue from Fairlawn Drive to Grizzly Peak Boulevard; Dohr Street from Ashby Avenue to Prince Street; and West Street from Bancroft Way to Dwight Way.

Financial Implications: None

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700; Liam Garland, Public Works, (510) 981-6300

Action: Adopted Resolution No. 69,581–N.S.

7. Resumption of Fees at Oregon Park Senior Apartments

From: City Manager

Recommendation: Authorize the City Manager to resume charging fees, including housing inspection service fees, at Oregon Park Senior Apartments (OPSA), located at 1425 Oregon Street, to increase the effectiveness of housing code enforcement.

Financial Implications: See report

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

Action: Item 7 removed from the agenda by the City Manager. Scheduled to November 10, 2020.

Consent Calendar

- 8. Revenue Grant: Fiscal Year 2020-21 Alcoholic Beverage Control Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager, and/or the Chief of Police, to execute a grant contract and any subsequent amendments with the State of California Department of Alcoholic Beverage Control (ABC) in the amount of \$51,900 for one fiscal year, July 1, 2020 through June 30, 2021.
Financial Implications: Alcoholic Beverage Control Program Fund - \$51,900 (grant)
Contact: Andrew Greenwood, Police, (510) 981-5900
Action: Adopted Resolution No. 69,582–N.S.
- 9. Contract No. 31900124 Amendment: B Bros Construction Inc. for Adult Mental Health Services Center Renovations Project at 2640 Martin Luther King Jr Way**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900124 with B Bros Construction, Inc. to complete renovation and seismic upgrade work at the Adult Mental Health Services Center, increasing the current contract amount of \$5,386,293 by \$230,000 for a total amount not-to-exceed of \$5,616,293.
Financial Implications: T1 Fund - \$230,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,583–N.S.
- 10. Contract Award: First Carbon Solutions, Inc. for California Environmental Quality Act Compliance for the Solid Waste & Recycling Transfer Station Replacement Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to award a contract with First Carbon Solutions, Inc. for California Environmental Quality Act compliance for the Solid Waste & Recycling Transfer Station Replacement Project for a total amount not to exceed \$500,000 for a contract term of November 1, 2020 through December 31, 2021.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,584–N.S.

Council Consent Items

11a. Compiling Commission Recommendations in a Reference Manual *(Reviewed by Agenda & Rules Committee)*

From: Homeless Commission

Recommendation: The Homeless Commission recommends that Council refer to staff to develop a procedure for staff secretaries to all City of Berkeley commissions to compile all commission recommendations, whether in report or letter form, in a binder. Such binder shall also track the outcomes of all commission recommendations including action taken by Council and subsequent implementation of Council action. One copy of the binder shall remain with the staff secretary; another copy of the binder shall be available as a resource in the City Clerk's office. The City Clerk shall index all subject matters of commission proposals so that there is cross-referencing of all subjects that commissions have addressed. This reference manual shall be available for use by commissions to share information, the Mayor and Council, staff and members of the public. The City Clerk shall also provide this information online.

(On August 31, 2020, the Agenda and Rules Committee took action to send Items 9a and 9b to the City Council with a Qualified Positive Recommendation to adopt the staff item in 9b to explore potential short term solutions and recommend that the commission recommendation be reintroduced to Council after the COVID-19 emergency is lifted.)

Financial Implications: See report

Contact: Brittany Carnegie, Commission Secretary, (510) 981-5400

Action: See action for Item 11b.

11b. Companion Report: Compiling Commission Recommendations in a Reference Manual *(Reviewed by Agenda & Rules Committee)*

From: Homeless Commission

Recommendation: Refer the commission recommendation to the City Manager to 1) consider the impacts on staffing levels, approved Strategic Plan projects, and existing baseline services in the context of the projected budget shortfall for FY 2021 and the hiring freeze currently in effect; and 2) work within existing resources to facilitate information sharing among commissions on items referred from the City Council.

(On August 31, 2020, the Agenda and Rules Committee took action to send Items 9a and 9b to the City Council with a Qualified Positive Recommendation to adopt the staff item in 9b to explore potential short term solutions and recommend that the commission recommendation be reintroduced to Council after the COVID-19 emergency is lifted.)

Financial Implications: No direct fiscal impact

Contact: Mark Numainville, City Clerk, (510) 981-6900; Brittany Carnegie, Commission Secretary, (510) 981-5400

Action: Approved recommendation of the Agenda and Rules Committee.

Council Consent Items

12. Authorize Installation of Security Cameras at the Marina and Request an Environmental Safety Assessment

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

Recommendation: Adopt the following recommendations in order to address the recent dramatic uptick in reported crime incidents at the Berkeley marina: -Request that the City Manager install security cameras and signage as expeditiously as possible as a long-term safety measure; -Refer to the City Manager to perform an environmental safety assessment of the Berkeley marina with particular attention to the berther parking areas.

Financial Implications: See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Action: Approved recommendation amended to include that the cameras will not use facial recognition or biometric technology.

13. Oppose Proposition 22 on the November 2020 ballot

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

Recommendation:

1. Adopt a resolution opposing Proposition 22 on the November 2020 ballot.
2. Send a letter to the 'No on CA Prop 22' coalition.

Financial Implications: None

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

Action: Councilmember Harrison added as a co-sponsor. 1. Adopted Resolution No. 69,585–N.S. 2. Approved recommendation.

14. Amending Council Rules of Procedures such that items submitted by the Mayor or Councilmembers be placed directly on the City Council Agenda to allow the whole City Council to review and take action on the submitted item to ensure equity in the process *(Reviewed by Agenda & Rules Committee)*

From: Councilmember Davila (Author)

Recommendation: Adopt a Resolution to amend Council Rules of Procedures Section C-1 and G-1 such that items submitted by the Mayor or Councilmembers be placed directly on the City Council agenda rather than beginning with submission to commissions or Council Policy Committees to ensure equity in the process.

(On August 31, 2020, the Agenda and Rules Committee took action to send Item 10 to the City Council with a Negative Recommendation.)

Financial Implications: None

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

Action: Approved recommendation of the Agenda and Rules Committee to not approve the recommendation.

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

Council Consent Items

15. Letter of Support for Proposition 16: Repeal Proposition 209 Affirmative Action Amendment (2020)

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

Recommendation: That the Mayor of Berkeley and Members of the City Council support Proposition 16--a ballot measure that would remove the ban on affirmative action--by sending 2 letters, 1) the YES ON 16, Opportunity for All Coalition Campaign and 2) State Assemblymembers Shirley Weber, Mike Gipson, Miguel Santiago, and Buffy Wicks.

Financial Implications: None

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

Action: Approved recommendation.

