



Office of the City Manager

CONSENT CALENDAR
July 28, 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 June 2, 2020 (closed and regular), June 9, 2020 (special and special), June 16, 2020 (special, special and regular), June 22, 2020 (closed), June 23, 2020 (special), June 24, 2020 (closed) and June 30, 2020 (closed and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. June 2, 2020 – Closed City Council Meeting
2. June 2, 2020 – Regular City Council Meeting
3. June 9, 2020 – Special City Council Meeting
4. June 9, 2020 – Special City Council Meeting
5. June 16, 2020 – Special City Council Meeting
6. June 16, 2020 – Special City Council Meeting
7. June 16, 2020 – Regular City Council Meeting
8. June 22, 2020 – Closed City Council Meeting
9. June 23, 2020 – Special City Council Meeting
10. June 24, 2020 – Closed City Council Meeting
11. June 30, 2020 – Closed City Council Meeting
12. June 30, 2020 - Regular City Council Meeting

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, JUNE 2, 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://us02web.zoom.us/j/81059614063>. 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: 810 5961 4063. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. NOTE: Your phone number will appear on the screen.*

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

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

Preliminary Matters

Roll Call: 4:03 p.m.

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

Absent: Bartlett

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 – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

a. Sandoval v. City of Berkeley, Alameda Superior Court Case No. RG19016889

Action: No reportable action.

b. Case Name Unspecified (disclosure would jeopardize settlement negotiations)

Action: No reportable action.

OPEN SESSION:

No reportable action.

Adjournment

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

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

Adjourned at 5:00 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on June 2, 2020.

Mark Numainville
City Clerk

**MINUTES AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, June 2, 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
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This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 6:04 p.m.

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

Absent: None

Action: M/S/C (Arreguin/Harrison) to accept temporary rules for the conduct of the meeting related to public comment, council discussion, and moving items off consent.

Vote: All Ayes.

Ceremonial Matters:

1. Adjourned in memory of George Floyd and all those that are victims of police violence
2. Adjourned in memory of all victims of COVID-19
3. Adjourned in memory of Larry Kramer, LGBT Activist and Playwright

City Auditor Comments:

The City Auditor provided comments on the protests and also the framework of the current budget situation and how the City can address the financial challenges.

City Manager Comments:

The City Manager provided comments on the social situation and the importance of the Council's support of the community. Also provided an update on the EOC activities related to COVID-19 and the protests, with the top priority being protecting public safety and first amendment rights.

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 7 speakers.

Action: M/S/C (Arreguin/Kesarwani) to accept an urgency item from Councilmember Kesarwani pursuant to Government Code Section 54954.2(b)(2) related to the Great Plates meal program. Councilmember Harrison added as a co-sponsor.

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to accept an urgency item from the City Manager pursuant to Government Code Section 54954.2(b)(2) related to citywide curfew.

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

Consent Calendar

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

Vote: All Ayes.

Consent Calendar

Resolution in Support of Extending Governor Newsom's Great Plates Delivered Food Assistance Program for Seniors and Expanding Eligibility to Low-Income Seniors

From: Councilmembers Rashi Kesarwani (Author); Susan Wengraf (Co-Sponsor); Kate Harrison (Co-Sponsor)

Recommendation: 1) Adopt a resolution in support of (1) extending Governor Gavin Newsom's Great Plates Delivered food assistance program that provides three meals per day from local restaurants to seniors and other adults who are COVID-19 positive or exposed, and (2) expanding eligibility rules so that low-income individuals with incomes less than 200 percent of the federal poverty level may participate in the program; 2) Send copies of the resolution to Governor Newsom, Congresswoman Barbara Lee, Senators Dianne Feinstein and Kamala Harris, State Senator Nancy Skinner, and Assemblywoman Buffy Wicks.

Financial Implications: Staff time.

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

Action: Adopted Resolution No. 69,422–N.S.

1. Contract: Animal Care Services for the City of Albany

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract, with any amendments, with the City of Albany for animal care services for FY2021-FY2023, which increases the existing contract by up to \$37,046, with a total contract amount not to exceed \$249,653.

Financial Implications: See report

Contact: Erin Steffen, City Manager's Office, (510) 981-7000

Action: Adopted Resolution No. 69,423–N.S.

2. Contract No. 10039 Amendment: Koefran Industries to Provide Pick Up and Disposal of Deceased Animals for Berkeley Animal Care Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to extend and increase Contract No. 10039 with Koefran Industries to provide pick up and disposal of deceased animals for Berkeley Animal Care Services (BACS). The increase will be for \$20,400 through June 30, 2021 for a total contract amount not to exceed \$121,600 and subject to the city's annual appropriation process.

Financial Implications: General Fund - \$20,400

Contact: Erin Steffen, City Manager's Office, (510) 981-7000

Action: Adopted Resolution No. 69,424–N.S.

Consent Calendar

- 3. Ballot Measure Increasing the City's Appropriation Limit to Allow Expenditure of Tax Proceeds for Fiscal Years 2021 through 2024**
From: City Manager
Recommendation:
1. Adopt a Resolution placing the attached measure to increase the City's appropriation limit on the ballot 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: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: 1. Adopted Resolution No. 69,425–N.S. and 2. Designating Mayor Arreguin and Councilmember Harrison to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
- 4. Contract 10456 Amendment: Persimmony Electronic Case Management System for Software Licensing, Implementation and Maintenance Services for the Online Electronic Case Management System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10456 with Persimmony International, Inc. for software licensing, implementation and maintenance services for the online Electronic Case Management system for the amount not to exceed \$127,947 and a total contract value not to exceed \$303,527 from July 12, 2016 to June 30, 2022.
Financial Implications: Targeted Case Management Fund - \$127,947
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,426–N.S.
- 5. Contract No. 10789 Amendment: AMS.NET for Network Support and Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10789 with AMS.NET for network support and maintenance, for the amount not to exceed \$534,000 and a total contract value not to exceed \$989,335 from July 1, 2017 to June 30, 2025.
Financial Implications: IT Cost Allocation - \$534,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,427–N.S.

Consent Calendar

6. Contracts: On-Call Waterfront Engineering, Design, Environmental Permitting and Construction Administration Services for Capital Improvement Projects at the Berkeley Waterfront

From: City Manager

Recommendation: Adopt four Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call waterfront engineering, design, environmental permitting and construction administration services for capital improvement projects at the Berkeley Waterfront, for contract periods of June 15, 2020 through June 30, 2023:

1. Anchor QEA, LLC, for an amount not to exceed \$1,000,000.
2. COWI North America, Inc., for an amount not to exceed \$1,000,000.
3. Moffatt & Nichol, for an amount not to exceed \$1,000,000.
4. Transystems Corporation, for an amount not to exceed \$1,000,000.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,428–N.S. (Anchor), Resolution No. 69,429–N.S. (COWI), Resolution No. 69,430–N.S. (Moffatt), and Resolution No. 69,431–N.S. (Transystems).

7. Reject All Bids and Negotiate in the Open Market for the Grove Park Field Renovation and Park Improvements Project

From: City Manager

Recommendation: Adopt a Resolution: 1. Rejecting all bids for the work associated with the Grove Park Field Renovation and Park Improvements Project, Specification No. 20-11383-C. 2. Authorizing the City Manager to direct staff to negotiate in the open market in accordance with Article XI, Public Works and Supplies, Section 67(a) of the City Charter. 3. If negotiations are not successful, authorizing the City Manager to direct staff to re-scope and re-bid the work associated with the Grove Park Field Renovation and Park Improvements Project.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,432–N.S.

Consent Calendar

8. Amendment and Assignment of Capital Contribution Agreement: 200 Marina Blvd, LLC for the Doubletree Hotel

From: City Manager

Recommendation: Adopt first reading of an Ordinance approving an Amendment and Assignment of the City's Capital Contribution Agreement with 200 Marina Boulevard, Berkeley, LLC (200 Marina LLC) for the Doubletree Hotel, which would assign the agreement by 200 Marina LLC to its parent company, Apollo Bright, LLC (Apollo LLC), and change the payment schedule for the capital contribution from \$3M due in June 2020 to \$375,000 due in October 2020 and \$2,675,000 due upon Council approval of the Marina streets construction contract, estimated to be in January 2021. Apollo LLC's obligation to make the two capital contribution payments totaling \$3 million will be backed by an irrevocable standby letter of credit, which will be provided to the City upon execution of the amendment and assignment.

Financial Implications: See report

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

Action: Adopted first reading of Ordinance No. 7,705–N.S. Second reading scheduled for June 16, 2020.

9. Contract: Alta Group, Inc. for the T1 Corporation Yard Maintenance Building Upgrade Project at 1326 Allston Way, and the T1 Marina Corporation Yard Maintenance Building Upgrade Project at 201 University Avenue

From: City Manager

Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the T1 Corporation Yard Maintenance Building Upgrade Project and the T1 Marina Corporation Yard Maintenance Building Upgrade Project, Specification No.19-1 1302 -C; 2. Accepting the bid plus bid alternate of Alta Group, Inc. as the lowest responsive and responsible bidder; 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, for an amount not to exceed \$1,011,006 which includes a contingency of \$131,871.

Financial Implications: T1 Fund - \$1,011,006

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

Action: Adopted Resolution No. 69,433–N.S.

10. Contract: Urban Ore, Inc. for Salvage Operations at the City of Berkeley Transfer Station

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Urban Ore, Inc. for salvage operations of reusable materials at the City's Transfer Station for a three (3) year term commencing July 1, 2020 through June 30, 2023, for a total amount not to exceed \$114,576.

Financial Implications: Zero Waste Fund - \$114,576

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

Action: Adopted Resolution No. 69,434–N.S.

Council Consent Items

11. Berkeley Safe Open Air Dining

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

Recommendation:

1. Direct the City Manager to explore and, if and when safe and feasible, identify locations throughout Berkeley, including but not limited to wide sidewalks, street medians, building curtilages, surface lots, public parking areas, and parks, for the placement of tables and chairs to be used for open air dining to support restaurants, cafes, food shops, and other small businesses impacted by the COVID-19 emergency. The City Manager is recommended to consider pursuing the procurement of such tables and chairs via public grants and/or philanthropic sources. The City Manager is further recommended to partner with the Berkeley Chamber, Downtown Berkeley Association, and local business improvement districts (BIDs) to develop protocols related to sanitation, upkeep, and storage.
2. Direct the City Manager to return to Council with recommendations for an ordinance that anticipates future revisions of Berkeley health guidelines to provide local businesses, particularly restaurants, cafes, and food shops, to access public space and private adjacent property for open air operations, with the following considerations:
 - a. Allow businesses and BIDs to apply for temporary use of streets, surface lots, public parking spaces, public recreation space, and adjacent parcels for outdoor dining that will enable compliance with public health dictates for physical separation.
 - i. To eliminate financial burden and fees on small businesses, consider:
 1. use of federal reimbursement or funding to cover application costs, or
 2. “by right” permit in designated geographic locations that will not require additional processing.
 - ii. Waive any sidewalk cafe permits/fees to allow restaurants and other appropriate businesses to operate outside seating and service for customers who comply with Berkeley health guidelines.
 - iii. Work with the Berkeley Chamber, Downtown Berkeley Association, and Berkeley’s BIDs to identify ideal geographic locations for use of streets, surface lots, public parking spaces, public recreation space, and adjacent parcels for outdoor food business activities, including outdoor restaurants and cafes.

Financial Implications: See report

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

Action: Approved recommendation as revised in Supplemental Communications Packet #2. With further revisions in 2.e to add access for AC Transit and add a new #6. Coordinate with AC Transit and any and all other potentially impacted agencies and stakeholders.

Recess 8:30 p.m. – 8:40 p.m.

A. Establishing a COVID-19 Business Damage Mitigation Fund *(Continued from May 26, 2020)*

From: Mayor Arreguin (Author), Councilmember Harrison (Author), Councilmember Robinson (Author)

Recommendation: Refer to the City Manager to establish a COVID-19 Business Damage Mitigation Fund in an amount up to \$100,000 to provide one-time grants to small businesses who experience property damage due to vandalism and other problematic behavior during this COVID-19 local State of Emergency

Financial Implications: Up to \$100,000

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

Action: Moved to the Consent Calendar and amended to be a referral to the budget process with further amendments as follows: 1) grants limited per incident to the amount of the affected party's deductible or \$3,000 whichever is greater; 2) limit to two grants per business; 3) prioritize repair of exterior damage; and 4) prioritize small independent businesses in need.

Action Calendar

Resolution Ratifying And Extending Emergency Curfew Order

From: City Manager

Recommendation: Adopt a Resolution (a) ratifying the Emergency Proclamation issued on June 1, 2020, and (b) extending the curfew to 5:00 a.m. on June 5 to align with other cities in the County to protect the lives and property of residents and businesses in Berkeley.

Financial Implications: To be determined

Contact: Dee Williams-Ridley, City Manager, City Manager's Office (510) 981-7000; Andrew Greenwood, Police Chief (510) 981-7500; Farimah Brown, City Attorney, City Attorney's Office (510) 981-6998

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:30 p.m.

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

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

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

Action: M/S/C (Hahn/Harrison) to suspend the rules and extend the meeting to 12:00 a.m.

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

Action: M/S/C (Kesarwani/Arreguin) to suspend the rules and extend the meeting to 12:10 a.m.

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

Action: M/S/C (Arreguin/Kesarwani) to suspend the rules and extend the meeting to 12:20 a.m.

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

Action: M/S/C (Arreguin/Kesarwani) to adopt Resolution No. 69,435–N.S. (a) ratifying the Emergency Proclamation issued on June 1, 2020, and (b) extending the curfew to 5:00 a.m. on June 5 to align with other cities in the County to protect the lives and property of residents and businesses in Berkeley as written below.

