



Office of the City Manager

CONSENT CALENDAR  
May 26, 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 April 14, 2020 (special closed and regular), April 21, 2020 (special closed and regular) and April 28, 2020 (regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. April 14, 2020 - Special Closed City Council Meeting
2. April 14, 2020 - Regular City Council Meeting
3. April 21, 2020 – Special Closed City Council Meeting
4. April 21, 2020 – Regular City Council Meeting
5. April 28, 2020 – Regular City Council Meeting

**MINUTES**  
**BERKELEY CITY COUNCIL SPECIAL MEETING**  
**TUESDAY, APRIL 14, 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

**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.*

*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://zoom.us/j/285003858>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial **1-669-900-9128** and enter Meeting ID: **285 003 858**. 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](mailto: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.*

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## **Preliminary Matters**

**Roll Call:** 4:04 p.m.

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

**Absent:** Kesarwani, Bartlett.

Councilmember Bartlett present at 4:15 p.m.

Councilmember Kesarwani present at 4:35 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 LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)**

a. *McClintock v. 2398 Parker Street, LLC, Andrew Partos, and City of Berkeley, Alameda County Superior Court Action No. RG18906807*

**Action:** M/S/C (Harrison/Robinson) to approve the proposed settlement in the lawsuit of Anne McClintock v. City of Berkeley, et al., Alameda County Superior Court No. RG 18 906807 for \$20,000.

**Vote:** All Ayes.

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

Property address:	830 University Avenue, Berkeley, CA
Agency Negotiators:	Dee Williams-Ridley, City Manager; Paul Buddenhagen, Deputy City Manager; Lisa Warhuus, Director of Health, Housing, & Community Services
Negotiating parties:	City of Berkeley, Bay Area Community Services, and Berkeley Free Clinic
Property owner:	City of Berkeley
Under negotiation:	Price and terms

**Action:** No reportable action taken.

**OPEN SESSION:**

The Council met in closed session and approved the proposed settlement in the lawsuit of Anne McClintock v. City of Berkeley, et al., Alameda County Superior Court No. RG 18 906807 for \$20,000.

**Adjournment**

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

**Vote:** All Ayes.

Adjourned at 4:58 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of April 14, 2020 as approved by the Berkeley City Council.

\_\_\_\_\_  
Mark Numainville  
City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, April 14, 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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*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.*

## Consent Calendar

**Roll Call:** 6:11 p.m.

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

**Absent:** Bartlett

Councilmember Bartlett present at 6:15 p.m.

### Report from Closed Session:

The Council met in closed session and approved the proposed settlement in the lawsuit of Anne McClintock v. City of Berkley, et al., Alameda County Superior Court No. RG 18 906807 for \$20,000.

### Ceremonial Matters:

1. Adjourn in memory of all the victims of the COVID-19 pandemic
2. Adjourn in memory of Gerald Johnson, former City of Berkeley employee
3. Adjourn in memory of Bill Withers, singer and songwriter
4. Adjourn in memory of Ellis Marsalis, Jazz Musician

### City Manager Comments:

1. The City Manager provided an update regarding the City's response to COVID-19 including efforts focused on the unhoused, encampments, and senior communities.

### City Auditor Comments:

1. The City Auditor highlighted item #47 on the agenda regarding City of Berkeley 911 Dispatchers Audit, noting the progress made by the Police Department and the award received for the audit report. The Auditor also discussed how the COVID-19 pandemic will impact the economy and the City's budget in the coming fiscal year.

**Public Comment on Non-Agenda Matters:** 10 speakers.

## Consent Calendar

**Action:** M/S/C (Arreguin/Wengraf) to suspend the rules and adopt temporary changes to the rules for the meeting of April 14, 2020 specific to limits on public comment, limits on comments from the Mayor and Councilmembers, and the ordering of the agenda.

**Vote:** All Ayes.

Recess 7:13 p.m. – 7:18 p.m.

## Consent Calendar

**Action:** M/S/C (Arreguin/Robinson) to accept revised material from the City Manager on Item 38.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Harrison) to add an urgent item to the agenda entitled Save Our Small (SOS) Business Loan Fund.

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

**Action:** M/S/C (Arreguin/Davila) to add an urgent item to the agenda entitled Oppose The Alameda County Sheriff's Proposal to Receive An Additional \$85 Million Annually to Dramatically Increase the Sheriff's Office Budgets Especially for Santa Rita Jail During a Pandemic Crisis.

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

Councilmember Droste absent 7:20 p.m. – 7:26 p.m.

**Action:** M/S/C (Davila/Harrison) to add an urgent item to the agenda entitled Condemning the derogatory usage of the terms “Chinese Virus” (CV) and Wuhan Virus” (WV) as synonyms for the coronavirus, urging members of our community to refrain from using such hateful language, and condemning President Trump’s use of these phrases and his racist xenophobic attacks on Asians.

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

**Action:** M/S/C (Davila/Harrison) to add an urgent item to the agenda entitled Establish a Moratorium on Enforcements of the BMC Chapter 14.48 Sidewalk Ordinance, 3x3 regulation, Encampment Evictions, Sweeps, RV Parking and the towing/ticketing/impounding of vehicles used for shelter during the COVID 19 Pandemic.

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

**Public Comment on Consent Calendar and Information Items Only:** 15 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

### **Save Our Small (SOS) Business Loan Fund**

**From: Councilmember Hahn (Author), Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Harrison (Co-Sponsor)**

**Recommendation:** Refer to the City Manager to rapidly explore and, if feasible, pursue the creation of a special structured financial recovery loan fund to provide a supplemental source of capital for Berkeley small businesses impacted by the COVID-19 emergency. Among other considerations, the City Manager is requested to consider whether the City of Berkeley should act as a sponsor of the fund, working with one or more financial institutions to pool capital from private investors and the City of Berkeley to lower the risk of the product and support low interest rates. The City Manager is also recommended to partner with the Haas Business School at UC Berkeley to design terms of the SOS business loan fund and build the viability assessment model on which loan decisions would depend.

**Financial Implications:** See report

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

**Action:** Approved recommendation amended to include that the City Manager incorporate equity measures and explore various methods to broaden outreach to all eligible businesses and disadvantaged businesses.

### **Condemning the derogatory usage of the terms “Chinese Virus” (CV) and Wuhan Virus” (WV) as synonyms for the coronavirus, urging members of our community to refrain from using such hateful language, and condemning President Trump’s use of these phrases and his racist xenophobic attacks on Asians**

**From: Councilmember Davila (Author)**

**Recommendation:** Adopt a resolution to: 1) Condemn the 45th President of the United States’s use of the terms “Chinese Virus (CV)” and “Wuhan Virus (WV)” as a synonym for COVID-19; 2) urge City of Berkeley employees and residents to refrain from using the terms “CV”, “WV”, or similar stigmatizing names to describe COVID-19; 3) prompt the City to support outreach and education efforts to prevent racist attacks and hate crimes against Asian residents and businesses.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,333–N.S.

## Recess Items

- 1. Contract: Sonya Dublin Consulting as the External Evaluator for Public Health Division, Tobacco Prevention Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract and any amendments with Sonya Dublin Consulting as the External Evaluator for Health, Housing and Community Services Public Health Division's Tobacco Prevention Program, in an amount not to exceed \$93,600, for a term ending June 30, 2021.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,334–N.S.
- 2. Contract: Lind Marine for Removal of Derelict and Abandoned Vessels at the Berkeley Marina**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager or her designee during recess to execute a contract and any amendments with Lind Marine for the removal and disposal of derelict and abandoned vessels at the Berkeley Marina in an amount not-to-exceed of \$104,400; and authorize a contingency in the amount of \$38,600.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,335–N.S.
- 3. Contract No. 31900160 Amendment: Affordable Painting Services, Inc. for Additional Painting of Various Park Buildings**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 31900160 with Affordable Painting Service, Inc. for additional painting of various Park buildings by increasing the construction contract amount by \$127,200 for a not-to-exceed amount of \$305,000.  
**Financial Implications:** Marina/Capital Improvement Budget - \$127,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,336–N.S.
- 4. Contract No. 31900202 Amendment: Bay Area Tree Specialists for As-Needed Tree Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 31900202 with Bay Area Tree Specialists for as-needed tree services, increasing the amount by \$300,000 for an amended total not-to-exceed amount of \$500,000 for a contract term of May 29, 2019 through May 28, 2022.  
**Financial Implications:** Parks Tax Fund and Fire Fuel Abatement Fund - \$300,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,337–N.S.



## Recess Items

- 5. Contract No. 32000019 Amendment: ERA Construction Inc. for Additional Concrete Repair Work in Parks and Along Pathways**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 32000019 with ERA Construction Inc. for additional concrete repair work on City parks and pathways by increasing the construction contract amount by \$204,152 for a not-to-exceed amount of \$375,000.  
**Financial Implications:** Various Funds - \$204,152  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,338–N.S.
- 6. Contract: Ghilotti Construction Company, Inc. for Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to: 1. Approve the plans and specifications for the Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project, Specification No. 19-11294-C; and 2. Waive an inconsequential defect and accepting the bid of the lowest responsive and responsible bidder, Ghilotti Construction Company, Inc.; and 3. Execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Ghilotti Construction Company, Inc., for the Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project at 1200-1201 Euclid Avenue, Berkeley, CA 94708, in an amount not to exceed \$3,491,917, which includes a contract amount of \$3,174,470 and a 10% contingency in the amount of \$317,447.  
**Financial Implications:** Various Funds - \$3,491,917  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,339–N.S.
- 7. Contract: Vol Ten Corporation DBA Delta Charter for Recreation Division Bus Transportation for Day Camp and Summer Programs**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract with Vol Ten Corporation DBA Delta Charter to provide bus transportation services for Recreation Division Day Camp and summer programs for a not-to-exceed total amount of \$600,000 over a five year period, beginning June 1, 2020 and ending June 1, 2025, contingent upon annual budget appropriations.  
**Financial Implications:** Various Funds - \$600,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,340–N.S.