16. “Step Up Housing” Initiative: Allocation of Measure P Funds to Lease and Operate a New Permanent Supportive Housing Project at 1367 University Avenue

From: Councilmember Bartlett (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Mayor Arreguin (Co-Sponsor)

Recommendation: Adopt a resolution allocating approximately \$900,000 per year for 10 years, as well as a one-time allocation of approximately \$32,975 from Measure P transfer tax receipts to support the lease and operation of a new permanent supportive housing project for the homeless at 1367 University Avenue. This resolution is put forward out of consideration that the City Council has already approved in its FY 2020-21 budget—on June 30, 2020—an allocation of \$2.5 million for permanent housing subsidy, a portion of which is available to be spent on the 1367 University Avenue project.

Refer to the next meeting of the Budget and Finance Policy Committee to confirm the availability of requested funding for the 1367 University project and to set priorities for other Measure P-funded programs and services as part of the mid-year budget process.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,586–N.S.

Council Consent Items

17. **Removal of Traffic Bollards on the Intersection at Fairview and California St. From: Councilmember Bartlett (Author)**
Recommendation: Refer to the City Manager to remove the traffic bollards at the intersection at Fairview and California St. for the following reasons: 1. To allow residents, emergency responders, street cleaning and garbage disposal services, and delivery vehicles ease of access to enter and exit Fairview Street; 2. To allow residents of the 1600 block of Fairview St. access to additional parking spots because the current capacity is inadequate; and 3. To decrease illegal dumping that has been incentivized by the traffic bollards and eliminate the harborage of junk, debris, and garbage.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Approved recommendation.
18. **Enforce Bi-Weekly (Once Every Two Weeks) Residential Cleaning Measures to Address Encampments and Promote Clean Streets in Berkeley From: Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor)**
Recommendation: Refer to the City Manager to promote equitable street cleaning practices and require biweekly (once every two weeks), cleanings of populated encampment sites in Berkeley and adjacent residential neighborhoods. In order to determine where City Staff should prioritize residential cleaning services, the City Manager should establish a radius around the campsites. When encampments are on non-City owned property, such as Caltrans, the City should bill the appropriate agency for the cost of staff and materials.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Councilmembers Harrison and Davila added as co-sponsors. Approved recommendation amended to also refer the item to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.

Recess 8:28 p.m. – 8:38 p.m.

Action Calendar

19. **2019 Crime Report and Five Year Use of Force Report** *(Continued from September 22, 2020)*
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
- Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:30 p.m.
Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila.
- Action:** Report presented. Discussion held.

Action Calendar – Public Hearings

20. **California Municipal Finance Authority Bond Financing for 1717 University Avenue**
From: City Manager
Recommendation: Conduct a public hearing under the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code of 1986, as amended, and upon conclusion, adopt a Resolution approving the issuance of the bonds by the California Municipal Finance Authority (CMFA) for the benefit of the 1717 University Avenue rental housing development.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- Public Testimony:** The Mayor opened the public hearing. 0 speakers.
M/S/C (Arreguin/Wengraf) to close the public hearing.
Vote: Ayes – Kesarwani, Davila, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.
- Action:** M/S/C (Arreguin/Droste) to adopt Resolution No. 69,587–N.S.
Vote: Ayes – Kesarwani, Davila, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.
- Councilmember Harrison absent 11:14 p.m. – 11:50 p.m.

Action Calendar

**21. ZAB Appeal: 1346 Ordway Street, Administrative Use Permit #ZP2018-0174
From: City Manager**

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board decision to approve Administrative Use Permit #ZP2018-0174 to: legalize an existing 128 sq. ft. accessory building in the southwest corner of the subject lot; legalize an existing 5 ft. x 21 ft., 9-ft. tall trellis located within the south setback; legalize an existing 11-ft. tall hedge in the north and south setbacks; establish a front yard off-street parking space to comply with the Federal Fair Housing Act, the Americans with Disabilities Act and the California Fair Employment and Housing Act, under BMC's Reasonable Accommodation Section; and dismiss the appeal.

Financial Implications: None

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

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

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

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

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

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

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

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

Action: M/S/C (Kesarwani/Droste) to adopt Resolution No. 69,588–N.S. to: 1) affirming the Zoning Adjustments Board decision to approve Administrative Use Permit #ZP2018-0174 to: legalize an existing 128 sq. ft. accessory building in the southwest corner of the subject lot; legalize an existing 5 ft. x 21 ft., 9-ft. tall trellis located within the south setback; approve a hedge with a Council-approved height of 14-ft. tall in the north and south setbacks; 2) approve an Administrative Use Permit to permanently establish a front yard off-street parking space and waiving the required two-foot wide planter strip to comply with the Federal Fair Housing Act, the Americans with Disabilities Act and the California Fair Employment and Housing Act, under BMC's Reasonable Accommodation Section; and 3) dismiss the appeal.

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

Action Calendar

- 22. Support Community Refrigerators** *(Continued from September 22, 2020)*
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
Action: Item 22 referred as unfinished business to the Agenda & Rules Committee for scheduling.
- 23. Request the United States House of Representatives and/or Senate to introduce “The Breathe Act”** *(Continued from September 22, 2020)*
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
Action: Moved to Consent Calendar. 1. Adopted Resolution No. 69,589–N.S. as amended in Supplemental Communications Packet #2 and further revised to strike “proposed legislation known as”
2. Approved recommendation.
Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Kesarwani, Droste.
- 24. Proposed Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley** *(Continued from September 22, 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: Scheduled for the October 20, 2020 City Council Worksession.

Information Reports

- 25. LPO NOD: 2277 Shattuck Avenue/#LMSAP2020-0001**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

Information Reports

26. **LPO NOD: 1915 Berryman Street/#LMIN2020-0003**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
27. **LPO NOD: 2328 Channing Way/#LMIN2020-0001**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
28. **LPC Annual Report to City Council for the period May 2019 to May 2020**
From: Landmarks Preservation Commission
Contact: Fatema Crane, Commission Secretary, (510) 981-7400
Action: Received and filed.

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

Adjournment

Adjourned at 11:50 p.m.

I hereby certify that the forgoing is a true and correct record of the regular session meeting held on October 13, 2020.