RESOLUTION RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY AND EXTENDING THE EMERGENCY CURFEW ORDER THROUGH AND UNTIL JUNE 5, 2020

WHEREAS, peaceful protesters have gathered throughout this country and region in response to the death of George Floyd as a result of the use of force by police officers in Minneapolis, Minnesota and the City of Berkeley stands with those peaceful protesters; and

WHEREAS, the City of Berkeley fully supports the people's First Amendment rights to assemble and protest against this injustice that Mr. Floyd and many others have experienced throughout the years; and

WHEREAS, the City of Berkeley has a long and proud tradition of supporting peaceful protest; and

WHEREAS, however, some people have alternatively chosen to use these peaceful protests as cover to commit coordinated, criminal acts resulting in injuries to persons and/or destruction of property during nightly rioting and/or widespread looting over the last several days in cities throughout the region, including in Oakland, San Francisco, Vallejo, Walnut Creek, Pleasant Hill, Emeryville, and here in Berkeley; and

WHEREAS, the Emergency Services Act, Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, pursuant to Government Code section 8630 such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

WHEREAS, Berkeley Municipal Code section 2.88.040 provides that the City Manager, serving as the Director of Emergency Services, may request that the City Council proclaim the existence of a local emergency; and

WHEREAS, under provision of local law, if the City Council cannot be convened and, in the judgment of the Director of Emergency Services, the circumstances warrant it, a proclamation of local emergency may be issued which must be ratified or nullified by the City Council within seven days of issuance; and

WHEREAS, in accordance with authority granted under the above provisions of state and local law, the Director of Emergency Services beginning on June 1, 2020 proclaimed the existence of a local emergency caused by three consecutive nights of looting in Berkeley, and nightly rioting and looting in the surrounding areas, which rioting and looting was likely to continue; and

WHEREAS, the City Council does find that the aforesaid conditions of extreme peril existed on June 1, 2020, thereby warranting the proclamation of a local emergency.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the Director of Emergency Services' Proclamation of Local Emergency and accompanying Order instituting a curfew from June 1 to June 2, 2020 is hereby ratified by the City Council; and

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the Proclamation of Local Emergency and accompanying Order instituting the curfew is hereby extended through and until 5:00 a.m. on June 5, 2020, unless the Director of Emergency Services in consultation with the Police Chief decides the emergency has abated and the curfew can be lifted before that date and time, and with the following amendments and conditions:

1. No persons shall be upon any public street, sidewalk, park, or in any other outdoor public place in the City of Berkeley between the hours of 9:00 p.m. and 5:00 a.m. from June 2, 2020 through June 5, 2020, with the following exceptions: Law enforcement personnel, firefighting personnel, emergency health care providers, for the sole purpose of traveling to home or a workplace or to obtain medical assistance, unsheltered persons, and representatives of the news media, and person engaging in non-violent First Amendment activity before 9:00 p.m. in the evening, but which must reasonably end after the curfew commences.

2. Law enforcement personnel of this City, and any other peace officers cooperating with this City's police department, are hereby authorized to enforce this order, including making arrests and/or issuing citations to any person who violates this curfew order after the person has been warned they are in violation of this order and if the person does not immediately leave the area after said warning.

3. Any violation of this order shall be subject to criminal enforcement, including but not limited to a misdemeanor under Berkeley Municipal Code section 2.88.070.

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

Action Calendar – Public Hearings

12. Fiscal Year 2021 Proposed Budget Update Public Hearing #2

From: City Manager

Recommendation: Conduct a public hearing regarding the FY 2021 Proposed Budget Update.

Financial Implications: See report

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

Action: M/S/C (Arreguin/Robinson) to continue Items 12, B, 13, 14, 15, and 18 to a special meeting called by Mayor Arreguin for June 9, 2020 at 4:00 p.m.

Vote: All Ayes.

Action Calendar – Continued Business

B. FY 2020 Mid-Year Budget Update (Continued from May 26, 2020)

From: City Manager

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

Action: Item B continued to June 9, 2020 special meeting.

Action Calendar

13. **Presentation and Discussion of Community Survey Results and Direction About Next Steps for Possible Ballot Measure Development**
From: City Manager
Recommendation: Discuss results of the community survey and provide direction to the City Manager about the drafting of possible measures for inclusion on the November 2020 ballot.
Financial Implications: See report
Contact: David White, City Manager's Office, 981-7000
Action: Item 13 continued to June 9, 2020 special meeting, including supplemental materials.
14. **Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers** *(Continued from April 28, 2020)*
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: Item 14 continued to June 9, 2020 special meeting.
15. **Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in Response to the Fossil Fuel Free Berkeley Referral** *(Continued from April 28, 2020)*
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: Item 15 continued to June 9, 2020 special meeting.

16. **Contract No. 32000094 Amendment: Youth Spirit Artworks for Transition Age Youth Case Management and Linkage Services and Tiny House Case Management** *(Continued from April 28, 2020)*

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: M/S/C (Hahn/Davila) to call for the previous question on Item 16.

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

Action: 19 speakers. M/S/C (Harrison/Davila) to adopt Resolution No. 69,436–N.S.

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

17. **Contract: ERA Construction, Inc. for Strawberry Creek Park Play Area and Restroom Renovation Project** *(Continued from May 12, 2020)*

From: City Manager

Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Strawberry Creek Park Play Area and Restroom Renovation Project, Specification No. 20-11382-C; and 2. Accepting the correction of the sum of bid items for ERA Construction, Inc.'s bid; and 3. Accepting the bid of the lowest responsive and responsible bidder, ERA Construction, Inc.; and 4. Rejecting the bid protest of Suarez and Munoz Construction, Inc., the second lowest bidder; and 5. 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 ERA Construction, Inc., for the Strawberry Creek Park Play Area and Restroom Renovation Project at 1260 West Street, Berkeley, CA 94702, in an amount not to exceed \$900,122, which includes a contract amount of \$782,715 and a 15% contingency in the amount of \$117,407.

Financial Implications: Various Funds - \$900,122

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

Action: Moved to Consent Calendar. Adopted Resolution No. 69,437–N.S.

Action Calendar

18. **Proposed Amendment to Berkeley's Minimum Wage Ordinance: Berkeley Municipal Code Chapter 13.99**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 13.99, revising Section 13.99.040 to reinstate the exemption for youth job training programs, and freezing the youth wages at \$14.50 per hour for FY21, then increase the wage annually according to the Consumer Price Index as will occur with the Berkeley Minimum wage.
Financial Implications: See report
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Item 18 continued to June 9, 2020 special meeting.

Information Reports

19. **City Council Short Term Referral Process – Quarterly Update**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Received and filed.

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

Adjournment

Adjourned at 12:20 a.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of the City Council held on June 2, 2020.

Mark Numainville
City Clerk

Communications

Item #11: Berkeley Safe Open Air Dining

1. Thomas Lord (2)

Item #12: Fiscal Year 2021 Proposed Budget Update Public Hearing #2

2. Michael Katz

Safe Streets

3. MaryAnn Furda

Sanctuary Contracting Ordinance – Right to cure violation

4. Brian Hoffer

Salary of City of Berkeley Employees

5. Genevieve Wilson (2)

Pride Month

6. Brian Brunett

7. Marjo

8. Adrienne Penney

Zoom Meetings

9. Thomas Lord

Sewer Service Fees

10. Barbara Gilbert

Preparing for a Wildfire Disaster

11. Jurgan Aust

Riots Will Be Starting Soon

12. Wanda Warkentin

Berkeley Manufacturing

13. Sam Johnson

14. Dee Williams-Ridley, City Manager

African American Resource Center

15. Derethia DuVal

16. Michael McBride

17. Akilah Shaheed

Fall Semester UCB – Berkeley Businesses Affected

18. John Caner, on half of Downtown Berkeley Association, et al

Homelessness

19. Charles Durrett

Homeless Are Harassing Kids

20. Nicoletta Karam

Green Energy

21. Ethan Young

COVID-19 – General

- 22. David Lerman (4)
- 23. Thomas Lord
- 24. Holly Scheider
- 25. Russbumper
- 26. Councilmember Harrison

Supplemental Communications and Reports 1

Item #11: Berkeley Safe Open Air Dining

- 27. Harry Brill

Item #13: Discussion and Direction Regarding Potential Ballot Measures for the November 3, 2020 General Municipal Election

- 28. Supplemental material, submitted by the City Manager's Office

Supplemental Communications and Reports 2

Item #10: Contract: Urban Ore, Inc. for Salvage Operation at the City of Berkeley Transfer Station

- 29. Max Weehsler, on behalf of Urban Ore, Inc.

Item #11: Berkeley Safe Open Air Dining

- 30. Revised material, submitted by Councilmember Hahn
- 31. Carol Denney (2)

Item #15: Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in Response to the Fossil Fuel Free Berkeley Referral

- 32. Kathy Dervin, on behalf of the 350 East Bay and Berkeley Hub
- 33. Marjorie Alvord

Item #16: Contract No. 32000094 Amendment: Youth Spirit Artworks for Transition Age Youth Case Management and Linkage Services and Tiny House Case

- 34. 26 identical form letters
- 35. Barbara McHugh
- 36. Lisa Carey
- 37. Anna Maria Irion
- 38. Lynn Gitomer
- 39. Anne Rowe
- 40. Jonathan Walden

Supplemental Communications and Reports 3

Time Sensitive: Resolution in Support of Extending Governor Newsom's Great Plates Delivered Food Assistance Program for Seniors and Expanding Eligibility to Low-Income Seniors

- 41. Time Sensitive Item, submitted by Councilmember Kesarwani and Wengraf

Item #11: Berkeley Safe Open Air Dining

- 42. Presentation, submitted by Councilmember Hahn

- 43. Ben Gerhardstein, on behalf of Walk Bike Berkeley
- 44. Maris Arnold
- 45. Igor Tregub, on behalf of the Sierra Club Northern Alameda County Group
- 46. Alex Know, on behalf of the Telegraph Business Improvement District

Urgency Item: Resolution Ratifying and Extending Emergency Curfew Order

- 47. Urgency Item, submitted by the City Manager
- 48. Liz Ruhland (2)
- 49. Nick Guerette
- 50. Lisa Juachon
- 51. Julia Zuckerman
- 52. Dallas Morgan
- 53. Bruce Leininger
- 54. Tess Clabby
- 55. Cindy Shamban

Item #15: Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in Response to the Fossil Fuel Free Berkeley Referral

- 56. Ben Gerhardstein, on behalf of Walk Bike Berkeley
- 57. Tom Kelly

Item #16: Contract No. 32000094 Amendment: Youth Spirit Artworks for Transition Age Youth Case Management and Linkage Services and Tiny House Case

- 58. 46 similarly-worded form letters
- 59. Gregory Lemieux
- 60. Ben Burch
- 61. Ardys LeLu
- 62. Mary Jacobs
- 63. Molly Baskette
- 64. Libby Trumbull
- 65. Michael Austin
- 66. Maggie Geddes

Miscellaneous Communications

Police Funding/Justice Now/Black Lives Matter

- 67. Ilaria Stewart
- 68. Ines Robo
- 69. Elena Cavender
- 70. Somya Mohindra
- 71. Danielle Craig
- 72. Isabel Lichtman
- 73. Virginia Lyon
- 74. Daniel Contreras
- 75. Sheriff Gregory Ahern
- 76. Varsha Madapoosi

77. Jacob Woodall

78. Elizabeth Ferguson

1921 Walnut Street Apartment Building

79. Kim Romero

Covid Testing

80. Bryce Nesbitt

Police Review Commission

81. Moni Law

82. Kitty Calavita

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

Tuesday, June 9, 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 meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/89047645600>. 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: **890 4764 5600**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

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

Preliminary Matters

Roll Call: 4:02 p.m.

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

Absent: None

Action: M/S/C (Arreguin/Robinson) to accept temporary rules for the conduct of the meeting related to public comment and Council discussion.

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

Ceremonial Matters:

1. Adjourned in memory of George Floyd and all those that are victims of police violence
2. Adjourned in memory of all victims of COVID-19
3. Adjourned in memory of Erik Salgado, victim of California Highway Patrol shooting

City Manager Comments:

The City Manager announced that she will be hosting a Town Hall meeting for the community on Thursday, June 11, 2020 at 7:00 p.m.

Action Calendar

Action: M/S/C (Arreguin/Harrison) to:

1. Accept an urgency item from Councilmember Kesarwani pursuant to Government Code Section 54954.2(b)(2) entitled Budget Referral to Establish Structure and Framework for an Office of Racial Equity.
2. Accept an urgency item from Councilmember Hahn pursuant to Government Code Section 54954.2(b)(2) entitled Black Lives Matter and Ohlone Recognition.
3. Accept an urgency item from Councilmember Harrison pursuant to Government Code Section 54954.2(b)(2) entitled Urgency Resolution: Directing the Police Review Commission and City Manager to Submit Revised Berkeley Police Department Use of Force Policy for Council Review and Approval Before the 2020 Summer Recess.
4. Accept an urgency item from Mayor Arreguin pursuant to Government Code Section 54954.2(b)(2) entitled Prohibiting the use of Chemical Agents for Crowd Control during the COVID-19 pandemic.
5. Accept an urgency item from Councilmember Hahn pursuant to Government Code Section 54954.2(b)(2) entitled Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews.
6. Accept supplemental material from the City Manager on Item 1.

Vote: All Ayes.

Action Calendar

Budget Referral to Establish Structure and Framework for an Office of Racial Equity

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

Recommendation: Refer to the FY 2020-21 Budget Process the one-time allocation of \$150,000 to establish a structure and framework for an Office of Racial Equity consisting of a Racial Equity Officer and a supporting Specialist. The purpose of the Office of Racial Equity is to: (1) establish a common vision for racial equity across all City departments, (2) create mechanisms for measuring racial inequities in the delivery of all City programs and services; and (3) initiate efforts by all City departments to implement best practices related to metrics, policies, and procedures to close racial inequities in the allocation and delivery of all City programs and services.

Financial Implications: See report

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

Action: 24 speakers. M/S/C (Hahn/Wengraf) to approve the recommendation amended to include that the Office of Racial Equity should be seated in the Office of the City Manager, and that the programs and services delivered by the Planning and Development Department and the Transportation Division should be included among the Citywide programs and services to be considered by the Office of Racial Equity.

Vote: All Ayes.

Black Lives Matter and Ohlone Recognition

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

Recommendation:

1. In solidarity with the Mayor of Washington, D.C. and the Black Lives Matter movement, direct the City Manager to immediately paint the words "Black Lives Matter" on Martin Luther King Jr Way in front of Old City Hall, between Center Street and Allston Way, with the text to be read from the eastern sidewalk of Martin Luther King Jr Way.
2. In recognition of the fact that Berkeley is situated on Ohlone territory, paint the words "Ohlone Territory" on Milvia Street in between Center Street and Allston Way, with the text read from the west sidewalk of Milvia Street.
3. The City Manager is encouraged to work with local artists to render the paintings. In addition, the City Manager should take care not to interfere with other street markings that are necessary for safety of pedestrians, bikes, or vehicles, or otherwise necessary.

Financial Implications: See report

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

Action: 4 speakers. M/S/C (Hahn/Droste) to approve the recommendation with the following amendments: 1) the locations for the words to be painted are suggestions for the City Manager's consideration; 2) the City Manager is encouraged to work with the community to render the paintings; and 3) the paintings should not pose challenges to bicycle infrastructure.

Vote: All Ayes.

Action Calendar

Urgency Resolution: Directing the Police Review Commission and City Manager to Submit Revised Berkeley Police Department Use of Force Policy for Council Review and Approval Before the 2020 Summer Recess

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

Recommendation: Adopt an Urgency Resolution directing the Police Review Commission (“PRC”) and City Manager to:

1. Finalize revisions to the use of force policy as referred by Council in 2017 and drafted by the department for PRC review in January, 2020;
2. Submit revised Use of Force Policy directly to the full City Council for the Council to review and adopt before the 2020 Summer recess;
3. Incorporate revisions included the October 31, 2017 Council referral and all outstanding “8 Can’t Wait” use of force policy reforms.

