

AGENDA



BERKELEY CITY COUNCIL MEETING

**Tuesday, October 12, 2021
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be 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/87357139470>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **873 5713 9470**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

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

Preliminary Matters

Roll Call:

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

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

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

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Recess Items

1. **Contract: Murray Building, Inc. for Cazadero Camp Jensen Dormitory Construction Project**

From: City Manager

Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess: 1. Approving the plans and specifications for the Cazadero Camp Jensen Dormitory Project, Specification No. 21-11443-C; 2. Accepting the bid of Murray Building, Inc. as the lowest responsive and responsible bidder for the amount of \$1,329,000; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the Project in accordance with the approved plans and specifications with Murray Building, Inc. in an amount not to exceed \$1,461,900 which includes a 10% contingency.

Financial Implications: Camps Fund - \$1,461,900

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

Consent Calendar

2. **Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Berkeley's Bicycle Boulevards and on At-Risk West Berkeley Residential Streets**

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

Recommendation: Adopt second reading of Ordinance No. 7,784 amending Berkeley Municipal Code (BMC) Section 14.56.070 to add 3-ton commercial truck weight limits on:

1. Ninth Street between Dwight Way and Heinz Avenue
2. Addison Street between San Pablo Avenue and Sixth Street;
3. Allston Way between San Pablo Avenue and Sixth Street;
4. Bancroft Way between San Pablo Avenue and Sixth Street;
5. Channing Way between San Pablo Avenue and Fourth Street;
6. Dwight Way between San Pablo Avenue and Sixth Street;
7. Camelia Street between Eighth Street and Ninth Street;
8. Eighth Street between Jackson Street and Camelia Street;
9. Ninth Street between Camelia Street and Cedar Street;
10. Virginia Street between Sacramento Street and Martin Luther King Jr. Way;
11. Virginia Street between Shattuck Avenue and Euclid Avenue;
12. Channing Way between Martin Luther King Jr. Way and Piedmont Avenue;
13. Heinz Avenue between Ninth Street and San Pablo Avenue;
14. Russell Street between San Pablo Avenue and Shattuck Avenue;
15. Russell Street between Telegraph Avenue and Claremont Avenue;
16. California Street between Hopkins Street and University Avenue;
17. California Street between Dwight Way and Russell Street;
18. King Street between Russell Street and Stanford Avenue;
19. Milvia Street from Dwight Way to Russell Street;
20. Bowditch Street from Bancroft Way to Dwight Way;

Consent Calendar

21. Hillegass Avenue from Dwight Way to Woolsey Street
22. Addison from San Pablo to Sacramento
23. Allston San Pablo to Sacramento
24. Bancroft from San Pablo to Sacramento
25. Addison San Pablo to Curtis
26. Cowper from San Pablo to Curtis
27. Byron from Addison to Bancroft
28. Curtis from University to Dwight
29. Browning from Addison to Dwight
30. West from Addison to Allston
31. Valley from Bancroft to Dwight
32. Acton from Addison to 66th.
33. Bonar from University to Dwight
34. Edwards from Bancroft to Dwight
35. Matthews from Dwight to Russell
36. Mabel from Dwight to 66th.
37. Derby from San Pablo to Sacramento
38. Ward from San Pablo to Sacramento
39. Oregon from San Pablo Park to Sacramento
40. Burnett from San Pablo to Acton
41. Dohr from Ward to Prince
42. Haskell from San Pablo to Acton
43. Harmon from Idaho to California
44. Prince from Acton to California
45. 66th from Mabel to California

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

3. **Amending BMC Section 14.56.040 to Reduce the Commercial Weight Limit on Marin Ave**

From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Droste (Co-Sponsor)

Recommendation: Adopt second reading of Ordinance No. 7,785–N.S. amending Berkeley Municipal Code (BMC) Section 14.56.040 to reduce the commercial vehicle weight limit from four tons gross weight to three tons gross weight on Marin Avenue between Grizzly Peak Boulevard and The Marin Fountain Circle.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Consent Calendar