Mark Numainville
City Clerk

Communications

Item #2: Healthy Checkout Ordinance; Adding Berkeley Municipal Code Chapter 9.82

1. Chris Labarbera
2. MP-fourtrax88@
3. Rico Vazquez
4. Vance Bean

Item #6: Measure T1 Phase 1 Project List Additions

5. Susan Schwartz, on behalf of Friends of Five Creeks

Item #16: “Step Up Housing” Initiative: Allocation of Measure P Funds to Lease and Operate a New Permanent Supportive Housing Project at 1367 University Avenue

6. Donald Frazier

Homelessness and Encampments

7. John Caner and Kristin MacDonald, on behalf of all the Berkeley Business Associations and the Chamber of Commerce (2)
8. Rodney Lerner, on behalf of Landry’s Restaurants
9. Paul Canin
10. Jahlee Arakaki
11. Alyson Mitchell
12. Marcia Abcarian
13. Jesse McFarlan

Street Trees

14. Erica Cleary (2)
15. Nancy Carleton, on behalf of the Halcyon Neighborhood Association
16. Jeanne Panek

Adeline Corridor Plan

17. 20 similarly worded form letters (significantly increases)
18. 11 similarly worded form letters (broad support)
19. 29 similarly worded form letters (1, 2, 3)
20. Phyllis Orrick
21. Michael Katz
22. Tony Corman
23. David Kellogg
24. Jason Martens
25. Jennifer Natali
26. Ariella Granett
27. Larisa Cummings
28. Catherine Betts
29. Andrew Fox
30. Deborah Matthews
31. Jonathan Singh
32. Eileen Hughes
33. Zipporah Collins
34. John Selawsky
35. Angela Gallegos-Castillo
36. Pablo Diaz-Gutierrez
37. Charles Khan
38. Liza Lutzker
39. Serena Lim
40. Aaron Foxworthy
41. Matt Nichols
42. Jack Kurzeil

- 43. Theo Posselt
- 44. Adam Lenz

COVID-19 Related

- 45. Virginia Browning
- 46. Gina Rieger
- 47. Kelly Hammargren
- 48. David Lerman
- 49. City of Berkeley COVID-19 Information Services
- 50. russbumper

Wildfire Dangers on Grizzly Peak

- 51. Elizabeth Strode
- 52. Sylvie Sullivan
- 53. John Ruble
- 54. Jim Hanson
- 55. David Thill (3)
- 56. Mimi Nielsen
- 57. Mary Pat Farrell
- 58. Kathryn Levenson
- 59. Ramona Naddaff
- 60. Barbara Freeman (2)
- 61. Joseph Heil
- 62. Joe Van Steen
- 63. Bcf1@

Berkeley Police Department

- 64. Julia West
- 65. Michael Odiari
- 66. Zach Palchick
- 67. Christine Schwartz

City-Run Real Estate Vulture Fund

- 68. Barbara Gilbert

Traffic Safety – Street Calming Devices

- 69. Wendy Alfsen and Marilyn Cleveland

5G

- 70. Wanda Warkentin
- 71. Phoebe Anne Sorgen

Rockefeller Foundation Scenarios

- 72. Ming

Support Vision 2025

- 73. Gretchen Ellis
- 74. Barb Noon
- 75. Nilang (3)
- 76. Boona Cheema
- 77. Sandeep Pandya

Needle Hazard

- 78. Thomas Lord (2)

Landlords are “Mom and Pop” Property Owners

- 79. Anne Whyte

Civic Center Vision

- 80. Claire Kahane
- 81. Alison Lingo

Downtown Berkeley Merchant Militia

- 82. Carol Denny

Use of Grove Park for the Public

- 83. Mia Villanueva and Alex Torres

Berkeley Schools Re-Opening

- 84. Dana Kilian

Berkeley #UNBOUND

- 85. Cherilyn Parsons, on behalf of the Bay Area Book Festival

Supplemental Communications and Reports 1

Item #6: Measure T1 Phase 1 Project List Additions

- 86. Sabina McMurtry

Item #16: “Step Up Housing” Initiative: Allocation of Measure P Funds to Lease and Operate a New Permanent Supportive Housing Project at 1367 University Avenue

- 87. Colleen McCann

Item #19: 2019 Crime Report and Five Year Use of Force Report

- 88. Supplemental material, submitted by Councilmember Hahn

Supplemental Communications and Reports 2

Item #2: Healthy Checkout Ordinance; Adding Berkeley Municipal Code Chapter 9.82

- 89. Jessica Mause, on behalf of the American Beverage Association

- 90. Jessica Hixson, on behalf of SNAC
- 91. Nefer Kelley Farias
- 92. Holly Scheider

Item #12: Authorize Installation of Security Cameras at the Marina and Request an Environmental Safety Assessment

- 93. Jack Hlavac, on behalf of the DoubleTree by Hilton Berkeley Marina
- 94. Dave Collins
- 95. Charles Bullett, on behalf of the Berkeley Yacht Club
- 96. Janet Cobb
- 97. Paul and Helen Canin
- 98. Bonnie Cerruti
- 99. Captain Brewster
- 100. Steven Kornberg

Item #16: “Step Up Housing” Initiative: Allocation of Measure P Funds to Lease and Operate a New Permanent Supportive Housing Project at 1367 University Avenue

- 101. John Gilmore
- 102. Katharine Bierce
- 103. Elizabeth Amberg
- 104. Sarah Patrick
- 105. Patti Prunhuber

Item #18: Enforce Bi-Weekly (Once Every Two Weeks) Residential Cleaning Measures to Address Encampments and Promote Clean Streets in Berkeley

- 106. Sallie Hanna-Rhyne
- 107. Jon Howarth
- 108. Audre Newman
- 109. Elizabeth Amberg
- 110. John Gilmore
- 111. Lauren Schiller
- 112. Patty Sullivan
- 113. Diana Bohn

Item #19: 2019 Crime Report and Five Year Use of Force Report

- 114. Charles Clarke

Item #21: ZAB Appeal: 1346 Ordway Street, Administrative Use Permit #ZP2018-0174

- 115. Jennie Durant and Keki Burjorjee
- 116. Elizabeth Hubbell

Item #23: Request the United States House of Representatives and/or Senate to Introduce “The Breathe Act”

- 117. Supplemental material, submitted by Councilmember Hahn

Supplemental Communications and Reports 3

Item #2: Healthy Checkout Ordinance; Adding Berkeley Municipal Code Chapter 9.82

- 118. Juan Garay
- 119. Monique Blodgett

Item #7: Resumption of Fees at Oregon Park Senior Apartments

- 120. Igor Tregub

Item #12: Authorize Installation of Security Cameras at the Marina and Request an Environmental Safety Assessment

- 121. Tracy Rosenberg
- 122. John Hess
- 123. Jack Hlavac, on behalf of the DoubleTree Berkeley Marina
- 124. Dan Bohn

Item #17: Removal of Traffic Bollards on the Intersection at Fairview and California Street

- 125. Jerome Solberg

Item #18: Enforce Bi-Weekly (Once Every Two Weeks) Residential Cleaning Measures to Address Encampments and Promote Clean Streets in Berkeley

- 126. Pamela Michaud
- 127. John McCarthy
- 128. Pedro Alvarez, Jr.
- 129. Chimey Lee
- 130. Andrea Cesar
- 131. Sarah Garrett
- 132. Henri Davis

Item #19: 2019 Crime Report and Five Year Use of Force Report

- 133. Presentation, submitted by the Police Department
- 134. Todd Andrew

Item #21: ZAB Appeal: 1346 Ordway Street, Administrative Use Permit #ZP2018-0174

- 135. Presentation and appeal letter, submitted by Planning

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, OCTOBER 20, 2020
4:30 P.M.