Financial Implications: Staff time

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

Action: 59 speakers. M/S/C (Harrison/Davila) to adopt Resolution No. 69,438–N.S. amended to add the following resolved clauses:

BE IT FURTHER RESOLVED that the City Council directs the Police Review Commission to review the use of control holds.

BE IT FURTHER RESOLVED that the City Council directs the City Manager to allow anonymized access to records about use of force to the Police Review Commission to inform deliberation of the use of force general order.

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

Recess: 6:21 p.m. – 6:26 p.m.

Action Calendar

Prohibiting the use of Chemical Agents for Crowd Control during the COVID-19 pandemic

From: Mayor Arreguin (Author), Councilmember Harrison (Author), Councilmember Robinson (Author)

Recommendation: Adopt a motion to establish an official City of Berkeley policy prohibiting the use of tear gas (CS gas), pepper spray or smoke for crowd control by the Berkeley Police Department, or any outside department or agency called to respond to mutual aid in Berkeley, during the COVID-19 pandemic, until such time that the City Council removes this prohibition.

Financial Implications: See report

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

Action: 23 speakers. M/S/Failed (Wengraf/Kesarwani) to establish an official City of Berkeley policy prohibiting the use of tear gas (CS gas), pepper spray or smoke for crowd control by the Berkeley Police Department, or any outside department or agency called to respond to mutual aid in Berkeley, during the COVID-19 pandemic, until such time that the City Council removes this prohibition. And, to refer the item to the Public Safety Policy Committee and the Police Review Commission for the consideration of a permanent ban of these chemical agents.

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

Action: M/S/Carried (Davila/Harrison) to establish an official City of Berkeley policy 1) prohibiting the use of tear gas by the Berkeley Police Department, or any outside department or agency called to respond to mutual aid in Berkeley, and 2) prohibiting the use of pepper spray or smoke for crowd control by the Berkeley Police Department, or any outside department or agency called to respond to mutual aid in Berkeley, during the COVID-19 pandemic, until such time that the City Council removes this prohibition.

Vote: All Ayes.

Action Calendar

Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews From: Councilmember Hahn (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Mayor Arreguin (Co-Sponsor)

Recommendation:

1. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify the following with respect to the declaration of a Local Emergency:
 - a. A Local Emergency can only be declared by the Director of Emergency Services if a regular or special meeting and session of the City Council cannot be called due to physical impossibility of holding a meeting, because a quorum cannot be established, or because the urgency of the Local Emergency is such that waiting 24 hours for the City Council to convene a session and/or Special Meeting would endanger the community;
 - b. Should the Director declare a Local Emergency without action of the City Council (due to one of the reasons stated at (a), above), Council ratification of such action occurs at the first possible opportunity, even if it requires calling a Special Meeting and/or session of the Council; and
 - c. The applicable statutory and legal standards (Federal, State and Local) for calling a Local Emergency shall be presented to the City Council when seeking declaration or ratification of a Local Emergency, along with facts to support meeting those standards, so that the City Council, likely acting under rushed and exigent circumstances, is able to make a carefully considered and fact-based determination that declaration of such Local Emergency conforms with the legal standards and is supported by facts.
2. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify policies, terms and procedures for the order, scope, terms, duration, and all other elements and conditions of curfews called in response to, or likely to have the effect of limiting or banning, planned, expected or reasonably foreseeable first amendment activity, including rallies, marches, demonstrations and assemblies of all kinds (“First Amendment Curfews”), as enumerated (1-8) under the “Background” section of this item, below.
3. Advise the City Manager and/or Director of Emergency Services that approval of this item represents the will and direction of the City Council with respect to declarations of Local Emergencies and imposition of First Amendment Curfews, and should the occasion to declare a Local Emergency or impose a First Amendment curfew arise prior to formal Council adoption of the requested amendments and policies, the City Manager and/or Director of Emergency Services shall, to the greatest extent possible under existing law, strive to encompass actionable elements, and meet spirit, of this item.

Financial Implications: See report

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

Action: M/S/C (Arreguin/Wengraf) to continue Items 3, 4, 5, 6, and the urgency item regarding Local Emergency Declarations and First Amendment Curfews, to the June 16, 2020 regular City Council meeting.

Vote: All Ayes.

Action Calendar – Public Hearings

- 1. Fiscal Year 2021 Proposed Budget Update Public Hearing #2** *(Continued from June 2, 2020)*
From: City Manager
Recommendation: Conduct a public hearing regarding the FY 2021 Proposed Budget Update.
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

Action: M/S/C (Arreguin/Robinson) to continue Items 1, 2, and the supplemental material for Item 1 from the City Manager, to a special meeting called by Mayor Arreguin for June 16, 2020 at 2:30 p.m.
Vote: All Ayes.

Action Calendar

- 2. FY 2020 Mid-Year Budget Update** *(Continued from June 2, 2020)*
From: City Manager
Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000
Action: Item 2 continued to June 16, 2020 special meeting.
- 3. Presentation and Discussion of Community Survey Results and Direction About Next Steps for Possible Ballot Measure Development** *(Item Contains Supplemental Material) (Continued from June 2, 2020)*
From: City Manager
Recommendation: Discuss results of the community survey and provide direction to the City Manager about the drafting of possible measures for inclusion on the November 2020 ballot.
Financial Implications: See report
Contact: David White, City Manager's Office, 981-7000
Action: Item 3 continued to June 16, 2020 regular meeting.
- 4. Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers** *(Continued from June 2, 2020)*
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: Item 4 continued to June 16, 2020 regular meeting.

Action Calendar – Public Hearings

5. **Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in Response to the Fossil Fuel Free Berkeley Referral** (*Continued from June 2, 2020*)

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: Item 5 continued to June 16, 2020 regular meeting.

6. **Proposed Amendment to Berkeley’s Minimum Wage Ordinance: Berkeley Municipal Code Chapter 13.99** (*Continued from June 2, 2020*)

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 13.99, revising Section 13.99.040 to reinstate the exemption for youth job training programs, and freezing the youth wages at \$14.50 per hour for FY21, then increase the wage annually according to the Consumer Price Index as will occur with the Berkeley Minimum wage.

Financial Implications: See report

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

Action: Item 6 continued to June 16, 2020 regular meeting.

Recess: 9:49 p.m. – 10:00 p.m.

Councilmember Wengraf absent at 9:49 p.m.

Adjournment

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

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

Adjourned at 10:02 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on June 9, 2020.

Rose Thomsen
Deputy City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Fiscal Year 2021 Proposed Budget Update Public Hearing #2

1. 19 similarly-worded form letters
2. Sharon Negri
3. Era Goel
4. Catie
5. Andrew Graves
6. Kate Gingold
7. David Noriega
8. Robert Hurley
9. Russbumber
10. Lauren Hermele
11. Ella Hass
12. Fiona Hass
13. Emilie Reaves
14. Ryan Thayer
15. Amanda Ho
16. Julia Bleier
17. Nirali Patel
18. Chimey Lee
19. Sage Lenier
20. Terry Taplin
21. Riley Hellinger

Item #5: Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in Response to the Fossil Fuel Free Berkeley Referral

22. John Arens

Supplemental Communications and Reports 3

Urgency Item: Urgency Resolution: Directing the Police Review Commission and City Manager to Submit Revised Berkeley Police Department Use of Force Policy for Council Review and Approval Before the 2020 Summer Recess

23. Urgency item, submitted by Councilmember Harrison, Mayor Arreguin, Councilmembers Davila and Bartlett
24. Che Garcia
25. Yaritza Cruz
26. Mariana Duarte
27. Arev Walker
28. Melody Joliff
29. Jesica Ender
30. Haleigh Fleming
31. Arjun Mayur
32. Jenn Guitart
33. Sal Levinson
34. Bella Lynch
35. Bob Martin

36. Rafael Gonzalez
37. Erwan Illien
38. Benjamin Pierias
39. LeeAnn Dowd (2)
40. Danielle Royston-Lopez
41. Racial and Criminal Justice Reform Group
42. Carole Marasovic
43. Jill Suttie
44. Ryan Grant
45. Sheridan Pauker
46. Sarah Pieper

Urgency Item: Prohibiting the use of Chemical Agents for Crowd Control during the COVID-19 pandemic

47. Urgency item, submitted by Mayor Arreguin, Councilmembers Harrison and Robinson
48. Shawn Beckman (2)
49. Chimey Lee
50. Moni Law
51. Kimiye Owens

Urgency Item: Black Lives Matter and Ohlone Recognition

52. Urgency item, submitted by Councilmember Hahn
53. Liza Lutzker, on behalf of Walk Bike Berkeley
54. Corinna Gould
55. Moni Law (2)

Urgency Item: Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews

56. Urgency item, submitted by Councilmember Hahn
57. Madeline King
58. Thomas Lord
59. Friends of Adeline (2)
60. Carol Denney
61. Bryce Nesbitt
62. Elisa Mikiten
63. Chimey Lee
64. Kara O'Malley

Urgency Item: Budget Referral to Establish Structure and Framework for an Office of Racial Equity

65. Urgency item, submitted by Councilmember Kesarwani
66. Amanda Prufer
67. Stephanie Prufer
68. Caroline Yunker
69. Marianne Lagarias (2)

Item #1: Fiscal Year 2021 Proposed Budget Update Public Hearing #2

70. Christina Romak
71. Megan Raymond
72. Aimee Trujillo
73. Ashley Johnson
74. Alex Thomson

75. Anna McFall
76. Elena Vann Cleave
77. Tommy Chung
78. Erika Schultz
79. Rose Soffa Clarke
80. Diana Bohn
81. Celia Ford
82. Nick Nold
83. Becky Sotello
84. Noor
85. Jane Francis
86. Heather Hardison
87. Susan Saadat
88. Lilith Gamer
89. Mary Gilg
90. Kate Mather
91. Alfred Twu
92. Rachael Cornejo
93. Steve KoneffKlatt
94. Juliana Schwartz
95. Rachel Shipps
96. Alicia Roy
97. Natasha Geiling
98. Dana Perls
99. Alisdair Broshar
100. Orly Suveda
101. Alix Vadot
102. Eliza Smith
103. Ryan Gorelik
104. Ben Pierias (2)
105. Kayla Moore
106. Sarah Bancroft
107. Angela Clapp
108. Samuel Kaplan
109. Heather and Luke Ball
110. Dewi Zarni
111. Portal Finder
112. Catherine O'Hare
113. Theodora Gibbs-Plessl
114. Taj Herzer-Baptiste
115. Michaela Reilly
116. Julia Sen
117. Ellen McClure
118. Martin Lenarz-Geisen
119. Katrina Lapira
120. Ariella Cooley
121. Natasha Huey
122. Noelle Fa-Kaji
123. Jessica Barber
124. Jean Caiani

125. Lucia Brosgart
126. Tia Bottger
127. Allyson Bogie
128. Michelle Chung
129. Karen Shimoda
130. Jessica Brownell
131. Sanya Sehgal
132. Angela Ames
133. Ace Chen
134. Ryan Hall
135. Maya Sen
136. Dylan Campopiano
137. Allison Zau
138. Firdausi Sudarmadji
139. Judy Grether
140. Zaynab At-Taras
141. Jackie Kennedy
142. Logan Falley
143. Nahkoura Mahnassi
144. Madelyn Weiss
145. Sophia Mahoney-Rohrl
146. Madeleine Muscari
147. Christopher Lin
148. Francie Maguire
149. Laurel Chen
150. Reyna Fa-Kaji
151. Marcelo Felipe Garzo Montalvo
152. Re Nor
153. Chloe Novak
154. Kat Kott
155. Katie Cording
156. Christine Tseng
157. Celia Alter
158. Zoe Westbrook
159. Julian Dennis
160. Daniel Kim
161. Loan Pham
162. Colin Piethe
163. Elizabeth Ferguson
164. Chelsea Lee
165. Maxine Schoefer-Wulf
166. Jessica Olson
167. Daniel Milutin
168. Olivia Neville
169. Bryanna Perez
170. Kei McHale
171. Diane
172. Jordan Mickens
173. Voulette Hattar
174. Emily Haan

175. Christine Schwartz
176. Emily Yao
177. Manduhai Baatar
178. Kacei Conyers
179. Ella Hass
180. Logan Rimel
181. Andrew Lynch
182. Nicole Teixeira
183. Bethany Lourie
184. Anya Platt
185. Erin Rhoades
186. Julia S.
187. Suzanne Merkelson
188. Valerie Kratzer
189. Ceren Fitoz
190. Lanie Peterson
191. Amalee Beattie
192. Emily Bronston-Joseph
193. Alions Alkon
194. Sarah Wulf
195. Jordan Mickens
196. Ann Marie Callegari
197. Leah Renee Smith
198. Liam Bergstrom
199. Bryce Nesbitt
200. Paige
201. Katie Wilson
202. Ivonne Del Valle
203. Chimey Lee (2)
204. Juliana Dearr
205. Jesslyn Janssen
206. Ferri Wahl
207. Anne Whyte
208. Madison Luzar
209. Mark and Agatha Greeley

Item #2: FY 2020 Mid-Year Budget Update

210. Angela Jernigan (2)
211. Niels Teunis
212. Leah Naomi Gonzales (2)
213. Councilmember Davila
214. Valerie Kratzer

Item #5: Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in Response to the Fossil Fuel Free Berkeley Referral

215. Michael Katz

Action Calendar – Public Hearings

Item #1: Fiscal Year 2021 Proposed Budget Update Public Hearing #2

216. Supplemental Material, submitted by City Manager's Office

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

Tuesday, June 9, 2020

6:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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Preliminary Matters

Roll Call: 10:02 p.m.

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

Absent: Wengraf

Councilmember Wengraf present at 10:03 p.m.

Action Calendar – Public Hearing

1. ZAB Appeal: 1155-1173 Hearst Avenue

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion adopt a Resolution affirming the Zoning Adjustments Board decision to approve Use Permit #ZP2016-0028 to develop two parcels, including the substantial rehabilitation of the existing seven dwelling units and construction of six new, for-sale dwelling units, and dismiss the appeal.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 20 speakers.

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:30 p.m.

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

Action: M/S/C (Davila/Hahn) to suspend the rules and extend the meeting to 12:00 a.m.

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

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:10 a.m.

Vote: All Ayes.

Action: M/S/C (Wengraf/Robinson) to call the previous question.

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

Action: M/S/Failed (Hahn/Davila) to deny the project because it does not qualify for a categorical exemption under CEQA, and the requisite non-detriment finding cannot be made because environmental impacts remain unknown and the existing problems in the area with water are extreme and clearly could be exacerbated; and, the basis for saying that it does not qualify for a categorical exemption under CEQA is due to the unusual circumstances.