- 4. Ordinance for a Shared Electric Micromobility Permit Program**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,786–N.S. adding Berkeley Municipal Code Chapter 14.63 and amending Chapter 14.68 to establish the Shared Electric Micromobility Permit Program and related parking regulations.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 5. Adoption of the Baseline Zoning Ordinance (BZO)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,787–N.S. rescinding the current Berkeley Municipal Code (BMC) Title 23 and adopting the new Baseline Zoning Ordinance (BZO) as BMC Title 23 with an effective date of December 1, 2021.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 6. Update Guidelines and Procedures for City Council Office Budget Expenditure Accounts**
From: City Manager
Recommendation: Adopt a Resolution: 1. Rescinding Resolution No. 65,540-N.S.; and 2. Updating the guidelines and procedures for City Council Office Budget Expenditure Accounts to allocate for Mayor and Councilmember Office staff salaries and fringe benefits for Legislative Assistant position to be adjusted annually consistent with any increase provided to the SEIU Local 1021 Community Services Unit and Part-Time Recreation Leaders Association (CSUPTRLA) Unit.
Financial Implications: See report
Contact: Rama Murty, Budget Office, (510) 981-7000
- 7. City Council Rules of Procedure and Order Revisions**
From: City Manager
Recommendation: Adopt a Resolution revising Appendix C of the City Council Rules of Procedure and Order to refine practices for holding public meetings via video conference technologies; clarifying the Council procedures for moving an item from the Action to Consent Calendar; removing Appendix D; and rescinding any preceding amendatory resolutions.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

Consent Calendar

8. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 12, 2021

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: Zero Waste Fund - \$750,000

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

9. Proposed Ordinance Amending Paragraph 'NN' of Berkeley Municipal Code Section 19.48.020

From: City Manager

Recommendation: 1. Adopt the first reading of an Ordinance (Attachment 1) which modifies the language of Paragraph 'NN.' of Berkeley Municipal Code Section 19.48.020 ("Amendments to the California Fire Code) by adopting a building standard which is more restrictive than that standard currently contained in the California Fire Code and which will expand the existing local code amendment that requires the installation of fire sprinklers in new structures and the retrofit fire sprinklers into existing structures that currently exists in Fire Zone 3 to include structures located in Berkeley Fire Zone 2;

2. Adopt a Resolution (Attachment 2) setting forth findings of local conditions that require more stringent building standards than those provided by the 2019 California Fire Code and that amends Resolution number 69,178–N.S.; and

3. In compliance with state law on adopting such more restrictive building standards, hold a public hearing following the first reading and before the second reading, and schedule the public hearing for October 26, 2021.

Financial Implications: See report

Contact: Abe Roman, Fire, (510) 981-3473

10. Purchase Order: Braun Northwest for Two 2022 North Star 155-1 Type 1 Ambulances

From: City Manager

Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in HGACBuy contract bid procedures, and authorizing the City Manager to execute a purchase order for two (2) 2022 North Star 155-1 Type 1 Ambulances with Braun Northwest, Inc. in an amount not to exceed \$650,000.