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 closed session meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/83546478052>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 835 4647 8052. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 4:35 p.m.

Present: Davila, Droste, Hahn, Kesarwani, Robinson, Wengraf, Arreguin

Absent: Bartlett, Harrison

Councilmember Bartlett present at 4:38 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers.

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property addresses:

MLK Junior Services Center 1730 Oregon Street; Willard Pool 2701 Telegraph Avenue; West Campus Pool 2100 Browning Street; King Pool 1700 Hopkins Street

Measure Y Parks - King Park, 1700 Hopkins Avenue; Thousand Oaks Park, 1780 Tacoma Ave at Ensenada Ave; Leconte School, 2241 Russell Street (play/open space area in back of school); Malcolm X School, 1731 Prince Street (play are/open space in back of school); Rosa Parks School, 920 Allston Way (play area/open space in back of school); John Muir School, 2995 Claremont Avenue (play area/open space in back of school); Washington School, 2300 Martin Luther King Jr. Way (play area/open space in back of school)

Agency Negotiators: Dee Williams-Ridley, City Manager, David White, Deputy City Manager, Scott Ferris, Director of Parks, Recreation and Waterfront

Negotiating parties: City of Berkeley, 2180 Milvia Street, Berkeley, CA
Property Owner – Berkeley Unified School District, 2020 Bonar Street, Berkeley, CA

Under negotiation: Price and terms

Action: No reportable action taken.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

No reportable action taken.

Adjournment

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

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

Adjourned at 5:58 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of October 20, 2020 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

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

Tuesday, October 20, 2020

6:00 P.M.

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

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

Preliminary Matters

Roll Call: 6:15 p.m.

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

Absent: None

Action Calendar

- 1. Proposed Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley** *(Continued from October 13, 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: 3 speakers. Presentation made and discussion held.
- 2. University of California, Berkeley, Long Range Development Plan Update and Housing Projects #1 and #2**
From: City Manager
Recommendation: Review and discuss a presentation from the University of California (UC), Berkeley, Capital Strategies staff on the Long Range Development Plan Update (LRDP) and Housing Projects #1 and #2.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: 10 speakers. Presentation made and discussion held.

Recess 8:58 p.m. – 9:08 p.m.

Adjournment

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

Vote: All Ayes.

Adjourned at 10:08 p.m.

I hereby certify that the forgoing is a true and correct record of the special meeting of October 20, 2020 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #2: University of California, Berkeley, Long Range Development Plan Update and Housing Projects #1 and #2

1. Phil Bokovoy, on behalf of Southside Neighborhood Consortium
2. Presentation, submitted by University of California, Berkeley – Capital Strategies
3. Chris Cullander
4. Kate May
5. Arlene Silk
6. Jean Mudge

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, OCTOBER 27, 2020

3:30 P.M.

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

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 817 7276 1502. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 3:34 p.m.

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

Absent: Kesarwani, Bartlett

Councilmember Bartlett present at 3:36 p.m.

Councilmember Kesarwani present at 3:53 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, David White, Deputy City Manager, LaTanya Bellow, Human Resources Director, Dania Torres-Wong, Chief Labor Negotiator, Burke Dunphy, Chief Labor Negotiator, David Brannigan, Fire Chief.

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021, Public Employees Union Local 1.

Action: No reportable action taken.

2. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)

- a. *1444 Fifth Street LLC v. City of Berkeley*, Alameda County Superior Court Case No. 19032434

Action: Item 2 continued to a closed session meeting on November 10, 2020.

OPEN SESSION:

No reportable action taken.

Adjournment

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

Vote: All Ayes.

Adjourned at 5:56 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on October 27, 2020.

Mark Numainville
City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, October 27, 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/86157441939>. 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: 861 5744 1939. 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: 6:12 p.m.

Present: Davila, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin

Absent: Kesarwani, Wengraf

Ceremonial Matters:

1. Recognition of the City's Single Use Disposable Foodware Ordinance by the Bay Area Regional Water Quality Control Board
2. Adjourned the meeting in memory of Yuksel Dinkeng, Local Artist
3. Adjourned the meeting in memory of Sereinat'e Henderson, Victim of Gun Violence
4. Adjourned the meeting in memory of Walter Wallace, Jr., Victim of Police Shooting in Philadelphia

City Auditor Comments:

The City Auditor expressed gratitude for the leadership, collaboration, and commitment of city staff in their response to the COVID-19 pandemic. The Auditor provided an update on the Police Audit, noting that many of the requested documents and data has been received and her office will work as quickly as possible to complete the data analysis.

City Manager Comments:

The City Manager provided a thorough update on the Reimagining Public Safety Process.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Arreguin/Davila) to accept an urgency item from Councilmember Bartlett pursuant to Government Code Section 54954.2(b)(2) entitled Urgent Item: Create an Interjurisdictional Group Violence Intervention Program "GVI," or "Operation Ceasefire," to Reduce Gun Violence.

Vote: All Ayes.

Consent Calendar

Action: M/S/C (Arreguin/Hahn) to accept supplemental material from Councilmember Bartlett on Item 20.

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

Public Comment on Consent Calendar and Information Items Only: 32 speakers.

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

Vote: All Ayes.

Consent Calendar

Urgent Item: Create an Interjurisdictional Group Violence Intervention Program “GVI,” or “Operation Ceasefire,” to Reduce Gun Violence

From: Councilmember Ben Bartlett (Author), Mayor Jesse Arreguin (Co-Sponsor), and Councilmember Rashi Kesarwani (Co-Sponsor)

Recommendation: Refer to the Community Engagement Process for Reimagining Public Safety creation of a Group Violence Intervention Program (GVI), or “Operation Ceasefire,” that will assemble a Berkeley-centered interjurisdictional working group of community members, law enforcement personnel, and supportive services providers to address gun violence.

Financial Implications: Staff time and monetary amount to be determined
Contact: Councilmember Bartlett (510) 981-7130

Action: Councilmember Harrison added as a co-sponsor. Approved recommendation.