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

Action: M/S/Carried (Robinson/Droste) to adopt Resolution No. 69,439–N.S. affirming the Zoning Adjustments Board decision to approve Use Permit #ZP2016-0028 to develop two parcels, including the substantial rehabilitation of the existing seven dwelling units and construction of six new, for-sale dwelling units, and dismiss the appeal with revisions to conditions 16 and 58 as follows:

16. Notice of Limitation. All owners of record of the subject property shall sign and record with the Alameda County Clerk-Recorder a “Notice of Limitation on Use of Property” and provide a recorded copy thereof to the project planner. This Notice of Limitation shall stipulate that none of the six existing rent controlled units (1155-57 Hearst, 1159 A & B Hearst, 1161-63 Hearst) shall undergo condominium conversion, Tenancy in Common, or any work that would require a new Certificate of Occupancy for the building; and shall remain subject to rent control in perpetuity unless. ~~This limitation may not be revised or removed from this property without the prior written permission of the Zoning Officer of the City of Berkeley.~~

58. Rent Control in Perpetuity. The existing six rent controlled dwelling units shall not undergo condominium conversion, Tenancy in Common, or any work that would require a new Certificate of Occupancy for the building; and shall remain as rental units subject to rent control under the Rent Stabilization Ordinance.

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

Adjournment

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

Vote: All Ayes.

Adjourned at 12:02 a.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on June 9, 2020.

Rose Thomsen
Deputy City Clerk

Communications

- None

Supplemental Communications and Reports 1

Item #1: ZAB Appeal: 1155-1173 Hearst Avenue

1. Carol Cohen (2)
2. Masanori Oba
3. Dale Anania
4. Mary Jo Thoresen
5. Tracey Emerson
6. Pam Ormsby
7. David Kellogg
8. Mia Perkins, on behalf of the Rhoades Planning Group (2)

Supplemental Communications and Reports 2

Item #1: ZAB Appeal: 1155-1173 Hearst Avenue

9. Teal Major
10. Wayne Cory
11. Berkeley Neighbors Council (2)
12. Vijay Venugopal
13. Yashu Jiang

Supplemental Communications and Reports 3

Item #1: ZAB Appeal: 1155-1173 Hearst Avenue

14. Presentation, submitted by Planning
15. Zach Walton, on behalf of the SSL Law Firm
16. Hussein Saffouri, on behalf of the Ramsey Law Group (3)
17. Tracey Emerson (2)
18. Mia Perkins, on behalf of Rhoades Planning Group
19. Presentation, submitted by the Rhoades Planning Group
20. Kevin Ashe, on behalf of Holland & Knight Law Firm
21. Shirley Dean
22. Louise Ly (2)
23. Deno Gianopoulos

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

Tuesday, June 16, 2020

2:30 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
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Roll Call: 2:32 p.m.

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

Absent: Kesarwani

Councilmember Kesarwani present at 3:17 p.m.

Action: M/S/C (Arreguin/Wengraf) to accept supplemental materials from the City Manager on Item 1.

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

Action: M/S/C (Arreguin/Robinson) to accept supplemental materials from Vice Mayor Hahn on Item 3.

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

Action: M/S/C (Bartlett/Harrison) to accept two urgency items from Councilmember Bartlett pursuant to Government Code Section 54954.2(b)(2).

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

Action Calendar – Public Hearings

- 1. **Fiscal Year 2021 Proposed Budget Update Public Hearing #2** *(Continued from June 9, 2020)*

From: City Manager

Recommendation: Conduct a public hearing regarding the FY 2021 Proposed Budget Update.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 75 speakers. The Mayor closed the public hearing.

Action: Discussion held.

Recess 7:26 p.m. – 7:32 p.m.

Action Calendar

- 2. **FY 2020 Mid-Year Budget Update** *(Continued from June 9, 2020)*

From: City Manager

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

Action: 1 speaker. Discussion held. Report received and filed.

Recess 5:15 p.m. – 5:25 p.m.

3. **Amendments to the General Fund Reserve Policy** *(Continued from June 9, 2020. Reviewed by the Budget & Finance Policy Committee)*

From: City Manager

Recommendation: Adopt a Resolution amending the City Council's General Fund Reserve Policy.

Financial Implications: See report

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

Action: M/S/Failed (Hahn/Bartlett) to adopt the resolution with the amendments from Vice Mayor Hahn in the supplemental material introduced at the meeting.

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

Action: 1 speaker. M/S/Carried (Arreguin/Droste) to adopt Resolution No. 69,440–N.S. amending the City Council's General Fund Reserve Policy.

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

Urgency Item: Safety for All: The George Floyd Community Safety Act - Re-Allocate Funding for Non-Criminal Police Duties Towards a Specialized Care Unit (SCU) Pilot

From: Councilmember Ben Bartlett (Author), Mayor Jesse Arreguin (Co-sponsor), and Councilmember Rigel Robinson (Co-sponsor)

Recommendation: Refer to the Thursday, 6/18/2020 Budget & Finance Policy Committee and the FY 2020-21 Budget Process the reallocation of funds spent on non-criminal activities from the Berkeley Police Department and reinvest in a Specialized Care Unit (SCU) Pilot.

Financial Implications: See report

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

Action: 0 speakers. Councilmember Harrison added as a co-sponsor. M/S/C (Arreguin/Bartlett) to approve the recommendation.

Vote: All Ayes.

Urgency Item: Safety for All: The George Floyd Community Safety Act - Budget Request to Hire a Consultant to Perform Police Call and Response Data Analysis From: Councilmember Ben Bartlett (Author), Mayor Jesse Arreguin (Co-Sponsor), and Councilmember Kate Harrison (Co-Sponsor)

Recommendation: 1. Refer to the Thursday, 6/18/2020 Budget & Finance Policy Committee and the FY 2020-21 Budget Process the \$150,000 to: a. Hire a consultant to conduct a data-driven analysis of police calls and responses to determine the quantity and proportion of these calls that can be responded to by non-police services. The third-party consultant must be hired and engaged in work within three months of the item's passage; and b. Hire a consultant to conduct an analysis of the Berkeley Police Department's budget and its expenditures by call type. The third-party consultant must be hired and engaged in work within three months of the item's passage. 2. Direct the City Manager to: a. Implement initiatives and reforms that reduce the footprint of the police department and limit the police's response to violent and criminal service calls.

Financial Implications: See report

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

Action: 0 speakers. M/S/C (Arreguin/Kesarwani) to refer the first recommendation to the Budget & Finance Committee and schedule the second recommendation to the July 14, 2020 meeting.

Vote: All Ayes.

Adjournment

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

Vote: All Ayes.

Adjourned at 9:02 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on June 16, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Fiscal Year 2021 Proposed Budget Update Public Hearing #2

1. Jenny Wong, Auditor
2. Gordon Wozniak
3. Helen Marcus
4. Lilah Gliksohn
5. Sara Kahanamoku
6. Tuan Ngo
7. Mark Chekal
8. Berkeley Homeless Services Panel of Experts

Supplemental Communications and Reports 3

Item #1: Fiscal Year 2021 Proposed Budget Update Public Hearing #2

9. Supplemental material, submitted by the City Manager's Office
10. Supplemental material, submitted by the Auditor
11. Presentation, submitted by the Auditor
12. Presentation, submitted by Public Works
13. Presentation, submitted by Parks, Recreation and Waterfront
14. Presentation, submitted by Planning
15. Presentation, submitted by Health, Housing and Community Services
16. Presentation, submitted by Fire
17. Presentation, submitted by Police
18. Rachel Shipps
19. Ali Lafferty
20. Kyra Fleischman
21. Celeste Rodriguez
22. Annie Alcott
23. Cooper Mervin
24. Martin Lenarz-Geisen
25. Lauryn Kerutis
26. Helen Marks
27. Christina Becker
28. Kaela Plank
29. Angel Olsen
30. Nick Nold
31. John Grant
32. Rob Crystal-Ornelas
33. Evelyne St-Louis
34. James Weichert
35. Kate Lauer
36. Callisyn Zielenski
37. Nell Henderson
38. Marilyn Perry
39. Tessa Maurer
40. George Warner
41. Ann Preece-Scaringe
42. David Copithorne

43. Karen Shimoda
44. Sibel Guner
45. JD Mireless
46. Laurel Halvorson
47. Casandra Sweet
48. Sivan Orr
49. Patrick Pelegri-O'Day
50. Sarah Bancroft
51. Hannah Beazley
52. Luke Swanson
53. Christopher Lin
54. Diana Alvarado
55. Tammy Nguyen
56. Natasha Ham
57. Lincoln Alder
58. Iden
59. Tamiko Sidore
60. Phoebe Anne Sorgen
61. Henderson Peternell
62. Stefania Pombo
63. Natasha Rosenberg
64. Linnea Brotz
65. Sabra Stepak & Julia Elliott
66. Riya Master
67. Minjae Lee
68. Miy Sommers
69. Sanja Sehgal
70. Era Goel (2)
71. Adam Chazin-Gray
72. Sanya Sehgal
73. Loan Pham
74. Caitlin Firmage
75. Alicia Roy
76. Noelle Fa-Kaji
77. Amelia Arifin
78. Ruby MacDonald, on behalf of the League of Women Voters
79. Samantha Whitty
80. Mallorie Lynch
81. Kelly Shimoda
82. Lauren Meier
83. Serena Solorzano
84. Eavy Barbieux
85. Erin Silk
86. Rosii Floreak
87. East Bay Community Law Center
88. Clare Palmer
89. Jennifer Kwon
90. Jane Francis
91. Elizabeth Grubb
92. Carolina Rodriguez

- 93. Ryan Blackburn
- 94. Barbara de Alfaro
- 95. Susanna Faas-Bush
- 96. Eva Juliette
- 97. Aaron Stein-Chester
- 98. Jem Campbell
- 99. Amelia Rudberg
- 100. Margy Wilkinson
- 101. Robin Fink
- 102. Brieshen McKee
- 103. Rachel Rovinsky
- 104. Spencer Hamilton
- 105. Hannah Forsberg
- 106. Alice Pang
- 107. Julia Sherman

Item #2: FY 2020 Mid-Year Budget Update

- 108. Christy Stanker
- 109. Erica Etelson
- 110. Abigail Brown

Item #3: Amendments to the General Fund Reserve Policy

- 111. Supplemental material, submitted by Councilmember Hahn

Urgency Items

Safety for All: The Georg Floyd Community Safety Act – Re-Allocate Funding for Non-Criminal Police Duties Towards a Specialized Care Unit (SCU) Pilot

- 112. Emergency item, submitted by Councilmember Bartlett
- 113. Hope Henderson
- 114. Will Skinner
- 115. Chimey Lee

Safety for All: The Georg Floyd Community Safety Act – Budget Request to Hire a Consultant to Perform Police Call and Response Data Analysis

- 116. Emergency item, submitted by Councilmember Bartlett

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

Tuesday, June 16, 2020

5:45 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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Roll Call: 9:02 p.m.

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

Absent: None

Public Comment - Limited to items on this agenda only - 6 speakers.

Consent Calendar

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

Vote: All Ayes.

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

From: City Manager

Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020.

Financial Implications: To be determined

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

Action: Adopted Resolution No. 69,441–N.S.

Adjournment

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

Vote: All Ayes

Adjourned at 9:07 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on June 16, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

- None

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, June 16, 2020
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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Preliminary Matters

Roll Call: 9:16 p.m.

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

Absent: None

Ceremonial Matters:

1. Adjourn in memory of all the victims of the COVID-19 pandemic
2. Adjourn in memory of the Victims of the June 16, 2015 Balcony Collapse
3. Adjourn in memory of recent victims of violence: Robert Fuller and Malcolm Harsch; Riah Milton and Dominique "Rem'Mie"; Sean Monterrosa

City Manager Comments: None

Public Comment on Non-Agenda Matters: 8 speakers.

Action: M/S/C (Arreguin/Harrison) to adopt temporary rules for the conduct of the meeting submitted by Mayor Arreguin revised to remove introductory comments.

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

Action: M/S/C (Arreguin/Wengraf) to add five urgency items to the agenda pursuant to Government Code Section 54954.2(b)(2).

- Outdoor Commerce (City Manager)
- Business Continuity Grant Program Funding (City Manager)
- Modification of 1956 Maintenance Agreement (City Manager)
- Analysis of Police Contractual and Legal Barriers (Councilmember Bartlett)
- Progressive Police Academy (Councilmember Bartlett)

Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 8 speakers.

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

Vote: All Ayes.

Consent Calendar

Urgency Ordinance: Outdoor Dining and Commerce in the Public Right-of-Way

From: City Manager

Recommendation: Take the following actions to allow for increased outdoor dining and commerce in the public right-of-way: 1. Adopt an Urgency Ordinance revising BMC Section 14.48.190 *Parklets* and BMC Section 16.18 *Right of Way Encroachments and Encroachment Permits* to simplify the permitting process for parklets during a declared local emergency; and 2. Adopt an Urgency Ordinance revising BMC Section 14.48.150 *Sidewalk Seating* to expand the areas and scope of activities that may be permitted via a sidewalk seating permit during the term of a declared city emergency; and 3. Adopt a Resolution authorizing the City Manager to waive permit fees for one year for temporary structures and activities permitted in the public right of way permitted under *BMC Sections 14.48.190 Parklets, 14.48.150 Sidewalk Seating* and Chapter 13.44 *Street Events and Block Parties*.

Contact: Jordan Klein, Economic Development Manager

Financial Implications: See report

Action: Adopted Ordinance No. 7,706–N.S. (Parklets), Ordinance No. 7,707–N.S. (Sidewalk Seating), Resolution No. 69,442–N.S. (Permit Fees)

Urgency Item: COVID-19 Business Continuity Grant Program Funding

From: City Manager

Recommendation: Adopt a Resolution accepting a \$704,000 payment from the East Bay Community Foundation of funds raised by the Berkeley Relief Fund, for distribution through the second phase of the COVID-19 Business Continuity Grant Program; and authorizing the City Manager to use the remainder of the City's \$1 million allocation to the first phase of the program to assist businesses to expand outdoor dining and commerce.

Financial Implications: See report

Contact: Jordan Klein, Economic Development, (510) 981-7000

Action: Adopted Resolution No. 69,443–N.S.

Urgency Item: Modification of 1956 Maintenance Agreement with Caltrans to add a new pedestrian overcrossing bridge at I-80 Gilman Interchange

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the 1956 Freeway Agreement with Caltrans to add proposed new pedestrian overcrossing bridge at I-80/Gilman Interchange.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,444–N.S.

Consent Calendar

Urgency Item: Safety for All: The George Floyd Community Safety Act - City Attorney and Manager Analysis of Contractual and Legal Barriers to Public Safety Reform
From: Councilmember Ben Bartlett (Author), Mayor Jesse Arreguin, and Councilmembers Kate Harrison (Co-Sponsor)

Recommendation: Direct the City Manager and City Attorney to analyze contractual and legal barriers to public safety reform including police union contracts, vendor contracts, state and federal laws, to determine barriers to accountability and substantive reform. In addition, direct the City Manager and City Attorney to evaluate elements in the proposed police review commission charter amendment, that can be implemented by the City Council.

Financial Implications: See report

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

Action: Approved recommendation.

