

REVISED AGENDA
(UPDATED PUBLIC COMMENT PROCEDURES BASED ON
COUNCIL'S ACTION ON APRIL 20, 2021)



BERKELEY CITY COUNCIL MEETING

Tuesday, April 27, 2021
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/82895393673>. 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: **828 9539 3673**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

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

Preliminary Matters

Roll Call:

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

1. Adjourn in memory of Peter Manso, Berkeley Resident and Journalist

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. Referral Response: Urgency Ordinance for leasing the real property at 742 Grayson**
From: City Manager
Recommendation: Adopt an Urgency Ordinance to enter into a lease for the real property located at 742 Grayson St. Berkeley for a term of 11 months, after which it becomes a month to month lease through September 30, 2022.
Financial Implications: See report
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
- 2. Contract: Dorothy Day House to operate shelter at 742 Grayson**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Dorothy Day House to operate a shelter at 742 Grayson through September 30, 2022, for a total contract amount not to exceed \$1,109,522.
Financial Implications: Measure P funding - \$1,109,522
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
- 3. Appointment of Planning and Development Department Director**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Jordan Klein as the Director of the Planning and Development Department effective May 3, 2021 at an annual salary of \$194,765.
Financial Implications: See report
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000
- 4. Contract No. 32000171 Amendment: Michael Brady Emergency Management Training**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment extending the contract period to June 30, 2023 for Contract No. 32000171 with Michael Brady for Emergency Management Training.
Financial Implications: See report
Contact: David Brannigan, Fire, (510) 981-3473
- 5. Donation of Fire Apparatus and Equipment**
From: City Manager
Recommendation: Adopt a Resolution donating surplus fire apparatus and equipment, including one surplus fire engine and one surplus ambulance, to the McCloud Fire Department.
Financial Implications: See report
Contact: David Brannigan, Fire, (510) 981-3473