1. Lease Agreement for 225 University Avenue – Qasemi Abdul Moqim dba Berkeley Sportsman Center

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,735-N.S. authorizing the City Manager to execute a lease agreement and necessary amendments with Qasemi Abdul Moqim, doing business as Berkeley Sportsman Center, at 225 University Avenue at the Berkeley Marina for a term of three years, with a two-year option.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,735–N.S.

2. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the council meetings of September 15, 2020 (closed and regular), September 22, 2020 (closed and regular) and September 29, 2020 (closed and special).

Financial Implications: None

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

Action: Approved the minutes as submitted.

3. Annual Commission Attendance and Meeting Frequency Report

From: City Manager

Recommendation: Review and accept the annual Commission Attendance and Meeting Frequency Report.

Financial Implications: None

Contact: Mark Numainville, City Clerk, (510) 981-6908

Action: Item 3 continued to November 10, 2020.

Consent Calendar

- 4. Addendum to the Berkeley Revolving Loan Fund (RLF) Administrative Plan to augment the RLF with a COVID-19 Resiliency Loan Program**
From: City Manager
Recommendation: Adopt a Resolution approving temporary changes to the Administrative Plan of the Berkeley Revolving Loan Fund (RLF) to encompass the COVID-19 Resiliency Loan Program as financed by the CARES Act Recovery Assistance Grant.
Financial Implications: See report
Contact: Dave White, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 69,590–N.S.
- 5. Berkeley Economic Dashboards and Demographic Profile Update** *(Reviewed by the Land Use, Housing, & Economic Development Committee)*
From: City Manager
Recommendation: On September 17, 2020, the Land Use, Housing, & Economic Development Committee made a positive recommendation that this item be deemed received.
Financial Implications: None
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Approved recommendation of the Land Use, Housing, & Economic Development Committee.
- 6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 27, 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 - \$1,067,302
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.
- 7. Amending Berkeley Municipal Code Chapter 12.70 Sections 12.70.020 V, 12.70.035 E and 12.70.037 C to be in accordance with California Health and Safety Code**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 12.70 to update Section 12.70.020 Definitions section V and repealing Section 12.70.035.E and 12.70.037.C and adjusting the definition of "smoke" or "smoking" to include medical cannabis to align with the State of California Health and Safety code.
Financial Implications: None
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopt first reading of Ordinance No. 7,736–N.S. Second reading scheduled for November 10, 2020.

Consent Calendar

8. **Contract: Allana Buick & Bers, Inc. and Wiss, Janney, Elstner Associates, Inc. for On-Call Citywide Roof Assessment Services**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute a contract and any amendments with the following firms for On-Call Roof Assessment Services for City-owned facilities, each for the period July 1, 2020 through July 1, 2023.
1. Allana Buick & Bers, Inc. (ABB), for an amount not to exceed \$175,000.
 2. Wiss, Janney, Elstner Associates, Inc. (WJE), for an amount not to exceed \$175,000.
- Financial Implications:** See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,591–N.S. (Allana Buick & Bers), and Resolution No. 69,592–N.S. (Wiss, Janney, Elstner).
9. **Contract Award: DMR Builders for the 125/127 University Avenue Tenant Improvement Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the 125/127 University Avenue Tenant Improvements Project, Specification No.19-11324; 2. Accepting the bid of DMR Builders as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, for an amount not to exceed \$293,000.
- Financial Implications:** Various Funds - \$293,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,593–N.S.
10. **Contract No. 115731-1 Amendment: SKIDATA, Inc. (formerly Sentry Control Systems) for Extending Parking Access and Revenue Control System Maintenance Services and Warranties**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 115731-1 (Contract No. 10661B in FUND\$) with SKIDATA, Inc. (formerly Sentry Control Systems) to provide critical maintenance services and warranties for parking access and revenue control system equipment nearing the end of its useful life, extending the term to June 30, 2024 and increasing the contract amount by \$660,283 for a total not-to-exceed of \$1,995,540.
- Financial Implications:** See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,594–N.S.

Consent Calendar

- 11. Contract No. 112119-1 Amendment: Technology, Engineering, and Construction, Inc. for Tank Maintenance and Certification Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 112199-1 with Technology, Engineering and Construction, Inc. for the provision of tank maintenance and certification services, extending the term to June 30, 2022 and increasing the contract by \$100,000 for a total contract amount not to exceed \$250,000.
Financial Implications: Various Funds - \$100,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,595–N.S.
- 12. Contract No. 102354-1 Amendment: Direct Line Tele Response for Citywide After-Hours Answering Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment for up to \$150,000 to Contract No. 102354-1 with Direct Line Tele Response to provide continued customer service support after normal business hours, on weekends and holidays, for a total contract amount not to exceed \$432,750, and extending the contract term through December 31, 2022.
Financial Implications: Various Funds - \$150,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,596–N.S.
- 13. Referral Response: Game Day Parking – Minor Update to Include RPP Area K**
From: City Manager
Recommendation: Adopt a Resolution re-establishing parking restrictions on UC Berkeley football game days to include Residential Preferential Parking (RPP) Zone K (Panoramic Hill), and rescinding Resolution No. 69,089-N.S.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,597–N.S.
- 14. Renewal of the Elmwood Avenue BID for Calendar Year 2021**
From: Elmwood Advisory Board
Recommendation: Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board’s (hereafter “Elmwood BID Advisory Board” or “the Advisory Board”) recommendation that Council: 1) approve the 2020 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2021; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2021 and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 17, 2020.
Financial Implications: See Report
Contact: Kieron Slaughter, Commission Secretary, (510) 981-7530
Action: Adopted Resolution No. 69,598–N.S.

Consent Calendar

15. **Renewal of the Solano Avenue BID for Calendar Year 2021**

From: Solano Avenue BID Advisory Board

Recommendation: Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2020 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2021; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2021; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 17, 2020.

Financial Implications: See report

Contact: Eleanor Hollander, Commission Secretary, (510) 981-7530

Action: Adopted Resolution No. 69,599–N.S.

Consent Calendar

16a. **Smoke-Free Multi-Unit Housing Ordinance Policy and Enforcement Modifications** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

From: Housing Advisory Commission

Recommendation: The Commission recommends that City Council:

1. Make a short term referral directing the City Manager to correct current City Policies for enforcing BMC 12.70.035 so that these policies do not contradict the ordinance and BMC 12.70.035 requires that second and third complaints must refer to a violation or violations that occur after the 12.70.035(C) notice has been made.
2. Modify BMC 12.70.035 so that the requirement that signs be posted is enforced as part of the Residential Safety ordinance. Failure to post signage may result in fines, accordingly.
3. Modify BMC 12.70.035 so that repeated failure to provide new tenants with the City's brochure shall be guilty of an infraction. It shall also be an infraction for landlords to tell new tenants, in contradiction to the law, that tobacco smoking by some tenants is permitted.
4. Obtain an analysis of the financial impacts of the recommended modifications to the BMC.