## Recess Items

- 8. Increase of Authorized Funding: Contract No. 8051 for Police Department Substation, 841 Folger Street/3000 Seventh Street**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to increase the amount of funding authorized under Contract No. 8051 by \$250,000 from \$1,995,725.99 to \$2,245,725.99 for rental of the property at 841 Folger Street/3000 Seventh Street.  
**Financial Implications:** Various Funds - \$250,000  
Contact: Andrew Greenwood, Chief of Police, (510) 981-5700  
**Action:** Adopted Resolution No. 69,341–N.S.
- 9. Contract No. 31900071 Amendment: Bigbelly Solar Compacting Trash and Recycling Receptacles**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to execute an amendment to Contract No. 31900071 for nineteen (19) additional Bigbelly Solar, Inc. manufactured Solar Compacting Trash and Recycling Receptacles for Department of Public Works - Zero Waste Division; increasing the original contract amount by \$162,568.16 for an amended total not-to-exceed amount of \$233,868.16. The contract term remains August 1, 2018 to June 30, 2023.  
**Financial Implications:** Measure D Fund - \$162,568  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,342–N.S.

## Consent Calendar

- 10. Ronald V. Dellums Fair Chance Access to Housing Ordinance; Adding BMC Chapter 13.106**  
**From: Mayor Arreguin, and Councilmembers Davila, Harrison, and Bartlett**  
**Recommendation:** Adopt second reading of Ordinance No. 7,692-N.S., the Ronald V. Dellums Fair Chance Access to Housing Ordinance.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted second reading of Ordinance No. 7,692-N.S.

## Consent Calendar

- 11. Calling for a Consolidated General Municipal Election for November 3, 2020**  
**From: City Manager**  
**Recommendation:**  
1. Adopt a Resolution: a) Calling for a General Municipal Election to be consolidated with the Presidential General Election to be held in Berkeley on November 3, 2020; b) Requesting that the Alameda County Board of Supervisors consolidate the City of Berkeley General Municipal Election with the Presidential General Election; c) Authorizing certain procedural and contractual actions; and d) Establishing policies for the filing of candidate statements of qualification.  
2. Adopt a Resolution establishing policies and timelines for filing ballot measure arguments.  
**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 69,343–N.S. (Calling Election); and Resolution No. 69,344–N.S. (Policies).
- 12. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the council meetings of February 4, 2020 (special closed, special and special-worksession), February 11, 2020 (special closed and regular) and February 25, 2020 (regular).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Approved minutes as submitted.
- 13. Donation to the Animal Shelter from the Stephen and Mary Birch Foundation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a donation from the estate of Stephen and Mary Birch in the sum of \$5,000.  
**Financial Implications:** Animal Shelter Donation Fund - \$5,000 (Donation)  
Contact: Erin Steffen, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 69,345–N.S.
- 14. Amendment: FY 2020 Annual Appropriations Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending the FY 2020 Annual Appropriations Ordinance No. 7,682–N.S. for fiscal year 2020 based upon recommended re-appropriation of committed FY 2019 funding and other adjustments in the amount of \$28,565,263 (gross) and \$15,378,568 (net).  
**Financial Implications:** See report  
Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000  
**Action:** Adopted first reading of Ordinance No. 7,694–N.S. Second reading scheduled for April 28, 2020.

## Consent Calendar

- 15. Renewal of the North Shattuck Business Improvement District (NSBID)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution declaring intent to reestablish the NSBID for the ten-year period beginning July 1, 2020 (FY21) and ending June 30, 2030, setting a public hearing for June 16, 2020 on reestablishment of the District, and directing the City Clerk to conduct all necessary proceedings for reestablishment of the NSBID.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** M/S/C (Hahn/Wengraf) to adopt Resolution No. 69,346–N.S.  
**Vote:** Ayes – Kesarwani, Davila, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison (recused – lives within 500 feet of the NSBID).
- 16. 1601 Oxford Interest Rate Reduction**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Waiving the Housing Trust Fund Guidelines Section V.B.2 and allowing an interest rate of 1% for Satellite Affordable Housing Associates' (SAHA) 1601 Oxford's development loan; and 2. Authorizing the City Manager to execute all original or amended documents or agreements to effectuate this action.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,347–N.S.

## Consent Calendar

### 17. Shelter Plus Care Program Renewal Grants

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments resulting from the renewal of the following grants:

1. Four Shelter Plus Care grants from U.S. Department of Housing and Urban Development (HUD) for up to: a) \$3,305,842 for Tenant-Based Rental Assistance (TBRA) for the period June 1, 2020 through May 31, 2021; b) \$191,491 for sponsor-based rental assistance for the Supportive Housing Network for the period of June 1, 2020 through May 31, 2021, with Resources for Community Development as the project sponsor; c) \$186,380 for sponsor-based rental assistance for the Pathways Project for the period June 1, 2020 through May 31, 2021, with Bonita House, Inc. as the project sponsor; and d) \$2,176,630

in tenant-based rental assistance for the COACH Project grant for the period of January 1, 2021 through December 31, 2021.

2. One grant from the County of Alameda for \$708,195 to provide tenant-based rental assistance to individuals who have HIV/AIDS and other disabilities from March 1, 2020 through February 28, 2021.

In its renewal application to HUD, the City requested to consolidate three of the above grants: 1) Tenant-Based Rental Assistance; 2) Supportive Housing Network and 3) Pathways Project. If approved, the three grants would be consolidated into one with a combine grant amount of up to \$3,683,713.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,348–N.S.

### 18. Lease Agreement with 200 Marina Blvd, LLC for the Doubletree Hotel

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance 1. Authorizing the City Manager to execute the Ground Lease with 200 Marina Blvd, LLC, the owner/ground lessee of the Doubletree Hotel located at the Berkeley Marina for a 60-year term effective from May 14, 2020 through December 31, 2080; and 2. Approving a related Capital Contribution Agreement that 200 Marina Blvd, LLC contribute \$3 million to Marina street improvements.

**Financial Implications:** See report

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

**Action:** Adopted first reading of Ordinance No. 7,695–N.S. Second reading scheduled for April 28, 2020.

## Consent Calendar

- 19. Grant Application: the Surrendered and Abandoned Vessel Exchange (SAVE) grant program of the California Division of Boating & Waterways**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to 1) Apply for and accept a grant in the amount of \$42,000 from the California Division of Boating & Waterways (“DBW”) Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) Execute any amendments thereto; and 3) Authorize a local match contribution of \$4,200.  
**Financial Implications:** \$42,000 (Grant)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,349–N.S.
- 20. Donation: Friends of Marin Circle – the Balustrade Replacement Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a donation from the Friends of Marin Circle in the amount of \$7,500 for replacement of damaged balustrades at the Marin Circle Fountain Walk.  
**Financial Implications:** \$7,500 (Donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,350–N.S.
- 21. Waiver of Annual Marina Berth Fees for Non-Profits**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution:  
1. Affirming the determination by City staff and the Parks and Waterfront Commission that four non-profit organizations at the Berkeley Marina (Berkeley Racing Canoe Club (“dragon boats”), Cal Sailing Club, The Pegasus Project, and the Blue Water Foundation) are in full compliance with all aspects of Resolution No. 66,544-N.S.; and  
2. Approving the annual waiver of berth fees for the four groups for 2020.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,351–N.S.

## Consent Calendar

- 22. Contract: Robert E. Boyer Construction, Inc. for Berkeley Tuolumne Camp Construction Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Berkeley Tuolumne Camp Project, Specification No. 20-111361-C; and 2. Rejecting the bid protests of Walsh Construction, the second lowest bidder and F&H Construction, the third lowest bidder against Robert E. Boyer Construction; 3. Accepting the bid of Robert E. Boyer Construction, Inc. as the lowest responsive and responsible bidder for the amount of \$35,290,583; and 4. 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 with Robert E. Boyer Construction, Inc. for the Berkeley Tuolumne Camp Project in an amount not to exceed \$38,819,641 which includes the base bid and a 10% contingency.  
**Financial Implications:** \$38,819,641  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,352–N.S.
- 23. Funding for the East Bay Communities and East Bay Municipal Utility District Joint Exercise of Powers Agreement and Defendants’ Side Agreement for the Control of Wet Weather Overflows and Bypasses and Consent Decree Compliance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to make payments to the Administrative Agency and Financial Agent (East Bay Municipal Utility District) for administering duties in accordance with the terms and conditions of the Joint Exercise of Powers Agreement (JPA) and the Defendants’ Side Agreement (DSA) to control the wet weather overflows and bypasses for the 5-year period from FY 2020 through FY 2024 in an amount not to exceed \$1,000,000.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,353–N.S.
- 24. Summary Vacation of Sewer Easement at 2009 Addison Street**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution to summarily vacate a sewer easement at 2009 Addison Street.  
**Financial Implications:** None  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,354–N.S.