Urgency Item: Safety for All: The George Floyd Community Safety Act - Development of a Progressive Police Academy
From: Councilmember Ben Bartlett (Author) and Mayor Jesse Arreguin (Co-Sponsor)

Recommendation: That the City Council refers to the Public Safety Committee to develop a progressive police academy and curriculum. That this progressive academy is hosted by the City of Berkeley and offered for use by the regional. The City should hire consultants and convene stakeholders including the Police Review Commission, a community task-force, and the Berkeley Police Department to create the academy's programmatic design. Once established, Berkeley Police Department recruits will attend this academy for basic training. The training program is intended to become revenue neutral. The program will be offered on a paid subscription basis to interested jurisdictions. Berkeley's progressive police academy envisions a curriculum that teaches recruits de-escalation, empathy, and the Critical Decision-Making Model (CDM). CDM encourages officers to challenge their biases, refrain from using force when possible, and build police-community trust. By reshaping police ideology through education, the City of Berkeley can tackle police brutality and police misconduct at their roots.

Financial Implications: See report

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

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

Consent Calendar

- 1. Lease for 235 University Avenue – YOONACO, Inc. dba Hana Japan**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,703-N.S. authorizing the City Manager to execute a lease agreement and necessary amendments with YOONACO, Inc., doing business as Hana Japan Steak and Seafood, at 235 University Avenue at the Berkeley Marina for a term of five years, with a five year tenant-option.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted second reading of Ordinance No. 7,703-N.S.
- 2. Amendment and Assignment of Capital Contribution Agreement: 200 Marina Blvd, LLC for the Doubletree Hotel**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,705-N.S. approving an Amendment and Assignment of the City's Capital Contribution Agreement with 200 Marina Boulevard, Berkeley, LLC (200 Marina LLC) for the Doubletree Hotel, which would assign the agreement by 200 Marina LLC to its parent company, Apollo Bright, LLC (Apollo LLC), and change the payment schedule for the capital contribution from \$3M due in June 2020 to \$375,000 due in October 2020 and \$2,675,000 due upon Council approval of the Marina streets construction contract, estimated to be in January 2021. Apollo LLC's obligation to make the two capital contribution payments totaling \$3 million will be backed by an irrevocable standby letter of credit, which will be provided to the City upon execution of the amendment and assignment.
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. 7,705-N.S.
- 3. City Council Rules of Procedure and Order Revisions**
From: City Manager
Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to add temporary rules for the conduct of meetings during the COVID-19 declared emergency; add rules for the submission of late items pursuant to Government Code Section 54954.2(b); and rescinding any preceding amendatory resolutions.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6000
Action: Adopted Resolution No. 69,445–N.S.

Consent Calendar

- 4. Appointment of Director of Public Works**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Liam Garland as the Director of the Public Works Department to be effective July 13, 2020, at an annual salary of \$205,000.
Financial Implications: See report
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000
Action: Adopted Resolution No. 69,446–N.S.
- 5. Urgency Ordinance Declaring a Local Fiscal Emergency In Response to the Novel Coronavirus (COVID-19) Pandemic**
From: City Manager
Recommendation: Adopt an Urgency Ordinance declaring a fiscal emergency in response to the COVID-19 pandemic as required by Council policy to be able to access the General Fund Stability Reserve to cover deficits.
Financial Implications: See report
Contact: Dave White, City Manager's Office, (510) 981-7000
Action: Adopted Ordinance No. 7,708-N.S.
- 6. Amendment to Contract No. 108410-1: Paw Fund for Spay and Neuter Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 108410-1 with Paw Fund allocating \$11,906 to provide no cost spay and neuter surgeries to eligible pet owners for FY 2021, with a total contract amount not to exceed \$107,154.
Financial Implications: See report
Contact: Erin Steffen, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 69,447–N.S.
- 7. Assessments: Berkeley Tourism Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Annual Report of FY20 and preliminary budget for FY21 for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners' Association.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 69,448–N.S.
- 8. Temporary Appropriations FY 2021**
From: City Manager
Recommendation: Adopt a Resolution authorizing a temporary appropriation in the sum of \$50,000,000 to cover payroll and other expenses from July 1, 2020, until the effective date of the FY 2021 Annual Appropriations Ordinance.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 69,449–N.S.

Consent Calendar

- 9. FY 2021 Tax Rate: Fund Disaster Fire Protection (Measure Q)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate for funding the procurement of disaster fire equipment at \$0.0125 (1.25 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,709-N.S. Second reading scheduled for June 30, 2020.
- 10. FY 2021 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0070%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,710-N.S. Second reading scheduled for June 30, 2020.
- 11. FY 2021 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0160%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,711-N.S. Second reading scheduled for June 30, 2020.
- 12. FY 2021 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0140%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,712-N.S. Second reading scheduled for June 30, 2020.

Consent Calendar

13. **FY 2021 Special Tax Rate: Fund the Provision of Library Services**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate for funding the provision of Library Services in the City of Berkeley at the FY 2020 tax rate adopted by Ordinance No. 7,665-N.S. on June 11, 2019 at \$0.2272 (22.72 cents) per square foot for dwelling units and \$0.3435 (34.35 cents) per square foot for industrial, commercial, and institutional buildings.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300; Elliot Warren, Library, (510) 981-6100
Action: Adopted first reading of Ordinance No. 7,713-N.S. Second reading scheduled for June 30, 2020.
14. **FY 2021 Tax Rate: Business License Tax on Large Non-Profits**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate for Business License Tax on large non-profits at \$0.6659 (66.59 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,714-N.S. Second reading scheduled for June 30, 2020.
15. **FY 2021 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0090%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,715-N.S. Second reading scheduled for June 30, 2020.
16. **FY 2021 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0080%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,716-N.S. Second reading scheduled for June 30, 2020.

Consent Calendar

- 17. FY 2021 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.1793 (17.93 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,717-N.S. Second reading scheduled for June 30, 2020.
- 18. FY 2021 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate for funding the provision of emergency services for the disabled at \$0.01699 (1.699 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,718-N.S. Second reading scheduled for June 30, 2020.
- 19. FY 2021 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0397 (3.97 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,719-N.S. Second reading scheduled for June 30, 2020.
- 20. Contract No. 31900043 Amendment: Kings View for Mental Health Reporting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900043 with Kings View to provide mental health reporting services through June 30, 2022, in an amount not to exceed \$106,428.
Financial Implications: See report
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,450–N.S.

Consent Calendar

21. **Authorize the City Manager to Submit LEAP Planning Grants Program Application**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit an application for the state Local Early Action Planning (LEAP) grant program in the amount of \$500,000, and to execute documents or amendments once the grant is awarded.
Financial Implications: See report
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 69,451–N.S.
22. **Contract No. 8219C Amendment: Ecology Center, Inc. for Residential Curbside Recycling Collection**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend and extend Ecology Center, Inc.'s Contract No. 8219C and increase the current Contract to include: \$210,090 for the purchase of 1600 new recycling carts, and \$3,850,384 to fund one (1) additional year of residential curbside recycling collection services. With the Amendment increase of \$4,060,474, the Contract's not to exceed amount is \$39,643,153 and will extend the Contract term for one year (1) year from July 1, 2020 through June 30, 2021.
Financial Implications: Zero Waste Fund - \$4,060,474
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,452–N.S.

Council Consent Items

23. **Referral to the FY 21 Budget Process: Housing Retention Program and Basic Needs Fund**
From: Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation:
1. Refer to the Fiscal Year 2021 Budget Process, up to \$1,000,000 of General Fund revenues (depending on need and available revenues) derived from Measure U1 tax receipts to replenish funding for the Housing Retention Program that will be exhausted due to significant demand resulting from housing security faced by residents during the COVID-19 pandemic; and
2. Direct the City Manager to identify resources to develop a Basic Needs Fund to support undocumented Berkeley residents who are ineligible for other forms of assistance, including assistance under the Coronavirus Aid, Relief, and Economic Security (CARES) Act and pandemic unemployment benefits, because of their immigration status, and refer an amount up to \$250,000 to the FY 21 Budget Process.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Approved recommendation.

Council Consent Items

24. **Lessons Learned in Organizational Management During Crisis**
From: Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor)
Recommendation: Refer to the City Manager to include insights and reflections on organizational management in any comprehensive report regarding the City response to the COVID-19 Emergency. Information should include but not limited to: an overview of how the City was structured and functioned differently during activation of the Emergency Operations Center, the benefits and challenges with cross departmental collaborations, and strategies or structures worth instituting and incorporating into future day-to-day departmental actions and interactions.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Councilmembers Hahn and Wengraf added as co-sponsors. Approved recommendation.
25. **Supporting the United States and Cuba Collaboration in Fighting COVID-19**
From: Councilmember Davila (Author), Councilmember Harrison (Co-Sponsor)
Recommendation:
1. Adopt a Resolution supporting the United States and Cuba collaboration in fighting COVID-19; and
2. Send copies of this resolution to United States Senators Dianne Feinstein and Kamala Harris and United States Congresswoman Barbara Lee.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: 1. Adopted Resolution No. 69,453–N.S. 2. Approved recommendation.

Action Calendar – Public Hearings

26. Re-Establishment of the North Shattuck Business Improvement District

From: City Manager

Recommendation:

1. Conduct a public hearing on the re-establishment of the North Shattuck Business Improvement District (NSBID or “the District”).
2. Upon conclusion if no majority protest exists after tabulation of assessment ballots, adopt two Resolutions:
 - a. Re-establishing the NSBID for the ten-year period beginning July 1, 2020 and ending June 30, 2030, and levying assessments on properties within the District for fiscal year 2021.
 - b. Authorizing the City Manager to execute a sole source contract and any amendments with the North Shattuck Association (NSA or “the Association”) not to exceed \$2,652,778 of NSBID funds to support the North Shattuck area for the period July 1, 2020 to June 30, 2030 (FYs 21-30), through the expiration of the NSBID.

Financial Implications: See report

Contact: Jordan Klein, Economic Development, (510) 981-7530

Public Testimony: The Mayor opened the public hearing. 0 speakers.

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

Vote: Ayes – Kesarwani, Davila, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison (Recused – lives within 500 feet of District)

Action: The ballots were tabulated according to their weighted value and the weighted “Yes” vote was 60.22% and the weighted “No” vote was 39.78%, thus exceeding the 50% threshold for approval. M/S/C (Arreguin/Droste) to:

1. Adopt Resolution No. 69,454–N.S. (Re-establishing the NSBID)
2. Adopt Resolution No. 69,455–N.S. (Contract)

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

Action Calendar – Public Hearings

27. Levy and Collection of FY 2021 Street Lighting Assessments

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt two Resolutions confirming the assessments for the Berkeley Street Lighting Assessment District No. 1982-1 and the Street Lighting Assessment District 2018, approving the Engineer's Reports, and authorizing the levying and collection of assessments in Fiscal Year 2021.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 0 speakers.

M/S/C (Arreguin/Davila) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to:

1. Adopt Resolution No. 69,456–N.S. (District No. 1982-1)

2. Adopt Resolution No. 69,457–N.S. (District 2018)

Vote: All Ayes.

28. Implement Residential Preferential Parking (RPP) Program on the 2900 Block of Lorina Street and the 3100 Block of Deakin Street

From: City Manager

Recommendation: Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Section 25J and Section 25M by adding a subsection to implement Residential Preferential Parking (RPP) on the east side of the 2900 block of Lorina Street in RPP Area N and both sides of the 3100 block of Deakin Street in Area M.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 4 speakers.

M/S/C (Arreguin/Wengraf) to close the public hearing.

Vote: Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett (Recused – lives within proposed RPP area)

Action: M/S/C (Arreguin/Wengraf) to adopt Resolution No. 69,458–N.S.

Vote: Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett (Recused – lives within proposed RPP area)

Action Calendar – New Business

29. ZAB Appeal: 2650 Telegraph Avenue, Use Permit #ZP2019-0070

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2019-0070 to demolish an existing commercial building and construct a five-story, 34,249 square-foot mixed-use building with 45 residential units (including four Very Low-Income units), 1,290 square feet of commercial space, 4,051 square feet of usable open space, 50 bicycle parking spaces and 20 vehicular parking spaces, and dismiss the appeal.

Financial Implications:

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

Action: M/S/C (Arreguin/Wengraf) to suspend the rules and extend the meeting to 11:30 p.m..

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

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:00 a.m.

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

Public Testimony: The Mayor opened the public hearing. 5 speakers.

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

Vote: All Ayes.

Action: M/S/C (Robinson/Hahn) to adopt Resolution No. 69,459–N.S. affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2019-0070 to demolish an existing commercial building and construct a five-story, 34,249 square-foot mixed-use building with 45 residential units (including four Very Low-Income units), 1,290 square feet of commercial space, 4,051 square feet of usable open space, 50 bicycle parking spaces and 20 vehicular parking spaces, and dismiss the appeal.

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

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:10 a.m.

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

Action Calendar – Continued Business

A. Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews

(Continued from June 9, 2020)

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

Recommendation:

1. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify the following with respect to the declaration of a Local Emergency:

a. A Local Emergency can only be declared by the Director of Emergency Services if a regular or special meeting and session of the City Council cannot be called due to physical impossibility of holding a meeting, because a quorum cannot be established, or because the urgency of the Local Emergency is such that waiting 24 hours for the City Council to convene a session and/or Special Meeting would endanger the community;

b. Should the Director declare a Local Emergency without action of the City Council (due to one of the reasons stated at (a), above), Council ratification of such action occurs at the first possible opportunity, even if it requires calling a Special Meeting and/or session of the Council; and

c. The applicable statutory and legal standards (Federal, State and Local) for calling a Local Emergency shall be presented to the City Council when seeking declaration or ratification of a Local Emergency, along with facts to support meeting those standards, so that the City Council, likely acting under rushed and exigent circumstances, is able to make a carefully considered and fact-based determination that declaration of such Local Emergency conforms with the legal standards and is supported by facts.

2. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify policies, terms and procedures for the order, scope, terms, duration, and all other elements and conditions of curfews called in response to, or likely to have the effect of limiting or banning, planned, expected or reasonably foreseeable first amendment activity, including rallies, marches, demonstrations and assemblies of all kinds (“First Amendment Curfews”), as enumerated (1-8) under the “Background” section of this item, below.

3. Advise the City Manager and/or Director of Emergency Services that approval of this item represents the will and direction of the City Council with respect to declarations of Local Emergencies and imposition of First Amendment Curfews, and should the occasion to declare a Local Emergency or impose a First Amendment curfew arise prior to formal Council adoption of the requested amendments and policies, the City Manager and/or Director of Emergency Services shall, to the greatest extent possible under existing law, strive to encompass actionable elements, and meet spirit, of this item.

Financial Implications: See report

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

Action: Item A continued to July 14, 2020.

Action Calendar – Continued Business

B. Presentation and Discussion of Community Survey Results and Direction About Next Steps for Possible Ballot Measure Development *(Item Contains Supplemental Material) (Continued from June 9, 2020)*

From: City Manager

Recommendation: Discuss results of the community survey and provide direction to the City Manager about the drafting of possible measures for inclusion on the November 2020 ballot.