Consent Calendar

- 6. Rebuilding Together East Bay-North Contract Continuation Recommendation From: City Manager**
Recommendation: Adopt a Resolution: 1. Providing additional two-year General Fund allocations for Rebuilding East Bay-North's Safe at Home and Community Facility Improvement programs; and 2. Authorizing the City Manager to enter into any agreements or amendments to effectuate this action, including an amendment to Contract No. 31900263 with Rebuilding Together East Bay-North for an amended amount of \$245,700 for a new not to exceed amount of \$491,400 and extending the contract term to June 30, 2023.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 7. Contract No. 31900065-1 Amendment: Cyber Leadership and Strategy Solutions, LLC for Professional Services From: City Manager**
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No 31900065-1 with Cyber Leadership and Strategy Solutions, LLC (CLASS) for professional services in an amount not to exceed \$180,100, and a total contract value not to exceed \$230,000 from January 7, 2019 through June 30, 2022.
Financial Implications: Various Funds - \$180,100
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 8. Contract No. 32100051 Amendment: Edgeworth Integration for Additional Security Cameras at the Berkeley Waterfront From: City Manager**
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100051 with Edgeworth Integration, LLC to install additional security cameras at the Berkeley Waterfront by increasing the existing contract amount by \$80,000 for a not-to-exceed amount of \$140,000.
Financial Implications: Marina Fund - \$80,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 9. Contract Amendment: Bellingham Inc. to replace additional finger docks at the Berkeley Marina From: City Manager**
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Bellingham Inc. to replace additional finger docks at the Berkeley Marina by increasing the construction contract amount by \$110,000 for a not-to-exceed amount of \$240,000.
Financial Implications: Marina Fund - \$110,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 10. Contract: Raimi + Associates for Professional Planning Services for the 2023–2031 Housing Element Update**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Raimi + Associates to perform professional planning services for the 2023 - 2031 Housing Element Update in an amount not to exceed \$540,000 for the period of May 15, 2021 to May 15, 2023.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 11. Contract: Bay Cities Paving & Grading, Inc. for Street Rehabilitation FY 2021 Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Street Rehabilitation FY 2021 Project, Specification No. 21-11422-C; accepting the bid of Bay Cities Paving & Grading, Inc. as the lowest responsive and responsible bidder; and 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 in an amount not to exceed \$4,296,733.
Financial Implications: Various Funds - \$4,296,733
Contact: Liam Garland, Public Works, (510) 981-6300
- 12. Purchase Order: Jack Doheny Company for One CCTV Sewer Camera Truck**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell Contract No. 122017-RVL bid procedures, and authorizing the City Manager to execute a purchase order for one Closed Circuit Television (CCTV) Camera Sewer Truck with Jack Doheny Company in an amount not to exceed \$465,000.
Financial Implications: Various Funds - \$465,000
Contact: Liam Garland, Public Works, (510) 981-6300
- 13. Purchase Order: Nicholas K Corp DBA The Ford Store San Leandro for Eight Ford Interceptor Utility Hybrid SUVs**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in The County of Alameda bid procedures and authorize the City Manager to execute a purchase order for eight (8) Ford Interceptor Utility Hybrids with Nicholas K Corp DBA The Ford Store San Leandro in an amount not to exceed \$390,000 with additional up-fitting costs with various vendors in an amount not to exceed \$120,000 for a total not to exceed of \$510,000.
Financial Implications: Equipment Replacement Fund - \$510,000
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 14. Contract No. 31900031 Amendment: Downtown Streets Team**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 31900031 with Downtown Streets Team to add additional scope to address enhanced needs for services around encampments and neighborhoods, and increase the contract by \$50,000 for a new not to exceed amount of \$920,304.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 15. Contract: California Constructores for Sidewalk Repairs FY 2020 Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sidewalk Repairs FY 2020 Project, Specification No. 20-11409-C; accepting the bid of California Constructores as the lowest responsive and responsible bidder; and 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 in an amount not to exceed \$2,000,000.
Financial Implications: Various Funds - \$2,000,000
Contact: Liam Garland, Public Works, (510) 981-6300
- 16. Contract No. 32000147 Amendment: Trip Stop Sidewalk Repair, Inc. for FY 2020 Sidewalk Inspection and Shaving Services Project**
From: City Manager
Recommendation: Adopt Resolution authorizing the City Manager to execute amendment to Contract No. 32000147 with Trip Stop Sidewalk Repair, Inc. for FY2020 Sidewalk Inspection and Shaving Services, increasing the original contract amount by \$1,000,000 for a total not-to-exceed amount of \$1,450,000 and extend the term by two years for a revised contract expiration date of March 9, 2024.
Financial Implications: Various Funds - \$1,000,000
Contact: Liam Garland, Public Works, (510) 981-6300
- 17. Contract No. 31900288 Amendment: Disability Access Consultants for ADA Transition Plan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900288 with Disability Access Consultants for Americans with Disabilities Act (ADA) Transition Plan increasing the contract amount by \$78,200 for a total not-to-exceed of \$484,800 and extend the contract term to June 30, 2022.
Financial Implications: Capital Improvement Fund - \$78,200
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 18. Approving Proposed Projects Anticipated to be paid for by the State's Road Maintenance and Rehabilitation Account (RMRA) Funds for FY2022**
From: City Manager
Recommendation: Adopt a Resolution approving a proposed list of projects that will utilize funding from the State of California's Road Maintenance and Rehabilitation Account, and authorize the City Manager to submit the proposed list to the California Transportation Commission.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 19. Contract No. 31900104 & Contract No. 32000003 Amendments: Nelson\Nygaard for Parking Data Collection and Community Outreach Services for the goBerkeley Residential Shared Parking Pilot**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute amendments to Contract No. 31900104 and Contract No. 32000003 with Nelson\Nygaard for parking data collection and community outreach and engagement services for the goBerkeley Residential Shared Parking Pilot, respectively, extending each contract term to December 31, 2023.
Financial Implications: None
Contact: Liam Garland, Public Works, (510) 981-6300
- 20. Contract No. 32000124 Amendment: D.L Falk Construction, Inc. for Central Library Interior Renovations Project at 2090 Kittredge Street**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000124 with D.L. Falk Construction, Inc. to complete interior renovations work at the Central Library, increasing the current contract not-to-exceed amount of \$3,056,900 by \$100,000 for a revised total amount not-to-exceed \$3,156,900.
Financial Implications: Library Tax Fund - \$100,000
Contact: Liam Garland, Public Works, (510) 981-6300
- 21. Vision Zero Annual Report**
From: City Manager
Recommendation: Adopt a Resolution: 1. Accepting the City of Berkeley Vision Zero Annual Report for 2020-2021; 2. Affirming the actions and priorities as stated in the 2020 Berkeley Vision Zero Action Plan; 3. Directing the City Manager to form a Vision Zero Coordinating Committee for guiding the implementation of the 2020 Vision Zero Action Plan, including coordinating with the ongoing Berkeley Department of Transportation (BerKDOT) referral response and the Reimagining Public Safety Task Force, with the goal of developing a Vision Zero Traffic Enforcement policy before proceeding with the "Safer Streets by Everyone: Enforcement" actions described in the Vision Zero Action Plan.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 22. Contract No. 31900158 Amendment: D.L. Falk Construction for North Berkeley Senior Center Seismic Upgrades and Renovations Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900158 with D.L. Falk Construction to complete renovation and seismic upgrade work at the North Berkeley Senior Center, increasing the current contract amount of \$8,320,400 by \$350,000 for a total amount not-to-exceed of \$8,670,400.
Financial Implications: T1 Fund - \$350,000
Contact: Liam Garland, Public Works, (510) 981-6300
- 23. Lease Agreement: 2010 Addison Street at Center Street Garage with Vito Loconte and Alexie LeCount DBA Lexie's Frozen Custard**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement for 2010 Addison Street at the Center Street Garage with Vito Loconte and Alexie LeCount DBA Lexie's Frozen Custard, a sole proprietorship, for an initial term of ten (10) years with one optional five-year lease extension AND approve payment of a commission of \$9,331.23 to Colliers International for commercial brokerage fees for locating a tenant for the premises.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Council Consent Items