## Consent Calendar

- 25. Contract: CF Contracting, Inc. for Sacramento Complete Streets Improvements Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the Sacramento Complete Streets Improvements Project, (“Project”), Specification No. 20-11379-C; 2. Accepting the bid of CF Contracting, Inc., the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract with CF Contracting, Inc. and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$2,475,200, which includes a contingency of ten percent.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,355–N.S.
- 26. Contract Amendment Contract 10747: Clean Harbors, Inc. for Hazardous Waste Management Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment with Clean Harbors, Inc. for hazardous waste management, removal, and disposal services for the City of Berkeley, increasing the contract amount by \$300,000 for an amount not-to-exceed \$450,000 and extend the contract term through June 30, 2022  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,356–N.S.
- 27. Contract: Bay Cities Paving & Grading, Inc. for Street Rehabilitation FY 2020 Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for the Street Rehabilitation FY 2020 Project, Specification No. 20-11367-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 \$4,478,909.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,357–N.S.



## Consent Calendar

- 28. Contract No. 10552A Amendment: Revel Environmental Manufacturing, Inc. for on-call Storm Water Maintenance Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10552A with Revel Environmental Manufacturing, Inc. for on-call storm water maintenance services, increasing the current contract by \$100,000 for a total contract amount not to exceed \$600,000 and extend the term of the contract through June 30, 2021.  
**Financial Implications:** Zero Waste Fund 601 - \$100,000  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,358–N.S.
- 29. Contract: National Data & Surveying Services, for On-Call Transportation and Parking Survey Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with National Data & Surveying Services for on-call transportation and parking survey consulting services for the period May 15, 2020 to May 14, 2023 with an option of up to two one-year extensions in the amount not-to-exceed \$240,000.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,359–N.S.
- 30. Developing a Mechanism to Facilitate an Improved Homeless Point-In-Time Count**  
**From: Homeless Commission**  
**Recommendation:** The Homeless Commission recommends to Council that Council refer to staff to assign an intern or seek a volunteer affiliation, through an educational institution, to conduct outreach to, and engage with, community stakeholders including homeless advocates and persons who are experiencing or have experienced homelessness, to identify how homeless persons can be more thoroughly counted during the upcoming 2021 Berkeley Homeless Point-In-Time count.  
**Financial Implications:** See report  
Contact: Brittany Carnegie, Commission Secretary, (510) 981-5400  
**Action:** Approved recommendation.

## Consent Calendar

- 31. Appointment of Ann Hawkins to the Mental Health Commission**  
**From: Mental Health Commission**  
**Recommendation:** Adopt a Resolution approving the appointment of Ann Hawkins to the Mental Health Commission, as a representative of the special public interest (peer) category, for a three year term beginning April 15, 2020 and ending April 14, 2023.  
**Financial Implications:** None  
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400  
**Action:** Adopted Resolution No. 69,360–N.S.

## Council Consent Items

- 32. Budget Referral: \$279,000 to Fund Berkeley Youthworks Participants Commensurate with the Berkeley Minimum Wage**  
**From: Councilmember Davila (Author)**  
**Recommendation:** Budget Referral: Refer to the FY 2020-21 budget process the allocation of \$184,000 for the purpose of funding Youthworks participants at the local minimum wage, which is scheduled to increase in July 2020 to \$15.75 per hour plus the Consumer Price Index.  
**Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
- 33. Berkeley Humane's 7th Annual Pints for Paws Fundraiser on June 6, 2020: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Davila (Author)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$150 from Councilmember Cheryl Davila, to Berkeley Humane Society's 7th Annual Pints for Paws Fundraiser on June 6, 2020, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila, the Mayor and any other Councilmembers who would like to contribute.  
**Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120  
**Action:** Item removed from the agenda by Councilmember Davila.

## Council Consent Items

- 34. Resolution in Support of Senate Bill 54 and Assembly Bill 1080: The California Circular Economy and Plastic Pollution Reduction Act**  
**From: Councilmember Harrison (Author); Councilmember Hahn (Co-Sponsor); Councilmember Davila (Co-Sponsor); Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution affirming Berkeley's support for Senate Bill 54 and Assembly Bill 1080, The California Circular Economy and Plastic Pollution Reduction Act. Send a letter in support to Assemblymember Gonzalez and Senator Allen.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Adopted Resolution No. 69,361–N.S.
- 35. Support for SB-1160 (Stern) Public Utilities: Electrical and Communication Infrastructure: Undergrounding**  
**From: Councilmember Wengraf (Author); Councilmember Hahn (Co-Sponsor); Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Write a letter to Senator Stern in support of SB-1160 and send copies to Senator Nancy Skinner, Assembly Member Buffy Wicks and Governor Gavin Newsom.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Approved recommendation.

Recess 8:43 p.m. – 8:57 p.m.

## Action Calendar – Public Hearings

- 36. General Plan Redesignation and Rezone of The Rose Garden Inn at 2740 Telegraph Avenue (APN 054-1716-002-00), 2744 Telegraph Avenue (APN 054-1716-003-00), and 2348 Ward Street (APN 054-1716-031-00)**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion:  
1. Adopt a Resolution amending the General Plan land use designations of portions of parcels that comprise The Rose Garden Inn from Low Medium Density Residential to Avenue Commercial;  
2. Adopt first reading of an Ordinance amending the Zoning Map for portion of parcels that comprise the Rose Garden Inn from Restricted Two-Family Residential District (R-2) to General Commercial District (C-1); and  
3. Certify that the reclassification of General Plan land use designations and rezoning are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Classes 1, 3, 5, and 31  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
- Action:** The Mayor opened the public hearing. M/S/C (Arreguin/Robinson) to continue the public hearing to the April 28, 2020 Council meeting.  
**Vote:** All Ayes.
- 37. Zoning Ordinance Amendments for Family Daycare Homes to comply with Senate Bill 234**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and, upon conclusion:  
1. Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Title 23 (Zoning Ordinance) to comply with Family Daycare Home regulations recently enacted by Senate Bill 234 (SB 234); and  
2. Adopt a Resolution amending Resolution 67,985-N.S., the Planning Department Fee Schedule, to reflect the requirement that no permit fees may be charged for Family Daycare Homes pursuant to SB 234.  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
- Public Testimony:** The Mayor opened the public hearing. 2 speakers. M/S/C (Hahn/Davila) to close the public hearing.  
**Vote:** All Ayes.
- Action:** M/S/C (Hahn/Davila) to:  
1. Adopt first reading of Ordinance No. 7,696–N.S. amending Berkeley Municipal Code (BMC) Title 23 (Zoning Ordinance) to comply with Family Daycare Home regulations recently enacted by Senate Bill 234 (SB 234). Second reading scheduled for April 28, 2020.  
2. Adopt Resolution No. 69,362–N.S. amending Resolution 67,985-N.S., the Planning Department Fee Schedule, to reflect the requirement that no permit fees may be charged for Family Daycare Homes pursuant to SB 234.  
**Vote:** All Ayes.

## Action Calendar (Originally published for March 24, 2020)

### 38. Placing Charter Amendment Measure on the November 3, 2020 Ballot to Establish a Police Board and Director of Police Accountability

**From:** City Manager

**Recommendation:**

1. Adopt a Resolution submitting an amendment to the City Charter to add Article XVIII to establish a Police Board and Director of Police Accountability to a vote of the electors at the November 3, 2020 General Municipal Election.

2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** General Fund - \$300,000-\$500,000

Contact: Dave White, City Manager's Office, (510) 981-7000; Farimah Brown, City Attorney, (510) 981-6950; LaTanya Bellow, Human Resources, (510) 981-6800; Andrew Greenwood, Police, (510) 981-5900

**Action:** 14 speakers. M/S/C (Harrison/Robinson) to:

1. Adopt Resolution No. 69,363–N.S. submitting an amendment to the City Charter to add Article XVIII to establish a Police Accountability Board and Director of Police Accountability to a vote of the electors at the November 3, 2020 General Municipal Election as revised in the material submitted by the City Manager at the meeting, and further revised to change the name from “Police Board” to “Police Accountability Board,” change vote threshold in the text of the measure to “two-thirds,” and to revise the ballot question to read as follows:

*Shall the measure amending the Berkeley City Charter to create an independent Berkeley Police Accountability Board and Director of Police Accountability to provide oversight of the Berkeley Police Department (Department) policies, practices, and procedures; obtain access to records; investigate complaints filed by members of the public against sworn employees of the Department; and recommend discipline of sworn employees of the Department, based upon a preponderance of the evidence, be adopted?*

2. Designate Mayor Arreguin, Councilmember Harrison, Councilmember Wengraf, and Councilmember Bartlett to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Vote:** All Ayes.

**Action:** M/S/Failed (Harrison/Davila) to suspend the rules and extend the meeting to 11:20 p.m.

**Vote:** Ayes – Davila, Bartlett, Harrison, Robinson; Noes – Kesarwani, Wengraf, Droste, Arreguin; Abstain – Hahn.

- 39. Inclusionary Units in Qualified Opportunity Zones** *(Reviewed by the Land Use, Housing and Economic Development Committee)*  
**From: Councilmember Harrison (Author); Councilmember Bartlett (Author); Councilmember Davila (Author); and Councilmember Hahn (Author)**  
**Recommendation:** Adopt an ordinance amending Berkeley Municipal Code Chapter 22.20.065 requiring onsite inclusionary units in new rental developments in Qualified Opportunity Zones (QOZs).  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Item removed from the agenda by Councilmember Harrison.
- 40. Amending Tenant Screening Fees Ordinance for Existing Tenancies**  
**From: Mayor Arreguin (Author)** *(Reviewed by the Land Use, Housing & Economic Development Committee)*  
**Recommendation:** Adopt first reading of an Ordinance to amend Berkeley Municipal Code 13.78 (Tenant Screening Fees) to add subsections to prohibit additional fees for existing tenancies and lease terminations.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,697–N.S. as revised in the Supplemental Communications Packet 2. Second reading scheduled for April 28, 2020.