Financial Implications: See report

Contact: David White, City Manager's Office, 981-7000

Action: 5 speakers. M/S/C (Arreguin/Harrison) to provide the following direction to the City Manager regarding ballot measures to be developed.

- Parcel tax measure for Wildfire Prevention and Fire & Emergency Services (Survey Options 1 and 2) at a total cost to the average home of \$199/year or less.
- A per-ride tax (general tax) on Transportation Network Company rides of 50 cents for individual rides and 25 cents for shared rides.
- A tax measure to increase the Utility Users' Tax by 2.5% with potential authority to raise the gas portion of the tax to support climate equity efforts, and designate an advisory body to make recommendations on expenditures.

Vote: All Ayes.

C. Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers *(Continued from June 9, 2020)*

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: M/S/C (Arreguin/Wengraf) to continue Items C, D, E, and 30 to June 30, 2020.

Vote: All Ayes.

Action Calendar – Continued Business

- D. **Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in Response to the Fossil Fuel Free Berkeley Referral** *(Continued from June 9, 2020)*

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: Item D, including supplemental material from Councilmember Harrison, continued to June 30, 2020.

- E. **Proposed Amendment to Berkeley’s Minimum Wage Ordinance: Berkeley Municipal Code Chapter 13.99** *(Continued from June 9, 2020)*

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 13.99, revising Section 13.99.040 to reinstate the exemption for youth job training programs, and freezing the youth wages at \$14.50 per hour for FY21, then increase the wage annually according to the Consumer Price Index as will occur with the Berkeley Minimum wage.

Financial Implications: See report

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

Action: Item E continued to June 30, 2020.

Action Calendar – New Business

30. **Placing Charter Amendment Measure on the November 3, 2020 Ballot to Repeal the Residency Requirement for Sworn Members of the Berkeley Fire Department**

From: City Manager

Recommendation:

1. Adopt a Resolution submitting an Amendment to Article VII of the City Charter regarding the residency requirement for sworn members of the Fire Department 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: See report

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

Action: Item 30 continued to June 30, 2020.

Action Calendar – New Business

31. **Contract: CycloMedia Technology, Inc. for Geographic Information System Infrastructure Asset Data Acquisition** *(Continued from May 26, 2020)*
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with CycloMedia Technology Incorporated for Geographic Information System infrastructure asset data acquisition, for an amount not to exceed \$187,401 for the period commencing on May 15, 2020 to June 30, 2022.
Financial Implications: Various Funds - \$187,401
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Item 31 continued to June 30, 2020.

Information Reports

32. **Refunding of \$7,790,000 City of Berkeley 2020 Refunding General Obligation Bonds, Series A; Refunding of \$11,690,000 City of Berkeley 2020 Refunding General Obligation Bonds, Series B; and Issuance of \$38,000,000 City of Berkeley 2020 General Obligations Bonds (Post Sale Report)**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.
33. **FY 2020 Second Quarter Investment Report: Ended December 31, 2019**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Item 33 continued to June 23, 2020
34. **FY 2020 Third Quarter Investment Report: Ended March 31, 2020**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Item 34 continued to June 23, 2020

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

Adjournment

Adjourned at 12:10 a.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of the City Council held on June 16, 2020.

Mark Numainville
City Clerk

Communications

Rent Control Exemptions for ADU/Eviction Good Cause Ordinance

1. John Caner
2. Shawn Fritz
3. Gail Martin
4. Anne Whyte (2)
5. Judy Hunt
6. Judy MacLean
7. Evelina Nava, on behalf of the East Bay Community Law Center
8. Aashan Avachat
9. Mark Yarn
10. Nicola Bourne
11. Erik Dreher
12. Alfred Twu, on behalf of California Renters Caucus
13. Laverde Paola
14. Deborah Malbec
15. Judi Sui
16. Erik Dreher
17. 14 similarly worded form letters

Covid-19 – General

18. David Lerman (6)
19. Jane Scantlebury
20. Becky O'Malley
21. Marc Bodian
22. Thomas Lord (2)
23. Chimey Lee
24. Dorothea Dorenz
25. Bryce Nesbitt
26. Barbara Gilbert
27. Danielle Hall

George Floyd/PRC/Police

28. George Lippman (2)
29. Erica Etelson
30. Kitty Calavita
31. Tom Luce
32. Dee Williams-Ridley, City Manager
33. Margy Wilkinson
34. Jesse Arreguin, Mayor
35. Maris Arnold
36. Tess Clabby
37. Nellie Graham

Trump=Nazi Graffiti

- 38. Rabbi Adam and Elena Naftalin-Kelman (2)
- 39. Councilmember Wengraf

Seismic Retrofits Fee Waivers

- 40. Bryce Nesbitt

5G

- 41. Jose Arau
- 42. Max Ventura
- 43. Rachel Pachiva

African American Holistic Resource Center

- 44. Mansour Id-Deen

Harriet Tubman Terrace

- 45. Darinxoso Oyamasela

Habitot Children's Museum

- 46. Gina Moreland, Executive Director

ADA

- 47. Jenny Miller (3)
- 48. Dominika Bednarska, Disability Specialist for the City of Berkeley (2)

Sewer Service Fees

- 49. Henry Oyekanmi, Finance Director for the City of Berkeley

Public Comment for Agenda Meeting

- 50. Carole Marasovic

Supplemental Communications and Reports 1

Item #23: Referral to the FY 21 Budget Process: Housing Retention Program and Basic Needs Fund

- 51. Northern California Land Trust

Item #25: Supporting the United States and Cuba Collaboration in Fighting Covid-19

- 52. Alicia Jrapko

Item #29: ZAB Appeal: 2650 Telegraph Avenue, Use Permit #ZP2019-0070

- 53. Lucie Bacho
- 54. Jacob Price

Supplemental Communications and Reports 2

Item #25: Supporting the United States and Cuba Collaboration in Fighting Covid-19

- 55. Diana Bohn

Item #28: Implement Residential Preferential Parking (RPP) Program on the 2900 Block of Lorina Street and the 3100 Block of Deakin Street

- 56. John Lee
- 57. Anonymous

Item #29: ZAB Appeal: 2650 Telegraph Avenue, Use Permit #ZP2019-0070

58. 56 identical and/or similarly worded form letters

59. Sonja Trauss, on behalf of YIMBY Law

60. John Parman

61. Olga and Martin Schwartz

62. Alan Saldich

63. Alex Knox, on behalf of the Telegraph Business Improvement District

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

64. Chris Hogan

Supplemental Communications and Reports 3

Item #4: Appointment of Director of Public Works

65. Ben Gerhardstein, on behalf of Walk Bike Berkeley

Item #23: Referral to the FY 21 Budget Process: Housing Retention Program and Basic Needs Fund

66. Andrea Henson

67. Rafael Jesus Gonzalez

68. Laura Rivas

Item #28: Implement Residential Preferential Parking (RPP) Program on the 2900 Block of Lorina Street and the 3100 Block of Deakin Street

69. Bill Walzer

70. John Hamilton

Item #29: ZAB Appeal: 2650 Telegraph Avenue, Use Permit #ZP2019-0070

71. Derek Imai, on behalf of ASUC

72. Jessica Adler

73. Paul Bickmore

74. Dexter Thomas

Item #D: Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in Response to the Fossil Fuel Free Berkeley Referral

75. Revised material, submitted by Councilmember Harrison

76. Holly Schneider

77. Terry Taplin

Item #31: Contract: CycloMedia Technology,, Inc. for Geographic Information System Infrastructure Asset Data Acquisition

78. Bryce Nesbitt

Urgency Items

Outdoor Dining and Commerce in the Public Right-of-Way

79. Urgent item, submitted by the City Manager's Office

Modification of 1956 Maintenance Agreement with Caltrans to Add a New Pedestrian Overcrossing Bridge at I-80 Gilman Interchange

80. Urgent item, submitted by the City Manager's Office

Business Continuity Grant Program Funding

81. Urgent item, submitted by the City Manager's Office

Safety for All: The George Floyd Community Safety Act – City Attorney and Manager Analysis of Contractual and Legal Barriers to Public Safety Reform

82. Urgent item, submitted by Councilmember Bartlett

Safety for All: The George Floyd Community Safety Act – Development of a Progressive Police Academy

83. Urgent item, submitted by Councilmember Bartlett

Miscellaneous Communications

1921 Walnut Street and UC Redevelopment

84. Natalie Logusch, on behalf of the 1921 Walnut Street Association

San Francisco is Leading

85. Alexandra Rodgers

Multiple Topics

86. Michai Freeman

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
MONDAY, JUNE 22, 2020
5:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/82012177428>. 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: **820 1217 7428**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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Preliminary Matters

Roll Call: 5:05 p.m.

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

Absent: Bartlett, Kesarwani

Councilmember Bartlett present at 5:10 p.m.

Public Comment - Limited to items on this agenda only – 1 speaker

CLOSED SESSION:

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

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

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

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Police Association, Service Employees International Union, Local 1021 Maintenance and Clerical Chapters, Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; International Brotherhood of Electrical Workers, Local 1245.

Action: No reportable action taken.

OPEN SESSION:

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

No reportable action taken.

Adjournment

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

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

Adjourned at 7:46 p.m.

Councilmember Wengraf absent at 7:40 p.m.

Councilmember Droste absent at 7:40 p.m.

Councilmember Harrison absent at 7:44 p.m.

I hereby certify that the foregoing is a true and correct record of the closed meeting of June 22, 2020 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

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

Tuesday, June 23, 2020

6:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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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To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/81018378132>. 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: **810 1837 8132**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

Roll Call: 6:01 p.m.

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

Absent: Bartlett, Harrison

Councilmember Bartlett present at 6:08 p.m.

Councilmember Harrison present at 6:09 p.m.

Action Calendar

1. Fiscal Year 2021 Budget Update

From: City Manager

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

Action: M/S/C (Arreguin/Wengraf) to accept supplemental materials related to the budget update from the City Manager.

Vote: All Ayes.

Action: 47 speakers. Discussion held.

2. FY 2020 Second Quarter Investment Report: Ended December 31, 2019

(Continued from June 16, 2020)

From: City Manager

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

Action: 3 speakers. Discussion held. Report received and filed.

3. FY 2020 Third Quarter Investment Report: Ended March 31, 2020 *(Continued from June 16, 2020)*

From: City Manager

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

Action: Discussion held. Report received and filed.

Action: M/S/C (Arreguin/Wengraf) to accept an urgency item from Councilmember Wengraf related to funding for the Alameda County Sheriff.

Vote: All Ayes.

Urgency Item: Oppose Budget Increase of \$84 million Annually to the Sheriff's Budget for 349 New Positions at the Santa Rita Jail

From: Councilmember Wengraf (author), Mayor Arreguin (co-sponsor) and Councilmember Davila (co-sponsor)

Recommendation: Send the attached letter as an email to be included in the Alameda County Board of Supervisor's Agenda Packet for their June 25th budget meeting, opposing the budget increase of \$84 million annually for the next three years to the Sheriff's budget for the Santa Rita Jail.

Fiscal Implications: None

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action: 4 speakers. Councilmember Kesarwani added as a co-sponsor. M/S/C (Wengraf/Kesarwani) to approve the recommendation.

Vote: All Ayes.

Adjournment

Action: M/S/C (Harrison/Davila) to adjourn the meeting in memory of Seth Smith, UC Berkeley Student and victim of recent homicide.

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

Adjourned at 10:59 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on June 23, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Fiscal Year 2021 Budget Update

1. Carol Denney
2. Lisa Bullwinkel

Supplemental Communications and Reports 3

Item #1: Fiscal Year 2021 Budget Update

3. Supplemental material, submitted by Finance
4. 18 similarly-worded form letters
5. Amy Gordon
6. Christopher Paguio
7. Rose Schweis
8. Laurel Halvorson
9. Elana Auerbach (2)
10. Bill Press
11. Lynne Henderson
12. Fred Wiese
13. Elizabeth Ferguson
14. Margy Wilkinson
15. Jeremy Lent
16. Alexandra Rodgers
17. Martin Bourque, on behalf of the Ecology Center
18. A Boi

19. Barbara Gilbert (2)
20. Attilio
21. Amy Ciraco
22. Alex de Man
23. Avi Simon
24. Jenna Fahle
25. Todd Jersey
26. Alyssa Chung
27. Alecia Harger
28. Nell Henderson
29. Charlene Woodcock
30. Gina Drescher
31. Ruth Laurie Winestock
32. Victoria Buckett
33. Colin Long
34. Sarai
35. Sara Bancroft
36. Ryan Norris
37. Tori Larson
38. Amalee Beattie
39. Hillary Brooks
40. Chimey Lee
41. Elana Auerbach

Item #3: FY 2020 Third Quarter Investment Report: Ended March 31, 2020

42. Supplemental material, submitted by Finance

Urgency Item: Oppose Budget Increase of \$84 million annually to the Sheriff's Budget for 349 New Positions at the Santa Rita Jail

43. Urgency item, submitted by Councilmember Wengraf
44. Carole Marasovic

**BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

WEDNESDAY, JUNE 24, 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

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*To join by phone: Dial 1-669-900-9128 and enter Meeting ID: 830 9824 1377. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 4:08 p.m.

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

Absent: Kesarwani, Bartlett, Wengraf

Councilmember Bartlett present at 4:17 p.m.

Councilmember Wengraf present at 4:37 p.m.

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

CLOSED SESSION:

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

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

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

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Police Association, Service Employees International Union, Local 1021 Maintenance and Clerical Chapters, Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; International Brotherhood of Electrical Workers, Local 1245, Unrepresented Employees.

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 6:20 p.m.

I hereby certify that the forgoing is a true and correct record of the closed session meeting held on June 24, 2020.

Mark Numainville
City Clerk

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, JUNE 30, 2020

3:30 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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Preliminary Matters

Roll Call: 3:36 p.m.

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

Absent: Kesarwani, Bartlett

Councilmember Bartlett present at 3:40 p.m.

Councilmember Kesarwani present at 3:46 p.m.

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

CLOSED SESSION:

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

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

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

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Police Association, Service Employees International Union, Local 1021 Maintenance and Clerical Chapters, Service Employees International Union, Local 1021 Community Services and Part-Time Recreation Leaders Association, Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association.

Action: No reportable action taken.

OPEN SESSION:

Action: No reportable action taken.

Adjournment

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

Vote: All Ayes.

Adjourned at 6:36 p.m.

I hereby certify that the forgoing is a true and correct record of the closed session meeting held on June 30, 2020.

Mark Numainville
City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, June 30, 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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*To join by phone: Dial 1-669-900-9128 and enter Meeting ID: 871 9978 5160. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

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

Preliminary Matters

Roll Call: 6:43 p.m.

Present: Kesarwani, Wengraf, Robinson, Droste, Arreguin

Absent: Davila, Bartlett, Harrison, Hahn

Councilmember Davila present at 6:48 p.m.

Councilmember Bartlett present at 6:49 p.m.

Councilmember Harrison present at 6:51 p.m.

Councilmember Hahn present at 6:54 p.m.