(On September 29, 2020, the Health, Life Enrichment, Equity & Community Committee made a qualified positive recommendation to send the item to Council including the following referrals: 1. Refer to staff to explore expanding the Ordinance to buildings with one unit; 2. Refer to staff to explore and consider improvements in the interface between the residential and commercial non-smoking Ordinances in mixed-use buildings; 3. Refer to staff to create a web-based complaint filing mechanism/service; 4. Refer to staff to create special protocols for chronic situations and to consider including requirements for better air filtration and purification as well as other measures to effectively manage chronic cases; 5. Refer to staff to study the infraction and enforcement mechanisms and determine if they have any benefits and to consider other potential enforcement end points; 6. Refer to staff to look for opportunities for bias in enforcement and mechanisms to better guard against bias while still allowing for maximum action to resolve legitimate complaints; 7. Refer to staff to propose funding sources for enforcement; 8. Refer to staff to collect demographic data around complaints and targets of complaints (as much as possible); and 9. To return to Council with Ordinance amendments to accomplish the following: (a) amend or remove the 10-day language element (b) modify or remove the 2-complainant rule if warranted (c) adjust for the medical cannabis state law changes, (d) propose any and all other improvements beneficial to the Ordinance.)

Financial Implications: See report

Contact: Mike Uberti, Commission Secretary, (510) 981-7400

Action: See action for Item 16b.

Consent Calendar

16b. Companion Report: Smoke-Free Multi-Unit Housing Ordinance Policy and Enforcement Modifications *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

From: City Manager

Recommendation: The City Manager appreciates the Housing Advisory Commission's efforts to strengthen the implementation of the Smoke-free Multi-Unit Housing ordinance and recommends that the proposed modifications be referred to the City Manager Office for an analysis of the financial and legal feasibility of the proposed changes.

(On September 29, 2020, the Health, Life Enrichment, Equity & Community Committee made a qualified positive recommendation to send the item to Council including the following referrals: 1. Refer to staff to explore expanding the Ordinance to buildings with one unit; 2. Refer to staff to explore and consider improvements in the interface between the residential and commercial non-smoking Ordinances in mixed-use buildings; 3. Refer to staff to create a web-based complaint filing mechanism/service; 4. Refer to staff to create special protocols for chronic situations and to consider including requirements for better air filtration and purification as well as other measures to effectively manage chronic cases; 5. Refer to staff to study the infraction and enforcement mechanisms and determine if they have any benefits and to consider other potential enforcement end points; 6. Refer to staff to look for opportunities for bias in enforcement and mechanisms to better guard against bias while still allowing for maximum action to resolve legitimate complaints; 7. Refer to staff to propose funding sources for enforcement; 8. Refer to staff to collect demographic data around complaints and targets of complaints (as much as possible); and 9. To return to Council with Ordinance amendments to accomplish the following: (a) amend or remove the 10-day language element (b) modify or remove the 2-complainant rule if warranted (c) adjust for the medical cannabis state law changes, (d) propose any and all other improvements beneficial to the Ordinance.)

Financial Implications: See report

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

Action: Approved recommendation of the Health, Life Enrichment, Equity & Community Committee.

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

Consent Calendar

- 17a. Recommendation to Modify Policies Related to the Enforcement of the Berkeley Smoke-Free Multi-Unit Housing Ordinance** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*
From: Housing Advisory Commission
Recommendation: Approve modifications to policies related to the enforcement of the Smoke-Free Multi-Unit Housing Ordinance, as follows:
1. Increase staffing to implement enforcement of the ordinance as part of the next budget;
 2. Improve signage related to the ordinance in residential buildings;
 3. Make the complaint process less onerous and more user-friendly, including enabling complainants to submit complaints electronically, providing complaint forms in different languages, and removing language requiring the statements to be “sworn,” and considering other, less threatening language that still expects a complaint be provided under the best of appellant’s knowledge;
 4. Relax the current requirements around how the Ordinance-based complaint form must be completed in order to be processed (e.g., removing the requirement of providing two separate complaints from different individuals within a six-month period, if the building contains two or fewer units, removing the requirement of providing a sworn statement under penalty of perjury); and
 5. Refer to the Community Health and Cannabis Commissions the question of whether the use of recreational (non-medical) cannabis should be incorporated into the Smoke-Free Housing Ordinance.
- (No final action was taken by the Health, Life Enrichment, Equity & Community Committee. Item is automatically returning to the Council agenda pursuant to the 120-day time limit for items referred to policy committees.)*
- Financial Implications:** See report
Contact: Mike Uberti, Commission Secretary, (510) 981-7400
Action: See action for Item 17b.
- 17b. Companion Report: Recommendation to Modify Policies Related to the Enforcement of the Berkeley Smoke-Free Multi-Unit Housing Ordinance** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*
From: City Manager
Recommendation: The City Manager appreciates the Housing Advisory Commission’s efforts to strengthen the implementation of the Smoke-free Multi-Unit Housing ordinance and recommends that the proposed modifications be referred to the City Manager Office for an analysis of the financial and legal feasibility of the proposed changes.
- (No final action was taken by the Health, Life Enrichment, Equity & Community Committee. Item is automatically returning to the Council agenda pursuant to the 120-day time limit for items referred to policy committees.)*
- Financial Implications:** See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: The Council took no action on the Item 17a and Item 17b due to the responsive action on Item 16b.

Council Consent Items

- 18. Budget Referral: \$50,000 to UC Theatre Concert Career Pathways Education Program**
From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor)
Recommendation: Refer to the November 2020 AAO budget process the allocation of \$50,000 to the UC Theatre Concert Career Pathways Education Program.
Financial Implications: \$50,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Councilmembers Harrison and Davila added as co-sponsors. Approved recommendation.
- 19. Treatment of Horses at Golden Gate Fields**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Send a letter to the California Horse Racing Board to investigate the treatment and welfare of horses at Golden Gate Fields.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Councilmember Harrison added as a co-sponsor. Approved recommendation.
- 20. Equitable Clean Streets Budget Referral: Funding for Staff to Conduct Bi-Weekly (Once Every Two Weeks) Residential Cleaning Services**
From: Councilmember Bartlett (Author), Councilmember Harrison (Co-Sponsor)
Recommendation: Refer to the November AAO budget process to allocate \$500,000 from the General Fund to require biweekly (once every two weeks) cleaning of populated encampment sites, major corridors, and encampments adjacent to residential neighborhoods throughout the City of Berkeley for approximately one year. The City should also partner with appropriate non-profit organizations to create work opportunities for homeless residents who can help City staff clean the streets on an ongoing basis.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Approved recommendation revised to remove “from the General Fund” from the recommendation. Supplemental material submitted at the meeting from Councilmember Bartlett.