## Action Calendar

### **Oppose The Alameda County Sheriff's Proposal to Receive An Additional \$85 Million Annually to Dramatically Increase the Sheriff's Office Budgets Especially for Santa Rita Jail During a Pandemic Crisis**

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

**Recommendation:**

1. Adopt a resolution opposing the Alameda County Sheriff's proposal to receive an additional \$85 million annually to dramatically increase the Sheriff's Office budgets, especially for Santa Rita Jail; and
2. Send copies of this resolution to the Alameda County Board of Supervisors prior to their next Board meeting where the proposal will be voted on April 21, 2020.

**Financial Implications:** See report

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

**Action:** M/S/C (Arreguin/Droste) to continue the items entitled " Oppose The Alameda County Sheriff's Proposal to Receive An Additional \$85 Million Annually to Dramatically Increase the Sheriff's Office Budgets Especially for Santa Rita Jail During a Pandemic Crisis" and "Establish a Moratorium on Enforcements of the BMC Chapter 14.48 Sidewalk Ordinance, 3x3 regulation, Encampment Evictions, Sweeps, RV Parking and the towing/ticketing/impounding of vehicles used for shelter during the COVID 19 Pandemic" to the April 21, 2020 meeting.

**Vote:** All Ayes.

## Council Action Items

**Establish a Moratorium on Enforcements of the BMC Chapter 14.48 Sidewalk Ordinance, 3x3 regulation, Encampment Evictions, Sweeps, RV Parking and the towing/ticketing/impounding of vehicles used for shelter during the COVID 19 Pandemic**

**From: Councilmember Davila (Author)**

**Recommendation:**

1. Adopt a resolution establishing a moratorium on enforcements of the BMC Chapter 14.48 Sidewalk Ordinance, 3x3 regulation, Encampment Evictions, Sweeps, RV Parking and the towing/ticketing/impounding of vehicles used for shelter during the COVID 19 Pandemic.

2. Direct the City Manager and/or designee to implement the moratorium.

**Financial Implications:** See report

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

**Action:** See action for previous item.

## Information Reports

- 41. Public Health Officer's Order Directing the Placement of COVID-19 Isolation and Quarantine Facilities for Persons Experiencing Homelessness on Public Property**

**From: City Manager**

Contact: Dee Williams-Ridley, City Manager, City Manager's Office (510) 981-7000

**Action:** Received and filed.

- 42. Strategic Plan Performance Measures Pilot**

**From: City Manager**

Contact: Dave White, City Manager's Office, (510) 981-7000

**Action:** Received and filed.

- 43. Summary of Aging Services**

**From: City Manager**

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

**Action:** Received and filed.

- 44. Pathways STAIR Center: Fiscal Year 2020 – Six Month Evaluation and Results-Based Accountability Dashboard**

**From: City Manager**

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

**Action:** Referred to the Agenda & Rules Committee for future scheduling.

## Information Reports

- 45. Parks, Recreation & Waterfront Department Capital Improvement Projects (CIP) Update**  
**From: City Manager**  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Received and filed.
- 46. Measure T1 Update**  
**From: City Manager**  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Received and filed.
- 47. Audit Recommendation Status - 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale**  
**From: City Manager**  
Contact: Andrew Greenwood, Police, (510) 981-5900  
**Action:** Received and filed.
- 48. Public Works Capital Improvement Projects: Planned Projects for Fiscal Year 2021**  
**From: City Manager**  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Received and filed.
- 49. Children, Youth and Recreation Commission FY2020 Work Plan**  
**From: Children, Youth, and Recreation Commission**  
Contact: Stephanie Chu, Commission Secretary, (510) 981-6700  
**Action:** Received and filed.
- 50. Civic Arts Grants Program**  
**From: Civic Arts Commission**  
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530  
**Action:** Received and filed.
- 51. Council Referral – Commemorative Tree Program**  
**From: Parks and Waterfront Commission**  
Contact: Roger Miller, Commission Secretary, (510) 981-6700  
**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 2 speakers.**

## Adjournment

Adjourned at 11:00 p.m.



I hereby certify that the foregoing is a true and correct record of the regular meeting of the City Council held on April 14, 2020.

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Mark Numainville  
City Clerk

## **Communications**

### **City Eviction Moratorium & Suspension of Rent Payments**

1. 21 identical and/or similar letters
2. Diana Bohn

### **People's Park Restrooms**

3. Sheila Mitra-Sarkar
4. Russbumper
5. Max Ventura (2)

### **Biking/Safe Social Distance & Essential Businesses**

6. Ben Gerhardstein, on behalf of Walk Bike Berkeley (2)
7. Liza Lutzker (3)
8. Dee Williams-Ridley, City Manager
9. Farid Javandel

### **Homelessness/Encampments & COVID-19**

10. Jessica McGinley, on behalf of the Suitcase Clinic
11. Councilmember Davila
12. Connie Tyler
13. Liz Wiener
14. Osha Neumann, on behalf of the East Bay Community Law Center
15. Russbumper (2)

### **Playground Closures**

16. Tracy Hollander

### **Street Closures & COVID-19**

17. Aaron Stein-Chester
18. Michael Katz

### **Here/There Encampment**

19. Toan Nguyen
20. Jacquelyn McCormick

**Harriet Tubman Terrace**

- 21. Mary Behm-Steinberg
- 22. Darinxoso Oyamasela (2)

**Criminal Inducement/City of Berkeley**

- 23. Artur Stopes III
- Housing Instead of Parking at Berkeley High School**
- 24. Dorothy Walker

**TV & Cable Channels For Schools**

- 25. Adolfo Cabral

**Right to Rescue**

- 26. Lynn Yarbrough

**Upgrading Electricity Accounts City Citywide**

- 27. Tom Kelly

**Undergrounding Emergency Evacuation**

- 28. Victoria Legg

**Shattuck East Street Naming**

- 29. Rani Bagai

**COVID-19 Miscellaneous**

- 30. Sabina McMurtry
- 31. Friends of Adeline
- 32. William Rosen
- 33. Thomas Lord
- 34. Russbumper (2)
- 35. James McFadden
- 36. Bryce Nesbitt
- 37. Margot (2)
- 38. Michael Cooper
- 39. Ben Glickstein
- 40. Stanton Glantz
- 41. Melissa Hartman
- 42. William Rosen
- 43. LA Wood
- 44. David Lerman (2)
- 45. Ramsay Breslin
- 46. Lena Nitsan
- 47. Chimey Lee
- 48. Teresa Clarke
- 49. Twenty-two signees

**Adult School Lot**

- 50. AJ Gilbert (2)
- 51. Councilmember Kesarwani

**Parking Tickets During COVID-19**

- 52. Kent Rasmussen

**Luna Dance Institute**

- 53. Cherie Hill

**Solano Stroll**

- 54. Elizabeth Bronson

**Tree Work Exemption Shelter-in-Place**

- 55. Joe Lamb, on behalf of Brende and Lamb

**Police Oversight Committee**

- 56. Natasha Robinson

**5G**

- 57. Vivian Warkentin (2)

**Cannabis Dispensaries Open During Shelter-in-Place**

- 58. Don Duncan, on behalf of Patients Care Collective (2)
- 59. Kathryn Reiter
- 60. Geoffrey Lomax
- 61. Amber Morris
- 62. Thomas Lord

**Berkeley Relief Fund**

- 63. Sharon Dolan, on behalf of Freight & Salvage

**Senior Retirement Income**

- 64. Barbara Transue

**Berkeley Considers**

**Item 26 (from March 24 Cancelled Meeting): Adopt a Resolution to Upgrade Residential and Commercial Customers to a 100% Greenhouse Gas Emissions-Free Electricity Plan and to Upgrade Municipal Accounts to a 100% Renewable Plan**

- 65. 1 Communication submitted via Berkeley Considers, includes summary information

**Supplemental Communications and Reports 1**

**Item #38: Placing Charter Amendment Measure on the November 3, 2020 Ballot to Establish a Police Board and Director of Police Accountability**

66. George Perezvelez

67. Elliot Halpern, et al

**Supplemental Communications and Reports 2**

**Item #38: Placing Charter Amendment Measure on the November 3, 2020 Ballot to Establish a Police Board and Director of Police Accountability**

68. Katherine Lee, on behalf of the Police Review Commission

69. George Lippman

70. Genevieve Wilson

71. Diana Bohn

72. Norma Harrison

73. Ben Burch

74. Charles Clarke

75. Tracy Rosenberg

**Item #39: Inclusionary Units in Qualified Opportunity Zones**

76. 19 identical form letters – “Vote No on Item 39– Not the Right Policy”

77. 7 identical form letters – “No on Item 39”