Ceremonial Matters:

1. Adjourn in memory of Margy Wilkinson, Berkeley Resident
2. Adjourn in memory of Dr. Bert Lubin, Former Director of Childrens' Hospital
3. Adjourn in memory of all Vitims of COVID-19

City Auditor Comments:

The City Auditor offered condolences o the passing of Margy Wilkinson; Acknowledged the efforts of the Budget and Finance Committee to adopt a budget recommendation; Noted the leadership of Councilmember Bartlett; and informed the Council of the planned police audit.

City Manager Comments:

The City Manager provided updates on COVID-19 relief efforts related to the unhoused community, new housing provided, additional tests, water, masks, sanitizer, and showers; also provided an update on reopening plans.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Arreguin/Harrison) to accept supplemental material pursuant to the Open Government Ordinance from the Public Works Department on Item 27, revised material from the City Manager on Item 40, supplemental material from Councilmember Harrison on Item 40, and revised material from the City Manager on Item 41.

Vote: All Ayes.

Action: M/S/C (Arreguin/Wengraf) to add an urgent item from the City Manager entitled "Adopt a Revised Resolution Calling a General Municipal Election to Add a Fifth Seat to be Elected to the Rent Stabilization Board for the November 3, 2020 Election" to the agenda pursuant to Government Code Section 54954.2(b).

Vote: All Ayes.

Action: M/S/C (Hahn/Wengraf) to add an urgent item from Councilmember Hahn entitled “Letter to IBank in Support of Berkeley’s Save Our Small (SOS) Business Loan Fund” to the agenda pursuant to Government Code Section 54954.2(b).

Vote: All Ayes.

Action: M/S/C (Harrison/Bartlett) to add an urgent item from Councilmember Harrison entitled “Urgency Item: Urgency Ordinance: Tenant’s Ability to End a Lease” to the agenda pursuant to Government Code Section 54954.2(b).

Vote: All Ayes.

Consent Calendar

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

Action: M/S/C (Arreguin/Harrison) to continue Item 35, Item 36, and Item 38 to July 21, 2020 special meeting.

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

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

Vote: All Ayes.

Consent Calendar

Urgency Item: Adopt a Revised Resolution Calling a General Municipal Election to Add a Fifth Seat to be Elected to the Rent Stabilization Board for the November 3, 2020 Election

From: City Manager

Recommendation: Adopt a revised resolution calling a General Municipal Election to add a fifth available seat to the Rent Stabilization Board for the consolidated general municipal election on November 3, 2020.

Financial Implications: None

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

Action: Adopted Resolution No. 69,460–N.S.

Consent Calendar

Urgency Item: Letter to IBank in Support of Berkeley's Save Our Small (SOS) Business Loan Fund

From: Councilmember Hahn (Author)

Recommendation: Send a letter to Mr. Scott Wu, Executive Director of the California Infrastructure and Economic Development Bank (IBank), requesting support for the Save Our Small (SOS) Business Loan Fund, passed by the Berkeley City Council on April 14, 2020, specifically requesting that he consider the following avenues to combine the efforts of the IBank with willing local governments to: (1) Implement allocation goals for our region within the existing Disaster Guarantee program by supporting Berkeley's Save Our Small (SOS) Business Loan Fund; and/or (2) Create a new loan vehicle for small business loans that combines private funds with State and City (or Regional, County, Town) funds that could be organized through the IBank; and send a copy of the letter to Chris Dom-browski, Acting Director, Governor's Office of Business and Economic Development (GO-Biz).

Financial Implications: None

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

Action: Approved recommendation.

Urgency Item: Urgency Ordinance: Tenant's Ability to End a Lease

From: Councilmember Harrison (Author), Councilmember Robinson (Author)

Recommendation: Adopt an urgency ordinance amending Berkeley Municipal Code 13.78.017 to accurately reflect the intent of the City Council to protect tenants, while still allowing them to terminate a lease early in accordance with their contract and amending 13.110.020 to allow tenants the ability to terminate a lease without penalty due to an impact of COVID-19.

Financial Implications: None

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

Action: Adopted Ordinance No. 7,720-N.S.

1. FY 2021 Tax Rate: Fund Disaster Fire Protection (Measure Q)

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,709-N.S. setting the FY 2021 tax rate for funding the procurement of disaster fire equipment at \$0.0125 (1.25 cents) per square foot of improvements.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,709-N.S.

Consent Calendar

- 2. FY 2021 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,710-N.S. setting the FY 2021 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0070%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,710–N.S.
- 3. FY 2021 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,711-N.S. setting the FY 2021 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0160%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,711–N.S.
- 4. FY 2021 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,712-N.S. setting the FY 2021 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0140%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,712–N.S.

Consent Calendar

- 5. FY 2021 Special Tax Rate: Fund the Provision of Library Services**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,713-N.S. setting the FY 2021 tax rate for funding the provision of Library Services in the City of Berkeley at the FY 2020 tax rate adopted by Ordinance No. 7,665-N.S. on June 11, 2019 at \$0.2272 (22.72 cents) per square foot for dwelling units and \$0.3435 (34.35 cents) per square foot for industrial, commercial, and institutional buildings.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300; Elliot Warren, Library, (510) 981-6100
Action: Adopted second reading of Ordinance No. 7,713–N.S.
- 6. FY 2021 Tax Rate: Business License Tax on Large Non-Profits**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,714-N.S. setting the FY 2021 tax rate for Business License Tax on large non-profits at \$0.6659 (66.59 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,714–N.S.
- 7. FY 2021 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,715-N.S. setting the FY 2021 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0090%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,715–N.S.
- 8. FY 2021 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,716-N.S. setting the FY 2021 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0080%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,716–N.S.

Consent Calendar

- 9. FY 2021 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,717-N.S. setting the FY 2021 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.1793 (17.93 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,717–N.S.
- 10. FY 2021 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,718-N.S. setting the FY 2021 tax rate for funding the provision of emergency services for the disabled at \$0.01699 (1.699 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,718–N.S.
- 11. FY 2021 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,719-N.S. setting the FY 2021 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0397 (3.97 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,719–N.S.
- 12. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the council meetings of May 5, 2020 (closed), May 12, 2020 (closed and regular), May 19, 2020 (special), May 21, 2020 (closed) and May 26, 2020 (closed and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved minutes as submitted.

Consent Calendar

- 13. Animal Services Contract with the City of Piedmont**
From: City Manager
Recommendation: Adopt a resolution authorizing the City Manager to execute a contract, with any amendments, with the City of Piedmont for animal care services for FY2021-FY2025, which increases the existing contract by up to \$180,134, with a total contract amount not to exceed \$441,984.
Financial Implications: See report
Contact: Erin Steffen, City Manager's Office, (510) 981-7000
Action: Item 13 continued to July 14, 2020.
- 14. Amendment to Contract No. 10854 (ERMA Contract No. 118939-1): Townsend Public Affairs, Inc. for Legislative and Funding Advocacy Strategy**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Townsend Public Affairs, Inc., contract No. 10854 (ERMA Contract No. 118939-1), for an ongoing tailored legislative and funding advocacy strategy, increasing the contract amount by \$30,000, for an amount not-to-exceed \$120,000, and extending the contract from June 30, 2020 to June 30, 2021.
Financial Implications: See report
Contact: Dave White, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 69,461–N.S.
- 15. Contract: Downtown Berkeley YMCA for Fitness Center Memberships for City Employees Pursuant to Negotiated Employee Memoranda of Understanding**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Downtown Berkeley YMCA in the amount of \$214,848 for fitness center memberships for City employees pursuant to negotiated employee memoranda of understanding from the period July 1, 2020 to June 30, 2021.
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000
Action: Adopted Resolution No. 69,462–N.S.
- 16. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 30, 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: \$195,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

Consent Calendar

17. **FY 2021 Reaffirming the Investment Policies and Designation of Investment Authority**
From: City Manager
Recommendation: Adopt a Resolution affirming the Statement of Investment Policies (no changes from the current policy) and to confirm the delegation of investment authority to the Director of Finance to make investments for FY 2021.
Financial Implications: None
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 69,463–N.S.
18. **Appropriations Limit for FY 2021**
From: City Manager
Recommendation: Adopt a Resolution establishing the appropriations limit at \$284,280,447 for FY 2021 pursuant to Article XIII B of the Constitution of the State of California based on the calculations for the appropriations limit.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 69,464–N.S.
19. **FY 2021 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.05818 (5.818 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.08804 (8.804 cents) per square foot of improvements with no increase in tax rate.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300; Dave Brannigan, Fire, (510) 981-5500
Action: Adopted first reading of Ordinance No. 7,721–N.S. Second reading scheduled for July 14, 2020.

Consent Calendar

20. Grant Agreement Amendment: Alameda County Coordinated Entry System (CES) Grant

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: 1. Receive \$878,449 in additional funding and execute any agreements and amendments resulting from an augmentation and extension of a three-year grant from Alameda County Health Care Services Agency (HCSA) to fund a North County Housing Resource Center and Coordinated Entry System to Prevent and End Homelessness through December 31, 2020, increasing the contract amount to \$5,309,786, and extending the end date of the contract to December 31, 2020; 2. Execute resulting contracts for services with Bay Area Community Services (BACS) and the Cities of Albany and Oakland to fulfill the purpose of the grant; and 3. Retain \$90,004 in funding for staff in the Health, Housing & Community Services Department (HHCS) for program delivery.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,465–N.S.

21. Mental Health Services Act Contract Amendment: Covenant House

From: City Manager

Recommendation: Adopt two Resolutions authorizing the City Manager or her designee to execute amendments for the following contracts with Covenant House that are funded through Mental Health Services Act (MHSA) Community Services and Supports (CSS) and Prevention and Early Intervention (PEI), and increasing the contract amounts as outlined below, and extending the contracts through March 31, 2021:

1. Increasing PEI ERMA Contract No. 122380-1 (8606J) with Covenant House California-YEAH! Program, in the amount of \$24,035 for a total contract amount not to exceed \$307,139 for support groups for Transition Age Youth (TAY);
2. Increasing CSS ERMA Contract No. 120650-1 (9553F) with Covenant House California-YEAH! Program by \$92,142 for a total contract amount not to exceed \$847,428 for services for transition age youth.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,466–N.S. (Contract No. 122380-1 (8606J)), and Resolution No. 69,467–N.S. (Contract No. 120650-1 (9553F)).

Consent Calendar

22. Contract Amendments: Mental Health Services Act, Prevention and Early Intervention

From: City Manager

Recommendation: Adopt two Resolutions authorizing the City Manager or her designee to execute amendments for the following contracts that are funded through Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI), and extending the contracts through March 31, 2021:

1. Increasing PEI ERMA Contract No. 088999 -1 (8801I) with Center for Independent Living (CIL) in the amount of \$24,035 for a total contract amount not to exceed \$280,619 for supports for senior citizens;

2. Increasing PEI ERMA Contract No. 052129-1 (8516J) with Pacific Center for Human Growth in the amount of \$24,035 for a total contract amount not to exceed \$307,139 to serve Lesbian, Gay, Bi-sexual, Transgender, Queer/Questioning, and Intersex (LGBTQI) individuals.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,468–N.S. (Contract No. 088999 -1 (8801I)), and Resolution No. 69,469–N.S. (Contract No. 052129-1 (8516J))

23. Contract Amendment with BOSS for Representative Payee services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract amendment with vendor Building Opportunities for Self-Sufficiency (BOSS) to provide Representative Payee services. The amendment will add \$100,000 to the current contract and extend it through June 30, 2021 for a total contract not to exceed amount of \$200,000.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,470–N.S.

24. Reimbursement Agreement with the City of San Jose and the City of Berkeley Police Department for Training Related to the Internet Crimes Against Children (ICAC) Task Force

From: City Manager

Recommendation: Adopt a Resolution approving the Agreement of Reimbursement between the City of San Jose and the City of Berkeley Police Department (Internet Crimes Against Children Training Costs) to provide for training reimbursement of Internet Crimes Against Children federal grant-related training costs to the City of Berkeley.

Financial Implications: None

Contact: Andrew Greenwood, Police, (510) 981-5900

Action: Adopted Resolution No. 69,471–N.S.

Consent Calendar

25. Grant Applications: Active Transportation Program Cycle 5

From: City Manager

Recommendation: Adopt three Resolutions authorizing the City Manager to submit grant applications to the Caltrans Active Transportation Program for the following projects: 1) Washington Elementary and Berkeley High Safe Routes to School for up to \$2 million; 2) Martin Luther King Jr. Way Vision Zero Phase I Quick Build for up to \$600,000; and 3) Addison Street Bicycle Boulevard Phase II for up to \$2 million; and accept the grants awarded, and execute any resultant agreements and amendments.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,472–N.S. (Washington Elementary), Resolution No. 69,473–N.S. (Martin Luther King Jr. Way), and Resolution No. 69,474–N.S. (Addison Street).

26. Contract No. 31900035 Amendment: Ghilotti Construction Company for Shattuck Reconfiguration and Pedestrian Safety Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900035 with Ghilotti Construction Company for work on the Shattuck Reconfiguration and Pedestrian Safety Project (“Project”), Specification No.17-11090-C, increasing the contract amount by up to \$300,000 for an amended total not to exceed \$8,286,960.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,475–N.S.

27. Approval and Levy of 2018 Clean Stormwater Fee in FY 2021

From: City Manager

Recommendation: Adopt a Resolution approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2021.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,476–N.S. including the Engineer’s Report accepted for consideration at the Council meeting.

Council Consent items

- 28. Support United States Congresswoman Barbara Lee’s legislation to establish a United States Commission on Truth, Racial Healing, and Transformation.**
From: Councilmember Davila (Author), Councilmember Bartlett (Co-Sponsor), Mayor Arreguin (Co-Sponsor)
Recommendation:
1. Adopt a resolution supporting United States Congresswoman Barbara Lee’s legislation to establish a United States Commission on Truth, Racial Healing, and Transformation.
2. Send copies of this resolution to United States Congresswoman Barbara Lee.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Councilmember Harrison added as a co-sponsor. 1. Adopted Resolution No. 69,485–N.S. 2. Approved recommendation.
- 29. Resolution Urging Members Of Our State Legislature And Governor To Explore New Revenue Generating Options, Including A Millionaire Tax To Ensure Safety Net Programs Are Not Cut Due To An Unprecedented Statewide Deficit**
From: Councilmember Harrison (Author), Councilmember Davila (Co-Sponsor)
Recommendation: Adopt a resolution encouraging State Legislators and the Governor to explore revenue options, including an additional tax on the highest earning Californians, to address the significant state budget shortfall following the impact of COVID-19.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Councilmembers Bartlett and Kesarwani added as co-sponsors. Adopted Resolution No. 69,477–N.S.
- 30. Support for AB-3256: Economic Recovery and Climate Resiliency Bond**
From: Councilmember Wengraf (Author)
Recommendation: Adopt a Resolution in support of AB-3256: Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020 (E. Garcia, Bloom, Bonta, Friedman, C. Garcia, Mullin, Reyes and Wood).
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Councilmembers Harrison, Bartlett, and Kesarwani added as co-sponsors. Adopted Resolution No. 69,478–N.S.