Council Consent Items

21. **Convert 62nd Street between King St, and Adeline St. into a One-Way Line that exits in the direction of Adeline St.**
From: Councilmember Bartlett (Author); Mayor Arreguin (Co-Sponsor)
Recommendation: Refer to the City Manager to convert 62nd Street between King St. and Adeline St. into a one-way lane that exits to Adeline and blocks motorists from entering 62nd Street through Adeline Street.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Approved recommendation.
22. **Resolution Adopting the 2020 Traffic Circle Vegetation Policy and Maintenance Plan** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt the 2020 Traffic Circle Vegetation Policy and Maintenance Plan as revised by the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee.
(On September 16, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to Council, as submitted by staff, and as further revised by the committee to include: 1. That this policy be reviewed every five (5) years. 2. Tree standards will be refined overtime to meet the needs of the traffic circles. 3. If any trees are to be removed, the policy is to replace the tree with a more appropriate tree when possible. 4. If a tree is to be removed and it can be successfully replanted, it shall be.)
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Approved recommendation of the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee. Adopted Resolution No. 69,600-N.S.
23. **Support for Berkeley Mutual Aid**
From: Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Refer to the City Manager and to the November FY2020 AAO budget adjustment process to identify existing resources, or propose a new allocation of funds, to provide emergency financial support to Berkeley Mutual Aid (BMA) to allow the organization to continue its highly valued programs and services addressing the needs of Berkeley residents sheltering-in- place during the COVID-19 health emergency. Support required for BMA to continue providing critical services to the community is \$3,000 per month, starting as soon as possible and continuing until 3 months after the COVID-19 emergency order is lifted.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Councilmember Wengraf added as a co-sponsor. Approved recommendation.

Recess 8:33 p.m. – 8:45 p.m.

Action Calendar – New Business

24. Referral Response: Lessons Learned in Organizational Management During Crisis and COVID-19 Response 2020 Summary Report

From: City Manager

Recommendation: Review and discuss the report and presentation on COVID-19 Response 2020 Summary Report.

Financial Implications: None

Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

Action: M/S/C (Arreguin/Wengraf) to accept revised material from the City Manager on Item 24.

Vote: All Ayes.

Action: M/S/C (Arreguin/Davila) to suspend the rules and extend the meeting to 11:10 p.m.

Vote: Ayes.

Action: 8 speakers. Presentation made and discussion held.

Council Action Items

25. **Adopt a Resolution to Upgrade Municipal Accounts to 100% Renewable Plan**
(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee) (Item contains revised material)

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

a. Adopt a Resolution to opt up Berkeley's municipal accounts to Renewable 100 (100% renewable and 100% greenhouse gas-free) electricity service, and provide for yearly Council review of the City's default municipal, residential, and commercial plans.

b. Refer the estimated annual increased cost of \$94,063 to the November 2020 budget process.

(On February 6, 2020, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee took action to:

1. Approve recommendations b and c, as revised in the supplemental report submitted by Councilmember Harrison, with a Positive Recommendation.

Revised recommendation:

b. Opt up municipal East Bay Community Energy accounts to renewable 100 (100% renewable and 100% greenhouse gas-free) electricity service, and refer the estimated increased cost of \$100,040 to the June 2020 budget process; and,

c. Providing for yearly Council review of the City's default residential, commercial and municipal plans.

And:

2. Approve recommendation a, as revised in the supplemental report submitted by Councilmember Harrison, and send the item back to the City Council with a Positive Recommendation.

Revised recommendation:

a. Changing the service plan for current and new Berkeley residential Bright Choice accounts, except those enrolled in the California Alternate Rates for Energy Program, Family Electric Rate Assistance and Medical Baseline Allowance Program accounts, and all commercial East Bay Community Energy Bright Choice accounts to the Brilliant 100 (100% greenhouse gas-free) electricity service plan, effective [] for residential customers and [] for commercial customers. Customers will not lose the option of changing their plan or opting out of EBCE entirely.)

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action: Moved to Consent Calendar. Adopted Resolution No. 69,601–N.S. as printed in the agenda packet in the item from Councilmember Harrison (recommendations a. and b. above) with an amended resolved clause as follows:

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized, and if funded by the Council, directed to select Renewable 100 as the electricity product for the City of Berkeley's municipal accounts, and that the Council shall review annually the City's default municipal, residential, and commercial plans in order to determine whether further adjustment is appropriate.

Information Reports

26. Police Review Commission Work Plan for 2020-2021

From: City Manager

Contact: Katherine Lee, Commission Secretary, (510) 981-4950

Action: Received and filed.

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

Adjournment

Adjourned at 11:10 p.m.

I hereby certify that the forgoing is a true and correct record of the regular session meeting held on October 27, 2020.

Mark Numainville
City Clerk

Communications

COVID-19 Related

1. David Lerman
2. Andrea Davis
3. Thomas Lord (2)
4. Ben Esposito

Grizzly Peak Fire Danger

5. Poppy Davis
6. Barbara Freeman (8)
7. Rachel Bradley
8. Joseph Heil
9. Sandi Thompson
10. David Thill (2)
11. Carla Shapreau
12. Sally Francis
13. Melinda Drayton
14. Joshua Bloom
15. Susan Griffin
16. Jurgen Aust
17. Ellen Archilla

Adeline Corridor

- 18. Rahwa Neguse, on behalf of Healthy Black Families
- 19. Anne Torney
- 20. Steve Martinot

Encampments and Homelessness

- 21. Diana Bohn
- 22. Jack Hlava, on behalf of the DoubleTree by Hilton at the Berkeley Marina

Berkeley Police Department

- 23. Buraaq Alrawi
- 24. Becca Nipper
- 25. Catherine Huchting
- 26. Barnali Ghosh, on behalf of Walk Bike Berkeley
- 27. Robert Landers (2)

Gun Violence

- 28. Gigi Satris
- 29. Robert Landers

Bird Scooters

- 30. Bob Walsh, on behalf of Bird Scooters

Raccoon Attacks

- 31. Jane Kitchel

Census Deadlines/Fake News

- 32. Chimey Lee

Installing Broadband During Street Repairs

- 33. Norie Clarke

San Pablo Tennis Courts

- 34. Carly McLane

Election Related

- 35. Geoff Lomax
- 36. Bill Rosen

Berkeley Fire Department EMT Thanks

- 37. Thomas Lord
- 38. Councilmember Harrison

Berkeley Property Transfer Tax

- 39. Barbara Gilbert (2)