78. Susan Friedland, on behalf of Satellite Affordable Housing Associates

79. Diego Aguilar-Canabal

80. Jane Stillwater

81. Alfred Twu (2)

82. Betsy Thagard

83. Andrew Farkas

84. Paul Bickmore

85. Kerrie Hein

86. Juli Dickey

87. Kelly Hammargren

88. Jean Tepperman

89. Lee Bishop

90. Jonathan Singh

91. Bruce Bagnell

92. Barry Fiked and Annie Alcott

93. Gary Miguel

94. Ivar Diehl

95. Margots999

96. Phyllis Orrick

97. Phoebe Anne Sorgen

98. Theo Posselt

99. Margy Wilkinson

100. David Kellogg

101. Terese Fitzpatrick

102. Sally Nelson

103. Nabeel Hyatt

104. John Minot
105. Sarah Boudreau
106. Michael Katz
107. Liz Ozol
108. Jean Tepperman
109. Forest Kaser
110. Beth Andres-Beck
111. Sonya Dublin
112. Jane Kitchel
113. Pam Speich
114. Sabina McMurtry
115. Donna Mickleson
116. Valerie Nibler (2)
117. Virginia Rich
118. Erika
119. Berkeley Neighborhood Council
120. Laurie Capitelli
121. Steven Finacom
122. Amy Gorman
123. Summer Brenner
124. Kevin Burke
125. Linda Franklin
126. Oren Cheyette
127. Nico Calavita

**Item #40: Amending Tenant Screening Fees Ordinance for Existing Tenancies**

128. Supplemental materials, submitted by Mayor Arreguin

**Supplemental Communications and Reports 3**

**Item #36: General Plan Redesignation and Rezone of The Rose Garden Inn at 2750 Telegraph Avenue (APN 054-1716-002-00), 2744 Telegraph Avenue (APN 054-1716-003-00), and 2348 Ward Street (APN 054-1716-031-00)**

129. Steve Finacom

**Item #37: Zoning Ordinance Amendments for Family Daycare Homes to Comply with Senate Bill 234**

130. Presentation, submitted by Planning and Development

**Item #38: Placing Charter Amendment Measure on the November 3, 2020 Ballot to Establish a Police Board and Director of Police Accountability**

131. Igor Tregub
132. Tome Luce
133. Moni Law
134. Chimey Lee
135. Phoebe Sorgen
136. Mary Eliesar

**Item #39: Inclusionary Units in Qualified Opportunity Zones**

137. Elliot Parrish
138. Chimey Lee
139. Rudabeh Pakravan
140. Watson Ladd
141. Paul Menzies, on behalf of Laconia Development
142. Sarah Madden
143. Friends of Adeline
144. Tor Berg
145. Anne Torney
146. Megan Wachspress
147. Julia Cato
148. Ben Gerhardstein
149. Siobhan Lettow
150. Chris Schildt
151. Diego Aguilar-Canabal
152. Philip Soffer
153. Julia Zuckerman
154. Gary Facente
155. Teresa Clarke
156. Jordan Burns
157. Matt Regan, on behalf of Bayarea Council
158. Victoria Legg
159. Catherine Lazio
160. Kristina Lawson, on behalf of HansonBridgett
161. Ryan Patterson, on behalf of Zacks, Freedman & Patterson
162. David Kellogg
163. Varsha Sarveshwar, on behalf of ASUC
164. Peter Waller
165. Judy Hunt
166. Issac Gendler

**Save Our Small (SOS) Business Loan Fund**

167. John Caner, on behalf of the Downtown Berkeley Association
168. Kirsten MacDonald, on behalf of the Berkeley Chamber of Commerce

**MINUTES  
BERKELEY CITY COUNCIL SPECIAL MEETING**

**TUESDAY, APRIL 21, 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

**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.*

*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://zoom.us/j/96450029566> . 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.*

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## Preliminary Matters

**Roll Call:** 3:03 p.m.

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

**Absent:** Kesarwani, Bartlett

Councilmember Bartlett present at 3:07 p.m.

Councilmember Kesarwani present at 3:15 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 address:	235 University Avenue, Berkeley, CA
Agency Negotiators:	Dee Williams-Ridley, City Manager; Paul Buddenhagen, Deputy City Manager; Scott Ferris, Director of Parks Recreation and Waterfront
Negotiating parties:	City of Berkeley and YOONACO dba Hana Japan
Property owner:	City of Berkeley
Under negotiation:	Price and terms

**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. *Harris v. City of Berkeley, et al., Alameda County Superior Court Action No. RG HG19025563.*

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 4:51 p.m.



I hereby certify that the foregoing is a true and correct record of the special closed session meeting held on April 21, 2020.

---

Mark Numainville  
City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, April 21, 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.*

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## Preliminary Matters

**Roll Call:** 6:12 p.m.

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

**Absent:** None

### Ceremonial Matters:

1. Adjourn in memory of Joe Engbeck, Local Activist
2. Adjourn in memory of all the victims of the COVID-19 pandemic.

**Action:** M/S/C (Arreguin/Hahn) to suspend certain rules related to comments from Councilmembers and the public and to adopt new rules for the meeting of April 21, 2020.

**Vote:** All Ayes.

### City Manager Comments:

The City Manager provided an update on Emergency Operations Center items. The Health Officers order requiring masks/face coverings in public spaces is effective at 8:00 a.m. on April 23, 2020. This week, City efforts have been focused on supporting local businesses during the pandemic.

**Public Comment on Non-Agenda Matters:** 7 speakers.

## Consent Calendar

**Action:** M/S/C (Arreguin/Hahn) to add an urgent item to the agenda entitled Resolution Urging Action on Business Interruption Insurance pursuant to Government Code 54954.2(b)(2). Councilmembers Harrison and Hahn added as co-sponsors.

**Vote:** All Ayes.

Recess 6:53 p.m. – 7:00 p.m.

**Action:** M/S/C (Hahn/Wengraf) to accept revised materials on Item 8 from Councilmember Harrison.

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

Councilmember Davila absent 7:06 p.m. – 7:07 p.m.

**Public Comment on Consent Calendar and Information Items Only:** 0 speakers.

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

**Vote:** All Ayes.

**Resolution Urging Action on Business Interruption Insurance**

**From: Mayor Arreguin (Author)**

**Recommendation:**

1. Adopt a Resolution Urging the California Insurance Commissioner to appropriately recognize the material physical impacts of COVID-19 on Businesses and to
2. Send a copy of the Resolution to Insurance Commissioner Ricardo Lara, Assemblymembers Wicks and Bonta, Senator Skinner and Governor Newsom.

**Financial Implications:** See report

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

**Action:** 1. Adopted Resolution No. 69,364–N.S. and 2. Approved recommendation.

**1. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**

**From: City Manager**

**Recommendation:** Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020 and initially ratified by the City Council on March 10, 2020.

**Financial Implications:** See report

Contact: Farimah Brown, City Attorney, (510) 981-6950

**Action:** Adopted Resolution No. 69,365–N.S.

**2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 21, 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:** Mental Health Services Fund - \$192,276

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

**Action:** Approved recommendation.

## Consent Calendar

- 3. Contracts: On-Call Landscape Architectural Services for Capital Improvement Projects**  
**From: City Manager**  
**Recommendation:** Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call landscape architectural services for capital improvement projects, for contract periods of May 1, 2020 through April 30, 2023:

  1. BASE Landscape Architecture, for an amount not to exceed \$300,000.
  2. PGA Design, Inc., for an amount not to exceed \$300,000.
  3. RRM Design Group, for an amount not to exceed \$300,000.

**Financial Implications:** See report.  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,366–N.S. (BASE); Resolution No. 69,367–N.S. (PGA); Resolution No. 69,368–N.S. (RRM).
  
- 4. Fiscal Year 2021 Street Lighting Assessments – Initiating Proceedings**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions describing proposed improvements to be used to in determine the annual assessments levied for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District No. 2018, and ordering the preparation of Engineer’s Reports.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,369–N.S. (District No. 1982-1); Resolution No. 69,370–N.S. (District No. 2018).

## Council Consent Items

- 5. Send a letter to CA Assemblymember Buffy Wicks in support of AB 1851 “Faith-based organization affiliated housing development projects: parking requirements”**  
**From: Councilmember Bartlett (Author), Mayor Arreguin (Author), Councilmember Davila (Co-Sponsor)**  
**Recommendation:** Send a letter to Assemblymember Buffy Wicks expressing the City of Berkeley’s support for AB 1851, which would allow for the elimination of residential parking requirements on faith-based properties for density bonus qualifying housing development projects.  
**Financial Implications:** None  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Approved recommendation.

## Action Calendar – Public Hearings

6. **Electric Bike Share Program Franchise Amendment** *(Continued from March 10, 2020)*

**From: City Manager**

**Recommendation:** Pursuant to Berkeley Municipal Code Chapter 9.60, conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance granting a Franchise Agreement Amendment to Bay Area Motivate, LLC, a subsidiary of Lyft Incorporated, to provide shared electric bicycles to the Berkeley public.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, (510) 981-6300

**Action:** M/S/C (Arreguin/Robinson) to hold over the item to May 26, 2020.

**Vote:** All Ayes.

## Action Calendar – Continued Business

- A. Oppose The Alameda County Sheriff's Proposal to Receive An Additional \$85 Million Annually to Dramatically Increase the Sheriff's Office Budgets Especially for Santa Rita Jail During a Pandemic Crisis** (*Continued from April 14, 2020*)

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

**Recommendation:**

1. Adopt a resolution opposing the Alameda County Sheriff's proposal to receive an additional \$85 million annually to dramatically increase the Sheriff's Office budgets, especially for Santa Rita Jail; and
2. Send copies of this resolution to the Alameda County Board of Supervisors prior to their next Board meeting where the proposal will be voted on April 21, 2020.