Financial Implications: Measure FF - \$650,000

Contact: Abe Roman, Fire, (510) 981-3473, Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 11. Purchase Order: Nicholas K Corp DBA “The Ford Store” San Leandro for Five Ford F-250 4X4 Pickup Trucks**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Alameda County bid procedures and authorizing the City Manager to execute a purchase order for five (5) Ford F-250 4X4 Pickup Trucks with Nicholas K Corp DBA “The Ford Store” San Leandro in an amount not to exceed \$322,000.
Financial Implications: Measure FF - \$322,000
Contact: Abe Roman, Fire, (510) 981-3473, Liam Garland, Public Works, (510) 981-6300
- 12. Contract No. 32100181 Amendment: Alameda County Healthcare Services Agency**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32100181 with Alameda County Healthcare Services to increase the total contract amount by \$62,000 for a total contract amount not to exceed \$100,000 for the period of May 1, 2021 to July 31, 2024 for epidemiology and program evaluation services. The contract will serve the needs of the Public Health Division in providing the program evaluation required under the 3-year Prop 64 Cohort 2 grant funding that was awarded to the City of Berkeley in May 2021.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 13. Appointment of Fire Chief**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Abraham Roman as the Fire Chief to be effective October 17, 2021 at an annual salary of \$268,990.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
- 14. Classification and Salary: Establish Program Manager I and II Classifications**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 68,709-N.S., Classification and Salary Resolution for Public Employees Union, Local One to include the classification of Program Manager I and II Classifications with an hourly salary range of \$51.7326 - \$62.4561 effective October 12, 2021.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800

Consent Calendar

- 15. Transfer Tax Refund for 1685 Solano Avenue**
From: City Manager
Recommendation: Adopt a resolution authorizing the City Manager to grant a transfer tax refund of an estimated \$121,250 to the Bay Area Community Land Trust (BACLT) to support the acquisition and renovation of 1685 Solano Avenue and BACLT's operation of the property as affordable housing.
Financial Implications: General Fund - \$121,250
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 16. Contract No. 112798-2 Amendment: Geographic Technologies Group for Additional Geographic Information System (GIS) Projects**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 112798-2 with Geographic Technologies Group (GTG) for Geographic Information System (GIS) professional services, for a total not to exceed \$100,000 and for a total contract value of \$499,411 from September 14, 2016 to June 30, 2023.
Financial Implications: FY22 IT Cost Allocation - \$100,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 17. Protiviti Government Services: Using General Services Administration (GSA) Vehicle for Professional Services Purchase Orders**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti Government Services for the purchase of professional services using the General Services Agency's (GSA) purchasing vehicle no. GS-35F-0280X for an amount not to exceed \$492,000 through September 30, 2022.
Financial Implications: See report
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 18. Grant Application: Environmental Enhancement and Mitigation Project (EEMP) Proposal**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit an Environmental Enhancement and Mitigation (EEM) grant application to plant urban forest trees in the amount up to \$500,000; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Council Consent Items

19. **City Policy Regarding Scheduling City Meetings on Significant Religious Holidays**
From: Mayor Arreguin (Author), Councilmember Wengraf (Author), Councilmember Taplin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution establishing an official City of Berkeley policy to avoid scheduling of meetings of the City Legislative Bodies (City Council, Commissions and Boards, Council Policy Committees, Task Forces) on any religious holiday that incorporates significant work restrictions and direct the City Manager to identify those holidays in consultation with community religious leaders.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, (510) 981-7100
20. **Budget Referral: Security Cameras in the Public Right Of Way at Intersections Experiencing Increased Violent Crime, and Environmental Safety Assessment for High Crime Areas**
From: Councilmember Taplin (Author), Councilmember Kesarwani (Author)
Recommendation: In order to deter gun violence and obtain evidence to solve criminal investigations, adopt the following recommendations: 1. Authorize the City Manager to install security cameras, prominent signage, and increased lighting in the public right-of-way at intersections experiencing a rise in violent crime, including appropriate arterial streets serving as entry into and exit out of the City of Berkeley; 2. Refer to the City Manager an environmental safety assessment of the high crime areas specifically in South and West Berkeley; 3. Refer costs for security cameras and lighting to the Annual Appropriations Ordinance (AAO) #1 budget process. We note that the security camera footage would be used solely for the purpose of solving criminal investigations. The cameras are not intended and would not be used for any kind of surveillance purposes whatsoever. Key intersections entering and leaving Berkeley for security camera installation could include those listed below. Arterial intersections along University, Ashby and Alcatraz in close proximity to gun violence in South and West Berkeley should be prioritized: 6th/University, 7th/Ashby, San Pablo Ave./Ashby, Sacramento/Alcatraz, Alcatraz/Adeline, Ashby/Telegraph, Gilman/6th, College/Alcatraz, Ashby/Domingo, Ashby/Claremont. Other locations within Berkeley may include the following: University/San Pablo, University/Sacramento, Sacramento/Ashby, George Florence Park, 10th/Bancroft, 8th/Channing, 8th/Addison.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