Berkeley Art Center

- 40. Berkeley Art Center

Vision 2025

- 41. Karen Rubio
- 42. Lisa Wade
- 43. Debbie Parsons
- 44. Niland

EBCE: Resilient Home Program

- 45. Alex DiGiorgio, on behalf of East Bay Community Energy

Sharps Container

- 46. Thomas Lord

5G

- 47. Wanda Warkentin

North Berkeley BART and Affordable Housing

- 48. Claudia Valas
- 49. Carol Hirth
- 50. Jason Warriner
- 51. Betty Kano
- 52. Robert and Junko Kenmotsu
- 53. Robbin Henderson
- 54. Eileen Hughes
- 55. Janice Schroeder
- 56. Cece Littlepage

Firefighters Hiring Freeze

- 57. Justin Ironside, on behalf of the Berkeley Firefighters Association
- 58. Mayor Arreguin

Construction at 1155-1173 Hearst Avenue

- 59. Tracey Emerson (2)
- 60. Pam Ormsby

Turnouts on Winding Hill Streets

- 61. Bob Flasher

Berkeley Rental Housing Safety bill

- 62. Evan Meyer

Supplemental Communications and Reports 1

Item #20: Equitable Clean Streets Budget Referral: Funding for Staff to Conduct Bi-Weekly (Once Every Two Weeks) Residential Cleaning Services

- 63. Sallie Hanna-Rhyne

Supplemental Communications and Reports 2

Item #25: Adopt a Resolution to Upgrade Municipal Accounts to 100% Renewable Plan

- 64. Jessica Woodward
- 65. Marcia Edelen

Urgent Item: Create an Interjurisdictional Group Violence Intervention Program “GVI” or “Operational Ceasefire” to Reduce Gun Violence

- 66. Urgent item, submitted by Councilmember Bartlett, Mayor Arreguin and Councilmember Kesarwani
- 67. Moni Law
- 68. Boona Cheema
- 69. Bekka
- 70. John Lindsay-Poland

Supplemental Communications and Reports 3

Item #7: Amending Berkeley Municipal Code Chapter 12.70 Sections 12.70.020 V, 12.70.035 E and 12.70.037 C to be in accordance with California Health and Safety Code

- 71. Barbara Gilbert

Item #16 & #17: Smoke-Free Multi-Unit Housing Ordinance Policy and Enforcement Modifications

- 72. Igor Tregub

Item #20: Equitable Clean Streets Budget Referral: Funding for Staff to Conduct Bi-Weekly (Once Every Two Weeks) Residential Cleaning Services

- 73. Supplemental material, submitted by Councilmember Bartlett
- 74. Beth Trask
- 75. Sam Kang
- 76. Brian LaFranchi
- 77. Hilary Winters
- 78. Andy Pinost

Item #21: Convert 62nd Street between King Street, and Adeline Street into a One-Way Line that exits the direction of Adeline Street

- 79. Willa Willis Jacobs
- 80. Jacquelyn Willis-McGhee
- 81. Bert Jacobs
- 82. Robert Garvey
- 83. Elena Ocean Levin
- 84. Catherine Huchting
- 85. Anna Levin
- 86. Brian LaFranchi
- 87. Hilary Winters

Item #23: Support for Berkeley Mutual Aid

88. Gregory Lemieux
89. Barbara Freeman
90. Betsy Beazley
91. Jordan Place
92. Daveed Mandell
93. David Peattie
94. Susan Springborg
95. Rada Chandra
96. Susan Snyder
97. Allison Murray
98. Barbara Lewis
99. Alexander Aguiar
100. Jonathan Larson
101. Valerie Hammer
102. Catherine Cade
103. Sameera Mangena
104. Kamardip Singh
105. Mark Misoshnik
106. Patrice Igelzi
107. Ari Fellows-Mannion
108. Kris Muller
109. Liza Lutzker
110. Plumeria Hertz
111. Emily McAfee
112. Kim Tonkyro
113. Karen Anderson
114. Andrew Reichart
115. Anastasia Mallillin
116. Betty Kano
117. Peter Bruce DuMont
118. Zoe Hall
119. Doris Fine
120. Linda Zagula
121. Becca Freed
122. Liz Exter
123. Shari Simburg
124. Veta Jacquelin
125. Jenner Greer
126. Maile Sherman and Jerome Behrens
127. Lynn Orlando
128. Alix Blair Darling
129. Vita Wells
130. Vicki Young
131. Denni Liebowitz
132. Cheryl Buckingham

133. LeeAnn Dowd
134. Kate Dworkin
135. Sandra Barlow
136. Liz Ruhland
137. Sandy Bredt
138. Tobie Helene Shaapiro
139. Aida Curtis
140. Cherly Lorenz
141. Karen Barad
142. Mariah Skye
143. Perlita Payne
144. Sierra Wagner
145. Stella Livingston
146. Gradiva Couzin
147. Patricia Bulitt
148. Margaret Rigg

Item #24: Referral Response: Lessons Learned in Organizational Management During Crisis and COVID-19 Response 2020 Summary Report

149. Presentation, submitted by the City Manager's Office

Item #25: Adopt a Resolution to Upgrade Municipal Accounts to 100% Renewable Plan

150. Kathy Dervin and Mary Ann Furda
151. Irene Rosenthal
152. Ruby MacDonald, on behalf of the League of Women Voters
153. Veronika Fukson
154. Judith Daar
155. Igor Tregub, on behalf of the Sierra Club
156. Judy Bertelsen

Urgent Item: Create an Interjurisdictional Group Violence Intervention Program "GVI" or "Operational Ceasefire" to Reduce Gun Violence

157. Linda Franklin
158. Leah Redwood
159. Diana Bohn
160. Faith Fuller
161. Susan Marchionna
162. Heather Bradley
163. Lucy Slater
164. Jesse McFarland
165. Tiffany Veivia
166. Shana DeClercq
167. Mary Lou Van Deventer
168. Joey Flegel-Mishlove
169. Abigail Tarail

- 170. Kitt Sagior
- 171. Sarah Garrett
- 172. Nicole Freeling
- 173. Mark Rhoades
- 174. Alexandra Mitnick
- 175. Ann Rogers
- 176. Corinne Allen
- 177. Jason Lelchuk
- 178. Sally Hughes

Miscellaneous Communications

People's Park Sharps Container

- 179. Max Ventura, on behalf of the People's Park Committee

Cell Towers

- 180. Clifford Fred
- 181. KO
- 182. Connie Anderson
- 183. Sgilma2340@
- 184. Stephanie Thomas