**Financial Implications:** See report

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

**Action:** 10 speakers. M/S/C (Davila/Harrison) to:

1. Adopt Resolution No. 69,371–N.S. as revised here:

*New Title:*

*A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BERKELEY REQUESTING THAT THE ALAMEDA COUNTY BOARD OF SUPERVISORS DELAY VOTING ON THE ALAMEDA COUNTY SHERIFF PROPOSAL TO RECEIVE AN ADDITIONAL \$85 MILLION ANNUALLY TO DRAMATICALLY INCREASE THE SHERIFF'S OFFICE BUDGET FOR SANTA RITA JAIL DURING A PANDEMIC CRISIS*

*New resolved clauses:*

*NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Berkeley that it hereby requests that the Alameda County Board of Supervisors delay voting on Sheriff Ahern's budget increase request until the Board is able to appropriately examine the details of the request, alternative methods of delivering mental health services in the jail and in the community, and other community priorities particularly in light of COVID-19; and*

*BE IT FURTHER RESOLVED, We also urge full transparency and reiterate our support for an independent audit of the Sheriff's office and reinvestment into our communities; and*

*BE IT FURTHER RESOLVED, After reviewing the proposal by the County Sheriff, the Berkeley City Council finds that this funding request is inappropriate and lacks documentation to substantiate the requested funding and staffing increase for the Sheriff's Office and the jail; and*

*BE IT FURTHER AND FINALLY RESOLVED, that the Berkeley City Council will send this resolution to the Board of Supervisors prior to their next Board meeting on April 28, 2020.*

2. Approve recommendation.

**Vote:** All Ayes.

Recess 8:58 p.m. – 9:10 p.m.

## Action Calendar – Continued Business

- B. Establish a Moratorium on Enforcements of the BMC Chapter 14.48 Sidewalk Ordinance, 3x3 regulation, Encampment Evictions, Sweeps, RV Parking and the towing/ticketing/impounding of vehicles used for shelter during the COVID 19 Pandemic** *(Continued from April 14, 2020)*

**From: Councilmember Davila (Author)**

**Recommendation:**

1. Adopt a resolution establishing a moratorium on enforcements of the BMC Chapter 14.48 Sidewalk Ordinance, 3x3 regulation, Encampment Evictions, Sweeps, RV Parking and the towing/ticketing/impounding of vehicles used for shelter during the COVID 19 Pandemic.
2. Direct the City Manager and/or designee to implement the moratorium.

**Financial Implications:** See report

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

**Action:** 27 speakers. M/S/C (Hahn/Arreguin) to support the City Manager's decision to make enforcement a low priority; to continue enabling staff's ability to take action if needed to protect life and safety; and to support staff's actions to assist the homeless population during the COVID-19 pandemic.

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

Councilmember Davila absent 10:50 p.m. – 10:57 p.m.

## Council Action Items

- 7. Adopt a Resolution to Upgrade Residential and Commercial Customers to 100% Greenhouse Gas Emissions-Free Electricity Plan and Municipal Accounts to 100% Renewable Plan** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
- From: Councilmember Harrison (Author), Mayor Arreguin (Author), Councilmember Robinson (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**
- Recommendation:** Adopt a Resolution to: a. Opt up Berkeley's municipal 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. b. Upgrade current and new Berkeley residential and commercial customer accounts from Bright Choice (>85% GHG-free) to Brilliant 100 (100% GHG-free), except for residential customers in low income assistance programs. The transition would be effective October 1, 2020 for residential customers and January 1, 2021 for commercial customers. c. Provide for yearly Council review of the City's default municipal, residential, and commercial plans.
- Financial Implications:** See report
- Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- Action:** Referred to the Agenda & Rules Committee for future scheduling.



## Council Action Items

### 8. Urgency Ordinance: Commercial Rent Increase Restrictions During the COVID-19 Emergency

**From: Councilmember Harrison (Author), Councilmember Davila (Co-Sponsor)**

**Recommendation:**

1. Adopt an urgency ordinance amending Berkeley Municipal Code 13.110, Title 13, The COVID-19 Emergency Response Ordinance, limiting commercial rent increases to 10% through and including six months after the local state of emergency has been declared over.

2. Send correspondence to the following:

- i. The District Attorney of Alameda County Nancy O'Malley asking that the District Attorney 1) investigate and take action pursuant to Business and Professions Code 17200, et seq. against any commercial real property owner or agent of such who seeks a rent increase of more than that permitted by this ordinance, or seeks a rent increase that has the effect of constructively evicting any commercial tenant; and 2) authorize the Berkeley City Attorney to use Business and Professions Code 17200, et seq. to take actions against any violator of this ordinance or who seeks a rent increase that has the effect of constructively evicting any commercial tenant.
- ii. Governor Gavin Newsom, asking for the Governor to take appropriate action against commercial landlords who seek rent increases that have the effect of constructively evicting commercial tenants during the course of this emergency and for a reasonable time after the end of the emergency.

**Financial Implications:** None

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

**Action:** 4 speakers. Mayor Arreguin added as a co-sponsor. M/S/C (Harrison/Davila) to:

1. Adopt Ordinance No. 7,698-N.S. as revised in the supplemental materials provided at the meeting to clarify language in findings; clarify that rent increase restrictions are effective upon lease expiration; and clarify that impacted businesses or nonprofits include those unable to accept customers at their location and only open for limited virtual services.

2. Send correspondence as listed in the recommendation.

**Vote:** All Ayes.

**Public Comment – Items Not Listed on the Agenda - 4 speakers.**

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 10:58 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of the City Council held on April 21, 2020.

---

Mark Numainville  
City Clerk

## Communications

### Evictions & Rent Payments During the COVID-19 Pandemic & Shelter in Place

1. Bill Bogert
2. Ian Winters, on behalf of the Northern California Land Trust
3. Linda Blair

### Construction During the Pandemic

4. Tina Hand, on behalf of the Bay East Association of Realtors
5. Rachel Rosekind
6. Gene Turitz

### FEMA Trailers

7. Thomas Lord
8. Margy Wilkinson

### COVID-19 General Communications

9. Janice Murota
10. Beth Gerstein, on behalf of Councilmember Kesarwani
11. Jason Meggs (3)
12. Russbumper
13. David Lerman
14. William Rosen
15. Cynthia Larson
16. Victoria Gu, on behalf of Compassionate Bay
17. Walter Wood
18. Kirsten MacDonald, John Caner and Barbara Hillman, on behalf of the Berkeley Chamber, the Downtown Berkeley Association and Visit Berkeley
19. Regina DiMaggio
20. Jacob Steinhardt
21. Bryce Nesbitt

### Encampments

22. Sally Sommer
23. Liz Wiener

- 24. Margy Wilkinson
- 25. Marcia Poole
- 26. Diana Bohn
- 27. Councilmember Harrison
- 28. Tajmal Payne
- 29. Thomas Lord

**Street Cleaning**

- 30. James D'Albora

**Cannabis Dispensaries**

- 31. James Wood

**People's Park Bathroom**

- 32. Sheila Mitra Sarkar (5)
- 33. Councilmember Davila
- 34. Andrea Prichett
- 35. Christopher Kohler
- 36. Arthur Fonseca

**Supplemental Communications and Reports 1**

**Item #A: Oppose The Alameda County Sheriff's Proposal to Receive An Additional \$85 Million Annually to Dramatically Increase the Sheriff's Office Budgets Especially for Santa Rita Jail During a Pandemic Crisis**

- 37. Merle Lustig
- 38. Glen Hauer
- 39. Paul Kivel
- 40. Sally Nelson
- 41. Rivka Polatnick (2)
- 42. Judy Grether
- 43. Katrina Wehrheim
- 44. Tom Luce
- 45. MJ Baumann
- 46. Dave Peattie & Tanya Grove
- 47. Carol Sanders
- 48. Lisa Grosch
- 49. Laura Magnani
- 50. Donald Goldmacher
- 51. Maxina Ventura
- 52. Friends of Adeline
- 53. Iris Starr
- 54. Giuliana Blasi
- 55. Laura Redmond
- 56. Geraldine Slevin
- 57. Talia Lowery
- 58. Nicole McIntyre
- 59. Barbette & Bruce Jackson

60. Jenna Hackman
61. Sarah Maslov
62. Ariadne Wolf
63. Elena Pinsky
64. Sylvie Stein
65. Ivar Diehl
66. Penina Eiberg-Schwartz
67. Ysh Schwartz
68. Ken Yale
69. Alex Early
70. Christina Robinson
71. Marcy Rein
72. Chimey Lee

**Item #B: Establish a Moratorium on Enforcements of the BMC Chapter 14.48 Sidewalk Ordinance, 3x3 regulation, Encampment Evictions, Sweeps, RV Parking and the towing/ticketing/impounding of vehicles used for shelter during the COVID 19 Pandemic**

73. 339 identical form letters
74. Rachel Perea
75. Raul Delarosa
76. Kenshi Husted
77. Barbara Brust
78. Sheila Mitra-Sarkar
79. Anna Steiner
80. Finn Black
81. Anika Grover
82. Noel Lamour
83. June Whitehorse
84. Cora Leigh Moss
85. David Simkin
86. Ivar Diehl