- 24. Assessing the City's Bonding Capacity and Considering Strategy for Multiple Needs**
From: Mayor Arreguin (Author)
Recommendation: Refer to the City Manager to explore various options for a future city bond measure in November 2022 to support the growing need for affordable housing, street improvements, and infrastructure citywide. Analysis should include an assessment of the city's long-range capital needs (street repaving, bicycle and pedestrian improvements, and other infrastructure needs, as is being developed through CIP/Vision 2050 planning) and long-term affordable housing needs. The analysis should explore the city's bond capacity and ability to incur further indebtedness, the potential for a single bond measure or multiple bond measures in 2022 or over a phased period, explore budget scenarios at various amounts, any other mechanisms to maximize and leverage city bonding capacity. Staff analysis should also explore different bond programs and revenue mechanisms employed by other California cities to support affordable housing finance and infrastructure projects.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

- 25. Support for AB-490: positional asphyxia**
From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor) and Councilmember Harrison (Co-Sponsor)
Recommendation: Send a letter of support to Assemblymember Mike Gipson (D-Carson), Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 490, which would prohibit law enforcement agency use of force policies to prohibit techniques and transport methods with substantial risk of positional asphyxia.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 26. Budget Referral: Urgent Remediation of Unsafe Ninth Street Traffic Conditions**
From: Councilmember Taplin (Author), Mayor Arreguin (Co-Sponsor)
Recommendation: That the City Council refers to the budget process the funding of traffic calming, traffic diversion, and bike network improvements on Ninth Street between Gilman and Ashby Avenue including but not limited to:
1. Three traffic diverters, one within each collector/arterial segment that currently lacks a diverter: a. Gilman to Cedar b. University to Dwight c. Dwight to Heinz
 2. Six permanent traffic circles, including a. Ninth and Page b. Ninth and Virginia c. Ninth and Channing d. Ninth and Parker e. Ninth and Grayson f. Ninth and Heinz
 3. Two ADA-compliant, bicycle-friendly speed tables per block
 4. Re-engineer the diverter at 9th and Delaware to prevent cut through traffic on 9th, particularly from casual carpool during morning rush hour
 5. Initiate a community engagement process to elicit neighborhood feedback and prepare a pilot program for quick-build protected bike lanes along Ninth Street between Bancroft Way and Heinz Avenue
 6. Green bike waiting spaces on Ninth Street at University Avenue, both northbound and southbound with loop detectors for bikes at the waiting boxes.
 7. Three STOP signs on the north, east and west ends of the intersection at Ninth and Murray Street
- Financial Implications:** See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 27. Adopt Resolution Requesting CalPERS Divest from Industrial Animal Protein and Factory Farming Companies and Invest in California's Local Plant-Based Food Economy**
From: Councilmember Harrison (Author)
Recommendation: Adopt Resolution Requesting CalPERS Divest from industrial animal protein and factory farming companies and invest in California's local plant-based food economy. Send a copy and letter to California Public Employees' Retirement System (CalPERS) requesting their consideration.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action Calendar