Council Consent items

31. **Support for AB-2501 COVID-19: Homeowner, Tenant, and Consumer relief**
From: Councilmember Wengraf (Author)
Recommendation: Adopt a Resolution in support of AB-2501: Homeowner, Tenant and Consumer Relief (Limón). Send a copy of the Resolution to Assemblymembers Limón, Skinner and Wicks and Governor Newsom.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Councilmembers Harrison, Bartlett, and Kesarwani added as co-sponsors.
Adopted Resolution No. 69,479–N.S.
32. **Support for ACA 5: California Act for Economic Prosperity**
From: Councilmember Robinson (Author), Councilmember Davila (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Mayor Arreguin (Co-Sponsor)
Recommendation: Adopt a resolution in support of ACA 5, which would place a measure on the statewide ballot to repeal Proposition 209 (1996) and allow the State of California to pursue minority equal opportunity and access initiatives in public employment, education, and contracting. Send copies of the resolution to Assemblymembers Shirley Weber, Mike Gipson, Miguel Santiago, Lorena Gonzalez, and Buffy Wicks, and State Senator Nancy Skinner.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Adopted Resolution No. 69,480–N.S. amended to also state the Council's support for the measure on the ballot.

Action Calendar – Public Hearings

33. Amend One-Way Car Share Program: Electric Mopeds, Fees, Deposits

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, 1) adopt a Resolution to amend the One-Way Car Share Program to rename it as the One-Way Vehicle Share Program, add parking permit and administration fees for electric mopeds, and adjust the administration fee and free-floating parking permit deposits for cars, and 2) adopt the first reading of an Ordinance pursuant to Berkeley Municipal Code Chapter 14.62, renaming the One-Way Car Share Program as the One-Way Vehicle Share Program and removing obsolete references to parking permit stickers affixed to vehicles.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 5 speakers.

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

Vote: All Ayes.

Action: M/S/C (Robinson/Arreguin) to:

1. Adopt Resolution No. 69,481–N.S.

2. Adopt first reading of Ordinance No. 7,722–N.S. Second reading scheduled for July 14, 2020.

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

34. Amendments to the Berkeley Election Reform Act; Amending Berkeley Municipal Code Chapter 2.12

From: Fair Campaign Practices Commission

Recommendation: Conduct a public hearing and upon conclusion, adopt an ordinance amending the Berkeley Election Reform Act, BMC Chapter 2.12, regarding the public financing program.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 0 speakers.

M/S/C (Arreguin/Wengraf) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to adopt first reading of Ordinance No. 7,723–N.S. Second reading scheduled for July 14, 2020.

Vote: All Ayes.

Recess 9:15 p.m. – 9:27 p.m.

Action Calendar - Old Business

- 35. Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers** *(Continued from June 16, 2020)*
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: Item 35 continued to July 21, 2020 special meeting.
- 36. Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in Response to the Fossil Fuel Free Berkeley Referral** *(Item contains supplemental material) (Continued from June 16, 2020)*
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: Item 36 continued to July 21, 2020 special meeting.
- 37. Proposed Amendment to Berkeley's Minimum Wage Ordinance: Berkeley Municipal Code Chapter 13.99** *(Continued from June 16, 2020)*
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 13.99, revising Section 13.99.040 to reinstate the exemption for youth job training programs, and freezing the youth wages at \$14.50 per hour for FY21, then increase the wage annually according to the Consumer Price Index as will occur with the Berkeley Minimum wage.
Financial Implications: See report
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: 1 speaker. M/S/C (Arreguin/Wengraf) to take no action on Item 37.
Vote: All Ayes.

Action Calendar - Old Business

38. **Placing Charter Amendment Measure on the November 3, 2020 Ballot to Repeal the Residency Requirement for Sworn Members of the Berkeley Fire Department** *(Continued from June 16, 2020)*
From: City Manager
Recommendation:
1. Adopt a Resolution submitting an Amendment to Article VII of the City Charter regarding the residency requirement for sworn members of the Fire Department 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: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Item 38 including the revised material in Supplemental Communications Packet #2 continued to July 21, 2020 special meeting.
39. **Contract: CycloMedia Technology, Inc. for Geographic Information System Infrastructure Asset Data Acquisition** *(Continued from June 16, 2020)*
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with CycloMedia Technology Incorporated for Geographic Information System infrastructure asset data acquisition, for an amount not to exceed \$187,401 for the period commencing on May 15, 2020 to June 30, 2022.
Financial Implications: Various Funds - \$187,401
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Moved to Consent Calendar. Adopted Resolution No. 69,482–N.S. including supplemental material in Supplemental Communications Packet #2.
Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.

Action Calendar – New Business

40. FY 2021 Mid-Biennial Budget Update Adoption

From: City Manager

Recommendation: Adopt a Resolution:

1. Adopting the FY 2021 Budget as contained in the City Manager's FY 2021 Proposed Budget Update presented to Council on May 12, 2020, June 9, 2020, and as amended by subsequent Council action.
2. Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2021, as reflected in Attachment 2, and as amended by subsequent Council action.

Financial Implications: See report

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

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:00 a.m.

Vote: All Ayes.

Action: M/S/C (Arreguin/Droste) to suspend the rules and extend the meeting to 12:30 a.m.

Vote: All Ayes.

Action: M/S/C (Arreguin/Droste) to suspend the rules and extend the meeting to 1:00 a.m.

Vote: All Ayes.

Action: M/S/C (Wengraf/Droste) to end debate and call the question on Item 40.

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

Action: 99 speakers. M/S/C (Arreguin/Droste) to adopt Resolution No. 69,483–N.S. as amended by the Budget & Finance Committee recommendations on June 29, 2020 (contained in the supplemental material from Mayor Arreguin in Supplemental Communications Packet #2), amended to remove the \$100,000 allocation for the Alcatraz Traffic Study, and in the supplemental materials from the City Manager accepted at the meeting. Additional direction provided to the City Manager to provide quarterly reports, with the first report in September 2020, on police overtime as written in the supplemental materials from Councilmember Harrison accepted at the meeting.

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

Action Calendar – New Business

41. FY 2021 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt first reading of an Ordinance adopting the FY 2021 Annual Appropriations Ordinance (AAO) in the amount of \$521,674,251 (gross appropriations) and \$439,737,989 (net appropriations).

Financial Implications: See report

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

Action: 0 speakers. M/S/C (Arreguin/Droste) to adopt first reading of Ordinance No. 7,724–N.S. as amended in the materials accepted at the meeting to revise the amounts in the recommendation to \$533,318,519 (gross appropriations) and \$447,702,457 (net appropriations). Second reading scheduled for July 14, 2020.

Vote: All Ayes.

42. Borrowing of Funds and the Sale and Issuance of FY 2020-21 Tax and Revenue Anticipation Notes

From: City Manager

Recommendation: Adopt a Resolution approving the borrowing of \$43,000,000 and the sale and issuance of Fiscal Year 2020-21 Tax and Revenue Anticipation Notes.

Financial Implications:

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

Action: 0 speakers. M/S/C (Arreguin/Wengraf) to adopt Resolution No. 69,484–N.S.

Vote: All Ayes.

Information Reports

43. Dispatch Audit Report Wins National Recognition

From: Auditor

Contact: Jenny Wong, Auditor, (510) 981-6750

Action: Received and filed.

44. City Auditor Fiscal Year 2021 Audit Plan

From: Auditor

Contact: Jenny Wong, Auditor, (510) 981-6750

Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 3 speakers.

Adjournment

Adjourned at 1:03 a.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of the City Council held on June 30, 2020.

Mark Numainville
City Clerk

Communications

ADU and Golden Duplexes

1. Elisa Mikiten
2. Erik Dreher
3. Lee Goodwin
4. Jas Kaminsky
5. Andrew Marowitz (2)
6. Lauren Schiller
7. Gail Martin

East Bay Community Energy Budget and Rates

8. Richard Collins

Telegraph Avenue Triangle

9. Diana Bohn

True Issues – Not Signage

10. Wini Williams

Good Cause Eviction

11. Susan Sky

Telecom Ordinance

12. Soula Culver

Clean Up Around Adeline and Alcatraz

13. Ms. Richie and Friends of Adeline

Insurance Coverage During Civil Unrest

14. Ricardo Lara, Insurance Commissioner

15. Mary Beth Bykowsky, on behalf of Community Relations and Outreach Branch

Surveillance and Technology Ordinance

16. Blair Beekman

Fuel Powered Leaf Blowers

17. Yvette Chalom

Trump=Nazi Graffiti

18. Elana Naftalin-Kelman (4)

LRDP and Campus Master Plan Update

19. Margot Smith

Measure GG Tax Rate

20. Gradiva Couzin, Chair, Disaster and Fire Safety Commission

Police Concerns

21. Russbumper

22. Catherine Huchting

23. Margy Wilkinson

24. G. Whittle

25. Carole Marasovic

26. Margy Wilkinson

27. Jane Ellis

28. Lori Pottinger

29. Caterina and Jonathan Polland

30. Tom Luce

31. Christine Schwartz

32. Bud Hazelkorn

- 33. Carol Denney
- 34. Elisa Mikiten

Black Business Owners

- 35. Vivian Warkentin

Removing Flyers

- 36. Carol Denney

Covid-19

- 37. Carla Woodworth
- 38. Rachel Bradley
- 39. Nikos Daniilidis (2)
- 40. Rochelle Nason, City Councilmember City of Albany
- 41. Dawn Abrahamson
- 42. David Lerman (5)
- 43. Lisa Hernandez, Health Office/City of Berkeley
- 44. Chimey Lee
- 45. Georg Torgun
- 46. Mariam Wolodarski Lundberg

South Berkeley Neighborhood Development Corp. Request

- 47. Landon William, on behalf of SBNDC

Supplemental Communications and Reports 1

Item #37: Proposed Amendment to Berkeley's Minimum Wage Ordinance: Berkeley Municipal Code Chapter 13.99

- 48. Supplemental material, submitted by Health, Housing and Community Services

Item #42: Borrowing of Funds and the Sale and Issuance of FY 2020-21 Tax and Revenue

- 49. Supplemental material, submitted by Finance

Supplemental Communications and Reports 2

Item #38: Placing Charter Amendment Measure on the November 3, 2020 Ballot to Repeal the Residency Requirement for Sworn Members of the Berkeley Fire Department

- 50. Revised material, submitted by the City Manager's Office

Item #39: Contract: CycloMedia Technology, Inc. for Geographic Information System Infrastructure Asset Data Acquisition

- 51. Supplemental material, submitted by Information Technology

Item #40: FY 2021 Mid-Biennial Budget Update Adoption

- 52. Supplemental material, submitted by Mayor Arreguin
- 53. Supplemental material, submitted by Councilmember Hahn

Item #42: Borrowing of Funds and the Sale and Issuance of FY 2020-21 Tax and Revenue

54. Supplemental material, submitted by Finance

Urgency Item: Adopt a Revised Resolution Calling a General Municipal Election to Add a Fifth Seat to be Elected to the Rent Stabilization Board for the November 3, 2020 Election

55. Urgent item, submitted by the City Clerk's Office

Urgency Item: Ordinance Allowing Temporary Outdoor Uses on Private Property

56. Urgent item, submitted by the Planning and Development Department

Supplemental Communications and Reports 3

Item #27: Approval and Levy of 2018 Clean Stormwater Fee in FY 2021

57. Supplemental material, submitted by Public Works

Item #33: Amend One-Way Car Share Program: Electric Mopeds, Fees, Deposits

58. Kerby Olsen

Item #34: Amendments to the Berkeley Election Reform Act; Amending Berkeley Municipal Code Chapter 2.12

59. Brad Smith, Chair of the Fair Campaign Practices Commissions

Item #35: Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers

60. Barbara Gilbert

Item #36: Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in Response to the Fossil Fuel Free Berkeley Referral

61. Nancy Rader

62. Barbara Gilbert

Item #40: FY 2021 Mid-Biennial Budget Update Adoption

63. Revised material, submitted by Budget

64. Supplemental material, submitted by Councilmember Harrison

65. Diana Pruet

66. Nancy Rader

67. Haak Saxberg

68. Rebecca Shea

69. Joel Mandella

70. S. Omowale Fowles

71. Jesse Barber

72. Uma Channer

73. Rumur Dowling

74. Tara Blossom

75. Alecia

76. Avi Simon

77. Erica Sladky

78. Toki Nagata

79. Sara Bancroft

80. Christine Schwartz
81. Laurel Chen
82. Vikram Nagarajan
83. MJ Baumann
84. Derethia Du Val
85. Mary Butler
86. Nicole Bores
87. Steven Koneff Klatt
88. Katrina Lapira
89. Sophia DeWitt
90. RJ Godin
91. Mary Butler
92. Mary Behm-Steinberg
93. Alice An
94. Benjamin Karin
95. Beth Bouffard
96. Rosslyn Contreras
97. Sanya Sehgal
98. Rahwa Neguse, on behalf of Healthy Black Families
99. Saadhana Deshpande
100. Sanya Sehgal
101. Haazim Amirali
102. Vicki Alexander
103. Mathew Vernon
104. Catherine Huchting
105. Kelysey Crutchfield-Peters
106. Ashley Ro
107. Cristina Biasetto
108. Hope Henderson
109. Juliana Fredman
110. Susun Kim
111. Jennifer Schlissel
112. Arielle Balbus
113. Adele Failes-Carpenter
114. Jessica Stern
115. Frances Schaeffer
116. Ace Chen
117. Grace Reinhalter
118. Diana Alvarado
119. Katherine Cording
120. Jonah Lounds
121. Olivia deBree
122. Michelle Yiu
123. Samantha Whitty
124. John Butterfield
125. Alison Lafferty

- 126. Alicia Roy
- 127. Elisa Mikiten
- 128. Eden Marish Roehr
- 129. Orly Suveda
- 130. Ellen Woods
- 131. Katie Look
- 132. Austin Henderson
- 133. Maya Canonizado
- 134. Diana Bohn
- 135. Amelia Rudberg
- 136. Richard Lee
- 137. Sydney Trieu
- 138. Gabriella Willenz
- 139. Barbara Gilbert
- 140. Irfan Kovankaya

Item #41: FY 2021 Annual Appropriations Ordinance

- 141. Revised material, submitted by Budget

Item #44: City Auditor Fiscal Year 2021 Audit Plan

- 142. Presentation, submitted by the Auditor

Urgency Item: Letter to IBank in Support of Berkeley's Save Our Small (SOS) Business Loan Fund

- 143. Urgent item, submitted by Councilmember Hahn

Urgency Item: Tenant's Ability to End a Lease

- 144. Urgent item, submitted by Councilmember Harrison
- 145. Tiffany Tong
- 146. Samy Cherfaoui
- 147. Tanya Koroyan
- 148. Elicia Ye
- 149. Mayor Jesse Arreguin
- 150. Christine Maly