21. Ghost Gun Ordinance

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

(Reviewed by the Public Safety Committee)

Recommendation: Adopt first reading of an Ordinance amending the Berkeley Municipal Code to prohibit any person other than a licensed manufacturer or importer from possessing, selling, offering for sale, transferring, purchasing, transporting, receiving, or manufacturing an unfinished firearm frame or receiver that has not been imprinted with a serial number, subject to certain exceptions pursuant to state law; and prohibiting any person from possessing, manufacturing or assembling a firearm that has not been imprinted with a serial number, subject to certain exceptions pursuant to state law.

Policy Committee Recommendation: Send the item, with a positive recommendation, to Council and directed the author to work with the City Attorney's office to finalize a draft Ordinance and to submit the item as a time critical item for inclusion in the October 12, 2021 Council agenda.

Financial Implications: Staff time

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

22. Letter to Senate Budget Committee Chair Sen. Skinner Regarding Berkeley Pier

From: Councilmember Taplin (Author), Mayor Arreguin (Co-Sponsor), Councilmember Robinson (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)

Recommendation: Send a letter to State Senator Nancy Skinner (D-Berkeley), Chair of the Senate Budget Committee, requesting state budget allocations for urgent infrastructure needs at the Berkeley Municipal Pier.

Financial Implications: None

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

- 23. Infrastructure and Affordable Housing Finance Plan for Adeline Corridor**
From: Councilmember Bartlett (Author)
Recommendation: Refer to the November Annual Appropriation Ordinance an allocation of \$200,000 to fund a Consultant to design and implement an infrastructure and affordable housing finance strategy for the Adeline Corridor Plan that was adopted by the City Council on December 8, 2020. The proposed analysis should examine the feasibility of various infrastructure financing tools, such as an Enhanced Infrastructure Finance District (EIFD), Community Facilities District, Affordable Housing Authority, Community Revitalization and Investment Authority, pursuit of state and Federal grants, and other public and private financing tools. The project team should determine which financing mechanism(s) would be most appropriate to fund elements of the Adeline Corridor Plan, and future community-oriented projects. Upon identifying the appropriate funding tools, the consultant would then proceed with implementation based on further feedback from City Council and the community.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
- 24. Adopt a Resolution in Support of a Direct Pay Provision for the 26 U.S.C. § 25D Residential Energy Efficient Property Tax Credit**
From: Councilmember Harrison (Author)
Recommendation: Adopt a resolution in support of a Direct Pay Provision for the 26 U.S.C. § 25D Residential Energy Efficient Property Tax Credit. end copies of the resolution to Senators Feinstein and Padilla, Congresswoman Lee, Chairman Wyden, Chairman Neal, Ranking Member Crapo, and Ranking Member Brady.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 25. Adopt a Resolution Denouncing Texas Anti-Abortion Law (SB 8) and Reaffirming Reproductive Freedom in Berkeley**
From: Councilmember Wengraf (Author), Councilmember Taplin (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution to denounce the Texas abortion law, Senate Bill (SB) 8, banning most abortions after six weeks of pregnancy. The resolution will also reaffirm the City of Berkeley's commitment to reproductive freedom.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Council Consent Items

26. **Support for H.R. 3755 and S.1975 – Women’s Health Protection Act of 2021**
From: Councilmember Wengraf (Author), Councilmember Taplin (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution in support of H.R. 3755 and S.1975 – Women’s Health Protection Action of 2021 (Rep. Chu) (Sen. Blumenthal) and send copies to House Representatives Judy Chu and Barbara Lee; Senators Richard Blumenthal, Dianne Feinstein and Alex Padilla; Vice President Kamala Harris and President Joe Biden.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action Calendar