**Item #8: Urgency Ordinance: Commercial Rent Increase Restrictions During the COVID-19 Emergency**

87. Revised material, submitted by Councilmember Harrison
88. Summer Brenner
89. Michael Katz
90. Bruce Bagnell
91. Negeene Mosaed
92. Kerrie Hein
93. Robert Perl
94. Diane Gerstler
95. Cambria Lowe
96. Erica Etelson
97. Roberta Stern
98. Allen Kanner
99. Jane Hargrave

## Supplemental Communications and Reports 2

**Item #A: Oppose The Alameda County Sheriff's Proposal to Receive An Additional \$85 Million Annually to Dramatically Increase the Sheriff's Office Budgets Especially for Santa Rita Jail During a Pandemic Crisis**

100. Nicole Evan McIntyre

**Item #B: Establish a Moratorium on Enforcements of the BMC Chapter 14.48 Sidewalk Ordinance, 3x3 regulation, Encampment Evictions, Sweeps, RV Parking and the towing/ticketing/impounding of vehicles used for shelter during the COVID 19 Pandemic**

101. 14 identical form letters

102. Anjali Vadhri

103. Ian Rogers

104. Austine Peng

105. Margy Wilkinson

106. Veronica Van Gough

107. Jessica Mcginley

108. Jorge Maya

109. Noel Lamour

110. Anna Steiner

111. Anika Grover

112. Charles Clarke

**Item #8: Urgency Ordinance: Commercial Rent Increase Restrictions During the COVID-19 Emergency**

113. Revised material, submitted by Councilmember Harrison

## Supplemental Communications and Reports 3

**Item #1: Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**

114. Barbara Gilbert.

**Item #5: Electric Bike Share Program Franchise Amendment**

115. Chimey Lee

**Item #A: Oppose The Alameda County Sheriff's Proposal to Receive An Additional \$85 Million Annually to Dramatically Increase the Sheriff's Office Budgets Especially for Santa Rita Jail During a Pandemic Crisis**

116. Chris Taaffe

117. Jean Caiani

118. Chimey Lee

**Item #B: Establish a Moratorium on Enforcements of the BMC Chapter 14.48 Sidewalk Ordinance, 3x3 regulation, Encampment Evictions, Sweeps, RV Parking and the towing/ticketing/impounding of vehicles used for shelter during the COVID 19 Pandemic**

119. 31 identical form letters

120. John Caner, on behalf of the Downtown Berkeley Association
121. Alex Know, on behalf of the Telegraph Business Improvement District
122. Christine Schwartz
123. Adam Stemmler
124. Kelly Hammargren
125. Dandy Harris (2)
126. Councilmember Robinson
127. Kirsten MacDonald (2)
128. Anika Grover
129. Chimey Lee
130. Kathryn Collins
131. Barbara Hillman
132. Deborah LeVeen
133. Marcia Poole
134. Sophia DeWitt
135. Simone Arpaio
136. Ingrid Chen
137. Diana Bohn
138. Dino Sammakieh

**Item #8: Urgency Ordinance: Commercial Rent Increase Restrictions During the COVID-19 Emergency**

139. Revised material, submitted by Councilmember Harrison
140. Eric Etelson
141. Diane Gerstler
142. Chimey Lee (2)
143. Igor Tregub

**Urgent Item: Resolution Urging Action on Business Interruption Insurance**

144. Urgency Item, submitted by Mayor Arreguin

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, April 28, 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**

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## Preliminary Matters

**Roll Call:** 6:03 p.m.

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

**Absent:** Droste

Councilmember Droste present at 6:10 p.m.

### Ceremonial Matters:

1. Adjourn in memory of all the victims of the COVID-19 pandemic.

### City Manager Comments:

The City Manager provided an update on the efforts of the Emergency Operations Center with regards to the unhoused population and local businesses.

**Action:** M/S/C (Arreguin/Hahn) to suspend certain rules related to comments from Councilmembers and the public and to adopt new rules for the meeting of April 28, 2020.

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

**Public Comment on Non-Agenda Matters:** 5 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 3 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

### 1. **Amendment: FY 2020 Annual Appropriations Ordinance**

**From:** City Manager

**Recommendation:** Adopt second reading of Ordinance No. 7,694-N.S. amending the FY 2020 Annual Appropriations Ordinance No. 7,682-N.S. for fiscal year 2020 based upon recommended re-appropriation of committed FY 2019 funding and other adjustments in the amount of \$28,565,263 (gross) and \$15,378,568 (net).

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

**Action:** Adopted second reading of Ordinance No. 7,694-N.S.



## Consent Calendar

- 2. Lease Agreement with 200 Marina Blvd, LLC for the Doubletree Hotel**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,695-N.S. 1. Authorizing the City Manager to execute the Ground Lease with 200 Marina Blvd, LLC, the owner/ground lessee of the Doubletree Hotel located at the Berkeley Marina for a 60-year term effective from May 14, 2020 through December 31, 2080; and 2. Approving a related Capital Contribution Agreement that 200 Marina Blvd, LLC contribute \$3 million to Marina street improvements.  
**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. 7,695-N.S.
- 3. Zoning Ordinance Amendments for Family Daycare Homes to comply with Senate Bill 234; Amending Berkeley Municipal Code Title 23**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,696-N.S. amending Berkeley Municipal Code (BMC) Title 23 (Zoning Ordinance) to comply with Family Daycare Home regulations recently enacted by Senate Bill 234 (SB 234); and  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,696-N.S.
- 4. Amending Tenant Screening Fees Ordinance for Existing Tenancies; Amending Berkeley Municipal Code Chapter 13.78**  
**From: Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Robinson (Co-Sponsor) (Reviewed by the Land Use, Housing & Economic Development Committee)**  
**Recommendation:** Adopt second reading of Ordinance No. 7,697-N.S. amending Berkeley Municipal Code Chapter 13.78 (Tenant Screening Fees) to add subsections to prohibit additional fees for existing tenancies and lease terminations.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted second reading of Ordinance No. 7,697-N.S.
- 5. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the council meetings of March 10, 2020 (special closed, and regular), and March 17, 2020 (special).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Approved minutes as submitted.

## Consent Calendar

- 6. Citizens Redistricting Commission Implementation Ordinance; Adding BMC Chapter 2.10**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance establishing regulations and procedures for the Berkeley Citizens Redistricting Commission to supplement the existing provisions of the City Charter related to redistricting, and adding Berkeley Municipal Code Chapter 2.10.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted first reading of Ordinance No. 7,699–N.S. Second reading scheduled for May 12, 2020. Referred to the City Manager to explore the feasibility of completing the redistricting process as early as possible.
- 7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 28, 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:** Sanitary Sewer Operations Fund - \$500,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.
- 8. Contract: City Data Services for Streamlined Community Agency Contract Administration and Monitoring**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Authorizing the City Manager to enter into a contract with City Data Services (CDS) to continue to provide its online data management system to the Department of Health, Housing, and Community Services for the period July 1, 2020 through June 30, 2021 for \$32,160, and; 2. Authorizing the City Manager to extend the contract for an additional three years (FY22, FY23 & FY24), and execute any amendments with CDS for ongoing maintenance of the community agency online applications and reporting systems for an annual service fee of \$32,160 for a total contract not to exceed amount of \$128,640.  
**Financial Implications:** Various Funds - \$128,640  
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,372–N.S.

## Consent Calendar

**9. Contract No. 32000094 Amendment: Youth Spirit Artworks for Transition Age Youth Case Management and Linkage Services and Tiny House Case Management**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with vendor Youth Spirit Artworks (YSA) to provide Transition Age Youth (TAY) case management and linkage services through June 30, 2021 in an amount not to exceed \$217,000. This will extend the existing contract by one year and add in \$117,000 for case management services at the Tiny Homes Village.

**Financial Implications:** See report

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

**Action:** Moved to Action Calendar. 4 speakers. M/S/C (Arreguin/Hahn) to hold the item over to June 2, 2020.

**Vote:** Ayes – Kesarwani, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila, Bartlett, Harrison.

Recess 7:58 p.m. – 8:10 p.m.

**10. Contract: ENGEO for Testing and Inspection Services for Berkeley Tuolumne Camp Construction Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with ENGEO in an amount not to exceed \$500,000 to provide construction testing and inspection services (including Geotechnical inspections) for the Berkeley Tuolumne Camp Project for the period May 1, 2020 through July 1, 2022.

**Financial Implications:** Camps Fund - \$500,000

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

**Action:** Adopted Resolution No. 69,373–N.S.

**11. Contract: Andes Construction, Inc. for Sanitary Sewer Rehabilitation at West Frontage Road Crossing Interstate 80 Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving plans and specifications for the Sanitary Sewer Rehabilitation at West Frontage Road Crossing Interstate 80 Project; accepting the bid of the lowest responsive and responsible bidder, Andes Construction, Inc.; 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 \$556,292, which includes a 10% contingency of \$50,572.