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

The Presiding Officer will request that persons wishing to speak use the "raise hand" function to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. 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 – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak use the "raise hand" function to be recognized and 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. 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.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

Action Calendar – Public Hearings

28. Submission of the PY 2021 (FY 2022) Annual Action Plan Containing Allocations of Federal Funds

From: City Manager

Recommendation: Conduct a public hearing on the federal Program Year (PY) 2021 Annual Action Plan (AAP) for federal Housing and Urban Development Department (HUD) funds, including the allocation of federal funding for community agencies, and upon conclusion, adopt a Resolution:

1. Approving proposed funding allocations under the FY 2022 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and
2. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and
3. Allocate 10% for HOME program administration, up to 5% to support Community Housing Development Organization (CHDO) operations, and the remaining (approximately 85%) of the PY 2021 HOME funds to the Housing Trust Fund; and
4. Allocate 20% of the PY 2021 CDBG funds to Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Community Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation and/or program income and earlier unused funds, be more or less than estimated; and
5. Allocate the allowable 7.5% of the PY 2021 ESG to Administration, \$6,676 to the HMIS system, up to the allowable 60% to emergency shelter/street outreach, and the remaining amount to Rapid Rehousing as outlined in Exhibit A, and
6. Finalize the PY 2021 Annual Action Plan, including planned expenditures, adding required HUD application forms and certifications, and including other HUD-required information, submit it to the U.S. Department of Housing and Urban Development (HUD), and execute all documents necessary to receive the City's entitlement grants under the CDBG, ESG and HOME Programs.

Financial Implications: See report

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

Action Calendar – New Business

29. Refinancing of 2010 Certificates of Participation Originally Issued to Finance Animal Shelter Project

From: City Manager

Recommendation: Adopt a Resolution ratifying Resolution No. 69,309-N.S., approving a preliminary official statement, approving the method of sale and approving documents and official actions related to the refinancing of outstanding 2010 certificates of participation.

Financial Implications: See report

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

Action Calendar – New Business

30. Issuance of \$45,000,000 in General Obligation Bonds, Series B for the 2016 Election - Infrastructure and Facilities Improvements, Measure T1

From: City Manager

Recommendation: Adopt a Resolution authorizing the issuance of \$45,000,000 aggregate principal amount of general obligation bonds, series B (Infrastructure and Facilities Improvements, Measure T1), approving an official statement and authorizing actions related hereto.

Financial Implications: See report

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

31. City Affordable Housing Funds: Ashby and North Berkeley BART Station Areas and Future Housing Funding Notices of Funding Availability (NOFA)

From: City Manager

Recommendation: Adopt a Resolution to:

1. Provisionally reserve \$40 million of the City's Measure O bond funds as part of the \$53 million City subsidy needed to achieve 35% affordable housing at the Ashby and North Berkeley BART sites, and allow for a portion of funding (to be determined at a later date) to be considered for predevelopment;
2. Provisionally reserve at least \$13 million in future Affordable Housing Mitigation Fees, and/or a new source of revenue to be identified no later than 2024, in order to cover the balance of \$53 million City subsidy currently estimated to be needed for 35% affordable housing at the Ashby and North Berkeley BART sites, and allow for a portion of the funding (to be determined at a later date) to be considered for predevelopment;
3. Refer to the City Manager to investigate a new bond measure that could fund housing and/or infrastructure needs at the two BART sites and in the Adeline Corridor, or in the City as a whole, and to establish a timeline and community process for such a bond measure with a goal of maximizing affordable housing (up to 100%) at either or both BART sites; and
4. Release one or more NOFAs to support development of new affordable housing projects or rehabilitation of existing affordable projects, using Permanent Local Housing Allocation (PLHA) funds allocated for operating subsidies for homeless households and housing rehabilitation, HOME funds and the balance of City Housing Trust Funds, in combination with the balance of any remaining Measure O funds available from the second tranche; and using the Housing Trust Fund Guidelines and operating subsidy guidance established by staff, and reviewed by the Housing Advisory Commission.

Financial Implications: See report

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

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

Council Action Items

- 32. Adopt an Ordinance Adding Chapter 2.100 to the Berkeley Municipal Code Regulating Police Acquisition and Use of Controlled Equipment** *(Reviewed by the Public Safety Policy Committee)*
From: Councilmember Harrison (Author), Councilmember Bartlett (Author), Councilmember Taplin (Author)
Recommendation: Adopt an Ordinance Adding Chapter 2.100 to the Berkeley Municipal Code to Regulate Police Acquisition and Use of Controlled Equipment. *Policy Committee Recommendation: Send the item with a Qualified Positive Recommendation, removing definition #13 (LRAD) and further recommending that Council deliberate on definitions for #8, #9 (40 mm projectile only), and #12 due to concern about duplication with the Use of Force policy. Council may consider possible amendments to the Use of Force policy to ensure that all controlled equipment specified in #8, the 40 mm projectile in definition #9, and #12 are covered and reported by our City's Use of Force policy, including reporting on police beat areas in quarterly use of force reporting to Council. Consider possible replacement of "display" in Controlled Equipment Ordinance to "deploy" defined as "to utilize for a deliberate purpose in the presence of members of the public.*
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Information Reports

- 33. Zero Waste Commission Fiscal Year 2021-22 Work Plan**
From: Zero Waste Commission
Contact: Heidi Obermeit, Commission Secretary, (510) 981-6300

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 KPFJ 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 April 22, 2021.*

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

Mark Numainville, City Clerk

## **Communications – April 27, 2021**

*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.*

### **Item #27: Adopt Resolution Requesting CalPERS Divest from Industrial Animal Protein and Factory Farming Companies and Invest in California's Local Plant-Based Food Economy**

1. Alexandra Colacito
2. Gretchen Ellis

#### **BART Housing Development**

3. Stephen Shiboski
4. Laura Enriquez
5. Ednah Beth Friedman
6. Barbara Anscher
7. Lynda Caesara
8. Valerie McDermott
9. Margot Smith

## **Communications**

10. Carol Hirth
11. Linda Press Wulf
12. John Hagopian
13. Anne Boersma
14. Laura Magnani
15. Adam Davis
16. Burr Tyler
17. Dorothea Dorenz
18. Judith Brown
19. Phyllis Oyama
20. Madeline Hero
21. Laura Lipman

### **Hopkins Street Corridor Traffic Study**

22. Paul Johnson (2)
23. Farid Javandel, on behalf of the City of Berkeley (2)
24. Councilmember Hahn (2)
25. Merle Weiner
26. Art Goldberg

### **Golden Gate Fields Horses**

27. Ryan

### **Exclusionary Zoning**

28. Rhonda Gruska

### **Unsafe Activities on the 2100 Block of Curtis Street**

29. Theresa Hwang

### **Proposed Project at 600 Addison Street**

30. Parks and Waterfront Commission

### **Untrash It Volunteer Work**

31. Irene Rice

### **Art Kala Institute Thanks!**

32. Ellen Lake, on behalf of Kala Art Institute

### **Ohlone Park East Improvements**

33. LA Wood

### **Homeless Action**

34. jimmarrone@

## Communications

### Arts Funding from the American Rescue Plan Act

20 similarly-worded form letters

### 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.