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

The Presiding Officer will request that persons wishing to speak use the "raise hand" function to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Public Hearings

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

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

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

Action Calendar – Public Hearings

27. **ZAB Appeal: 1205 Peralta Avenue, Variance/Use Permit #ZP2020-0060**
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to deny Zoning Permit #ZP2020-0060 for a Variance to legalize the elimination of two off-street parking spaces by conversion of an existing 18 foot x 20 foot garage to habitable space, and a Use Permit to legalize the addition of three bedrooms on a lot that is non-conforming for density, lot coverage, setbacks, usable open space and parking.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400
28. **Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04** *(Continued from September 28, 2021) (Item contains revised material)*
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23C.24] and amendments to relevant Definitions [BMC Chapter 23F.04] in the Zoning Ordinance.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – Old Business

29. **Amending the Berkeley Election Reform Act (BERA) Relating to Officeholder Accounts** *(Reviewed by the Agenda & Rules Committee) (Continued from September 14, 2021)*
From: Agenda & Rules Committee: Mayor Arreguin, Councilmember Hahn, Councilmember Wengraf
Recommendation:
Take one of the following actions: 1. Refer a proposal to the Fair Campaign Practices Commission (FCPC) amending the Berkeley Election Reform Act (BERA), BMC Chapter 2.12, and Lobbyist Registration Act, BMC Chapter 2.09, to enact “a reasonable set of limitations and rules” to regulate the maintenance of officeholder accounts, as developed and referred for consideration by the Agenda and Rules Committee; or 2. Refer a proposal to the FCPC amending BERA, BMC Chapter 2.12, to prohibit Officeholder Accounts, as originally proposed by the Fair Campaign Practices Commission.
Policy Committee Recommendation: Send the item to Council with two proposed alternatives: 1) Councilmember Hahn’s proposal to regulate officeholder accounts, and 2) the Fair Campaign Practices Commission proposal to prohibit officeholder accounts; and to include the Commission’s analysis of regulating officeholder accounts in the item that goes to the full Council.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Action Calendar – Old Business

- 30. Referral to the Zero Waste and Energy Commission (or Successor Commission) to Hold Joint Meetings to Conduct Community Outreach and Education Events with Regard to the Proposed Ordinance Regulating the Use of Carryout and Pre-checkout Bags and to Make Recommendations to the FITES Committee** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee) (Continued from September 14, 2021)*
From: Councilmember Harrison (Author)
Recommendation:
Refer to Berkeley's Zero Waste and Energy Commissions (or successor Commission) to hold joint meetings regarding the proposed Ordinance regulating the use of carryout and pre-checkout bags and promoting the use of reusable bags by December 31, 2021.
As part of the series of meetings, the Commissions should: 1. strive to conduct community/business outreach and education events to include, but not limited to the following entities: a. all stores and events that provide pre-checkout bags (e.g., grocery stores, convenience stores, food marts, and food vendors); b. all restaurants, take-out food stores, food trucks, permitted events, and any other commercial establishment not regulated by the state that provide carryout bags; and 2. make any recommendations with respect to any amendments and appropriate phasing to the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee.
Policy Committee Recommendation: Make a positive recommendation to the City Council that the Council direct the Zero Waste and Energy Commission (or successor Commission) to hold joint meetings to conduct community outreach and education events and recommend proposed changes and appropriate phasing to the FITES Committee.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 31. Objective Standards Recommendations for Density, Design and Shadows**
From: Joint Subcommittee for the Implementation of State Housing Laws *(Continued from September 28, 2021) (Item contains supplemental material)*
Recommendation: Refer to the Planning Commission and Design Review Committee to review the recommendations from the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) for objective standards for density, design and shadows and draft Zoning Ordinance amendments for City Council consideration.
Financial Implications: See report
Contact: Alene Pearson, Commission Secretary, (510) 981-7400

Action Calendar – New Business

32. Identifying City Council Referrals for Removal

From: City Manager

Recommendation: 1. Review the referrals marked as rescinded by the sponsoring Councilmember or District; 2. Consider the referrals identified by Councilmembers for further discussion; and 3. Approve the removal of referrals that have been marked as rescinded by the sponsoring Councilmember or District.