**Financial Implications:** Sanitary Sewer Fund - \$556,292

Contact: Phillip Harrington, Public Works, (510) 981-6300

**Action:** Adopted Resolution No. 69,374–N.S.

## Consent Calendar

- 12. Contract Amendments: On-Call Civil Engineering and Construction Management Services, LCC Engineering & Surveying, Inc. and Pavement Engineering Inc.**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager to execute amendments to
1. Contract No. 31900068 with LCC Engineering & Surveying, Inc. for on-call civil engineering services, increasing the original contract amount by \$1,000,000 for a total not-to-exceed amount of \$1,500,000, and extending the term of the contract from June 30, 2021 to June 30, 2022, and
  2. Contract No. 31900047 with Pavement Engineering Inc. for on-call civil engineering services, increasing the original contract amount by \$1,000,000 for a total not-to-exceed amount of \$2,500,000 and extending the term of the contract from June 30, 2021 to June 30, 2022.
- Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,375–N.S. (LCC Engineering) and Resolution No. 69,376–N.S. (Pavement Engineering).
- 13. Approving Proposed Projects Anticipated to be Paid for by the State’s Road Maintenance and Rehabilitation Account (RMRA) Funds for FY2021**  
**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: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,377–N.S.
- 14. Filling a Vacancy among the Elected Representatives for the Poor**  
**From: Human Welfare and Community Action Commission**  
**Recommendation:** Adopt a Resolution confirming the appointment of Mr. Carlos Hill (District 1), as an elected representative of the poor on the Human Welfare Community Action Commission (HWCAC), having been selected by the commission members at the HWCAC February 19, 2020 meeting, and that his term expires November 18, 2020.  
**Financial Implications:** None  
Contact: Mary-Claire Katz, Commission Secretary, (510) 981-5400  
**Action:** Adopted Resolution No. 69,378–N.S.

## Action Calendar – Public Hearings

15. **General Plan Redesignation and Rezone of The Rose Garden Inn at 2740 Telegraph Avenue (APN 054-1716-002-00), 2744 Telegraph Avenue (APN 054-1716-003-00), and 2348 Ward Street (APN 054-1716-031-00)** *(Continued from April 14, 2020)*  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion:  
1. Adopt a Resolution amending the General Plan land use designations of portions of parcels that comprise The Rose Garden Inn from Low Medium Density Residential to Avenue Commercial;  
2. Adopt first reading of an Ordinance amending the Zoning Map for portion of parcels that comprise the Rose Garden Inn from Restricted Two-Family Residential District (R-2) to General Commercial District (C-1); and  
3. Certify that the reclassification of General Plan land use designations and rezoning are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Classes 1, 3, 5, and 31  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400  
**Action:** Removed from the agenda by the City Manager.
16. **Submission of the 2020-2025 Consolidated Plan, Including the PY20 Annual Action Plan as informed by the Regional Analysis of Impediments to Fair Housing Choice**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing on the 2020-2025 Consolidated Plan, including the Program Year (PY) 2020 Annual Action Plan (AAP), and upon conclusion, adopt a Resolution:  
1. Approving proposed funding allocations under the PY20 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. Allocating approximately 85% of the PY20 HOME funds to the Housing Trust Fund, up to 5% for Community Housing Development Organization (CHDO) operating funds, and 10% for program administration; and  
4. Authorizing the City Manager to submit the 2020-2025 Consolidated Plan, including the PY20 Annual Action Plan as informed by the Regional Analysis of Impediments to Fair Housing Choice (AI), to the federal Department of Housing and Urban Development (HUD), and addressing any public comments.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400  
**Action:** 0 speakers. M/S/C (Hahn/Robinson) to adopt Resolution No. 69,379–N.S.  
**Vote:** All Ayes.

## Action Calendar – New Business

### 17. Discussion and Direction Regarding Potential Ballot Measures for the November 3, 2020 General Municipal Election

**From: City Manager**

**Recommendation:** Discuss possible ballot measures for November 2020, and provide direction to the City Manager about which issues to include in a community survey should the City Council wish to undertake one.

**Financial Implications:** See report

Contact: Dave White, City Manager's Office, (510) 981-7000

**Action:** 7 speakers. M/S/C (Arreguin/Hahn) to provide direction to the City Manager to conduct one community survey on the following subjects:

- Three Versions of the Fire/Emergency Services Revenue Measure (1. Fire and Emergency Services; 2. Fire and Emergency Services plus Public Health Emergency Response; and 3. Fire and Emergency Services, Public Health Response, and Wildfire Safety)
- Citywide Wildfire Prevention Parcel Tax (including fire safety, evacuation, and emergency siren)
- Climate Action Fund – funded by either a tax on gas and diesel fuel wholesale distributors or by an increase in Utility Users Tax from 7.5% to 10%.
- Questions on the impacts of COVID-19
- Designated the Mayor to work with city staff on survey questions.

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

### 18. Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution submitting an Amendment to Article V of the City Charter regarding the full-time status and salaries for the Mayor and City Council to a vote of the electors at the November 3, 2020 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** None

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

**Action:** 5 speakers. M/S/C (Hahn/Harrison) to hold the item over to June 2, 2020.

**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila.

## Action Calendar – New Business

**19. Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in response to the Fossil Fuel Free Berkeley referral**

**From: Energy Commission**

**Recommendation:** The Commission recommends that the City Council develop a referendum and seek approval for it on the 2020 ballot to create a Climate Action Fund, which would support actions to achieve the Berkeley Climate Action Plan, to become Fossil Fuel free, and to respond to the Climate Emergency.

**Financial Implications:** See report.

Contact: Billi Romain, Commission Secretary, (510) 981-7400

**Action:** 0 speakers. M/S/C (Arreguin/Robinson) to hold over the item to June 2, 2020.

**Vote:** All Ayes.

## Council Action Items

**20. Placing a Measure on the November 3, 2020 Ballot to Introduce Term Limits for the Mayor and City Councilmembers**

**From: Councilmember Davila (Author)**

**Recommendation:** Adopt a Resolution to draft an Amendment to Article V, Section 14 and 15 of the City Charter for the November 3, 2020 General Municipal Election, limiting the terms of service for the Mayor and City Councilmembers to no more than three consecutive four-year terms or twelve years, with a required two-year hiatus in order to serve additional terms.

**Financial Implications:** See report

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

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

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Wengraf) to suspend the rules and extend the meeting to 11:20 p.m.

**Vote:** All Ayes.

**Action:** 5 speakers. M/S/C (Arreguin/Kesarwani) to take no action on Item 20.

**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – Davila; Abstain – Droste.

## Information Reports

**21. FY 2020 Mid-Year Budget Update**

**From: City Manager**

Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

**Action:** Held over to May 12, 2020.

## Information Reports

### 22. Eight Previous Referrals To The Planning Department Which Can Be Tracked As Fulfilled

**From: City Manager**

Contact: Timothy Burroughs, Planning and Development, (510) 981-7400

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda** 4 speakers.

## Adjournment

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

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

Councilmember Droste absent 11:18 p.m. – 11:19 p.m.

Adjourned at 11:19 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of the City Council held on April 28, 2020.

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Mark Numainville  
City Clerk

## Communications

### COVID-19 General

1. David Lerman (2)
2. Diana Diaz Morales
3. Jason Meggs
4. Margots999
5. Jurgen Aust
6. Thomas Lord

### Rental Protection & Evictions

7. Saki Bailey, on behalf of Bay Area Community Land Trust
8. Lisa Camasi
9. Darinxoso Oyamasela

### Encampments



10. Osha Neumann
11. Christopher Kohler
12. Margy Wilkinson (2)
13. Marcia Poole
14. Janice Schroeder
15. Rivka Polatnick
16. Erica Etelson
17. Starchild
18. David Schroeder
19. Christopher Kohler
20. Andrea Henson
21. Esther Dane
22. Diana
23. Steve Gilmartin

### **Berkeley's Mayor Webpage**

24. David Lerman

### **1533 Beverly Place – Appeal of ZAB Decision**

25. Rena Rickles, on behalf of client

### **Street Space + Beg Button for Walking and Biking**

26. Liza Lutzker
27. Dee Williams-Ridley
28. Ben Gerhardstein
29. John Kenney
30. Farid Javandel
31. Charles Siegel (2)

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

**Item #16: Submission of the 2020-2025 Consolidated Plan, Including the PY20 Annual Action Plan as informed by the Regional Analysis of Impediments to Fair Housing Choice**

32. David Kellogg

**Item #19: Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in response to the Fossil Fuel Free Berkeley referral**

33. Igor Tregub, on behalf of the Sierra Club Northern Alameda County Group

## **Supplemental Communications and Reports 3**

**Item #3: Zoning Ordinance Amendments for Family Daycare Homes to comply with Senate Bill 234: Amending Berkeley Municipal Code Title 23**

34. Bryce Nesbitt

**Item #16: Submission of the 2020-2025 Consolidated Plan, Including the PY20 Annual Action Plan as informed by the Regional Analysis of Impediments to Fair Housing Choice**

- 35. Presentation, submitted by HHCS
- 36. Carole Marasovic

**Item #17: Discussion and Direction Regarding Potential Ballot Measures for the November 3, 2020 General Municipal Election**

- 37. Presentation, submitted by the CMO

**Item #18: Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers**

- 38. Marcia Poole
- 39. Carole Marasovic

**Item #19: Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in response to the Fossil Fuel Free Berkeley referral**

- 40. 8 form letters, all similarly worded
- 41. Kaethe Weingarten
- 42. Jack Litewka
- 43. Jessica Woodard
- 44. Igor Trebug, on behalf of the Sierra Club
- 45. David Lee Cook
- 46. Kate Bancroft
- 47. Ben Gerhardstein
- 48. Terry Fletcher

**Item #20: Placing a Measure on the November 3, 2020 Ballot to Introduce Term Limits for the Mayor and City Councilmembers**

- 49. Carole Marasovic

**Miscellaneous Communications – Not on the Agenda**

- 50. Carole Marasovic