Financial Implications: None

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

Council Action Items

33. Budget Referral: Allocate General Fund Revenues to Support Pilot Program Offering Free AC Transit on Sundays in Berkeley

From: Councilmember Harrison (Author)

Recommendation: Refer to the November 2021 budget process approximately \$500,000 in General Fund Revenue toward fully subsidizing AC Transit fares originating from Berkeley on Sundays for at least one calendar year.

Financial Implications: General Fund - \$500,000

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

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be posted on the City's website at <http://www.cityofberkeley.info>. Agendas and agenda reports may

be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil>

COMMUNICATION ACCESS INFORMATION:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.



Captioning services are provided at the meeting, on B-TV, and on the Internet.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Thursday, September 30, 2021.***

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

Mark Numainville, City Clerk

## **Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing through [Records Online](#).*

### **Homelessness Issues**

1. Eric Friedman
2. Paul Buddenhagen, Deputy City Manager
3. Yasuo Tanaka
4. Steve Kromer
5. Ben Buettner
6. Fran Haselsteiner
7. Alex Merenkov
8. Parisa Jorjani (2)
9. Jae Wheeler

### **Sustainable Housing at the North Berkeley BART**

10. 11 similarly-worded form letters
11. Andrew Livsey
12. Deborah Gouailhardou
13. Laura Wise
14. Josh Gutwill
15. Lorna Brand
16. Barbara Fisher

### **Purchase Parcel of the Ashby Community Garden**

17. Carrie Jahde
18. Anna Henry
19. Veronica Graham



- 20. Mariam Queen and Alison Paskal
- 21. Carolyn Goldwasser
- 22. Jennifer Sowerwine
- 23. Nell Wollner
- 24. Larisa Cummings
- 25. Ingrid Good
- 26. Linda Currie
- 27. Elizabeth Barry

**New Construction Funding at 1740 San Pablo Avenue**

- 28. Kate Traynor, on behalf of BRIDGE Housing Corporation

**Zero Waste Commission Support**

- 29. Danielle Epifani
- 30. Chrise

**Fair Work Week Ordinance**

- 31. John Paluska, Owner of Comal

**Fire Hazard at 1040 University Avenue**

- 32. Ben Hubbell

**Vaccine + Masks**

- 33. City of Berkeley Youth Commission
- 34. Susan Imperial

**Oppose SB9**

- 35. Evan Meyer

**Investing in West Berkeley**

- 36. Becca Schonberg

**Cragmont Park Rental**

- 37. Denise

**Parking Ordinance Suggestion**

- 38. Tina Goldsmith

**Secondhand Marijuana and Tobacco Use**

- 39. Carol Denney

**Resolution to Support Redistribution of City Resources**

- 40. Anna Minsky

**RV Parking**

- 41. Charlene Washington

42. Maryann O'Sullivan

**Berkeley Shooting/Crime**

43. Michael O'Heaney

44. Jeff Vincent

45. Naomi Marks

46. Laralynn Rapoza

47. Imad Din

**Street Paving Equity**

48. Zach Franklin

49. Minda Berbeco

50. Kris Wiley

51. Maryann O'Sullivan

**Menstrual Problems After COVID Shots**

52. Vivian Warkentin

**Leonard Powell Saga**

53. Steve Martinot

**Save People's Park**

54. Diana Bohn

**Parking Permits**

55. Parisa Jorjani

**URL's Only**

56. Russbumper (3)

57. Vivian Warkentin

58. Barbara Gilbert

**Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.