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://zoom.us/j/257156624. 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: 257 156 624. If you wish to comment during the public comment portion of the agenda, Press "9 and wait to be recognized by the Chair.

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

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

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

Roll Call: 6:12 p.m.

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

Absent: None

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

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

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

Public Comment on Non-Agenda Matters: 7 speakers.

Consent Calendar

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

Recess 6:53 p.m. – 7:00 p.m.

Action: M/S/C (Hahn/Wengraf) to accept revised materials on Item 8 from Councilmember Harrison.
Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent - Davila.

Councilmember Davila absent 7:06 p.m. – 7:07 p.m.
Public Comment on Consent Calendar and Information Items Only: 0 speakers.

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

Resolution Urging Action on Business Interruption Insurance
From: Mayor Arreguin (Author)
Recommendation:
1. Adopt a Resolution Urging the California Insurance Commissioner to appropriately recognize the material physical impacts of COVID-19 on Businesses and to
2. Send a copy of the Resolution to Insurance Commissioner Ricardo Lara, Assemblymembers Wicks and Bonta, Senator Skinner and Governor Newsom.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100

1. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)
From: City Manager
Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020 and initially ratified by the City Council on March 10, 2020.
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 69,365–N.S.

2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 21, 2020
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.
Financial Implications: Mental Health Services Fund - $192,276
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.
Consent Calendar

3. **Contracts: On-Call Landscape Architectural Services for Capital Improvement Projects**
   
   **From:** City Manager
   
   **Recommendation:** Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call landscape architectural services for capital improvement projects, for contract periods of May 1, 2020 through April 30, 2023:
   
   1. BASE Landscape Architecture, for an amount not to exceed $300,000.
   2. PGA Design, Inc., for an amount not to exceed $300,000.
   3. RRM Design Group, for an amount not to exceed $300,000.
   
   **Financial Implications:** See report.
   
   **Contact:** Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
   
   **Action:** Adopted Resolution No. 69,366–N.S. (BASE); Resolution No. 69,367–N.S. (PGA); Resolution No. 69,368–N.S. (RRM).

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

Council Consent Items

5. **Send a letter to CA Assemblymember Buffy Wicks in support of AB 1851 “Faith-based organization affiliated housing development projects: parking requirements”**
   
   **From:** Councilmember Bartlett (Author), Mayor Arreguin (Author), Councilmember Davila (Co-Sponsor)
   
   **Recommendation:** Send a letter to Assemblymember Buffy Wicks expressing the City of Berkeley’s support for AB 1851, which would allow for the elimination of residential parking requirements on faith-based properties for density bonus qualifying housing development projects.
   
   **Financial Implications:** None
   
   **Contact:** Ben Bartlett, Councilmember, District 3, (510) 981-7130
   
   **Action:** Approved recommendation.
6. **Electric Bike Share Program Franchise Amendment** *(Continued from March 10, 2020)*

*From: City Manager*

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

*Financial Implications:* See report

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

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

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

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

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

Financial Implications: See report

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

Action: 10 speakers. M/S/C (Davila/Harrison) to:
1. Adopt Resolution No. 69,371–N.S. as revised here:

New Title:

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

New resolved clauses:

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

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

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

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

2. Approve recommendation.

Vote: All Ayes.

Recess 8:58 p.m. – 9:10 p.m.
B. Establish a Moratorium on Enforcements of the BMC Chapter 14.48 Sidewalk Ordinance, 3x3 regulation, Encampment Evictions, Sweeps, RV Parking and the towing/ticketing/impounding of vehicles used for shelter during the COVID 19 Pandemic (Continued from April 14, 2020)

From: Councilmember Davila (Author)

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

Financial Implications: See report

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

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

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

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

Council Action Items

7. Adopt a Resolution to Upgrade Residential and Commercial Customers to 100% Greenhouse Gas Emissions-Free Electricity Plan and Municipal Accounts to 100% Renewable Plan (Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)

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

Recommendation: Adopt a Resolution to: a. Opt up Berkeley’s municipal accounts to Renewable 100 (100% renewable and 100% greenhouse gas-free) electricity service, and refer the estimated increased cost of $100,040 to the June 2020 budget process. b. Upgrade current and new Berkeley residential and commercial customer accounts from Bright Choice (>85% GHG-free) to Brilliant 100 (100% GHG-free), except for residential customers in low income assistance programs. The transition would be effective October 1, 2020 for residential customers and January 1, 2021 for commercial customers. c. Provide for yearly Council review of the City’s default municipal, residential, and commercial plans.

Financial Implications: See report

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

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

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

   From: Councillor Harrison (Author), Councillor Davila (Co-Sponsor)

   **Recommendation:**
   1. Adopt an urgency ordinance amending Berkeley Municipal Code 13.110, Title 13, The COVID-19 Emergency Response Ordinance, limiting commercial rent increases to 10% through and including six months after the local state of emergency has been declared over.
   2. Send correspondence to the following:
      i. The District Attorney of Alameda County Nancy O’Malley asking that the District Attorney 1) investigate and take action pursuant to Business and Professions Code 17200, et seq. against any commercial real property owner or agent of such who seeks a rent increase of more than that permitted by this ordinance, or seeks a rent increase that has the effect of constructively evicting any commercial tenant; and 2) authorize the Berkeley City Attorney to use Business and Professions Code 17200, et seq. to take actions against any violator of this ordinance or who seeks a rent increase that has the effect of constructively evicting any commercial tenant.
      ii. Governor Gavin Newsom, asking for the Governor to take appropriate action against commercial landlords who seek rent increases that have the effect of constructively evicting commercial tenants during the course of this emergency and for a reasonable time after the end of the emergency.

   **Financial Implications:** None

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

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

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

   **Vote:** All Ayes.

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

**Adjournment**

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

**Vote:** All Ayes.

Adjourned at 10:58 p.m.
Communications

Evictions & Rent Payments During the COVID-19 Pandemic & Shelter in Place
1. Bill Bogert
2. Ian Winters, on behalf of the Northern California Land Trust
3. Linda Blair

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

FEMA Trailers
7. Thomas Lord
8. Margy Wilkinson

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

Encampments
22. Sally Sommer
23. Liz Wiener
24. Margy Wilkinson
25. Marcia Poole
26. Diana Bohn
27. Councilmember Harrison
28. Tajmal Payne
29. Thomas Lord

Street Cleaning
30. James D’Albora
Cannabis Dispensaries
31. James Wood

People’s Park Bathroom
32. Sheila Mitra Sarkar (5)
33. Councilmember Davila
34. Andrea Prichett
35. Christopher Kohler
36. Arthur Fonseca

Supplemental Communications and Reports 1

Item #A: Oppose The Alameda County Sheriff’s Proposal to Receive An Additional $85 Million Annually to Dramatically Increase the Sheriff’s Office Budgets Especially for Santa Rita Jail During a Pandemic Crisis
37. Merle Lustig
38. Glen Hauer
39. Paul Kivel
40. Sally Nelson
41. Rivka Polatnick (2)
42. Judy Grether
43. Katrina Wehrheim
44. Tom Luce
45. MJ Baumann
46. Dave Peattie & Tanya Grove
47. Carol Sanders
48. Lisa Grosch
49. Laura Magnani
50. Donald Goldmacher
51. Maxina Ventura
52. Friends of Adeline
53. Iris Starr
54. Giuliana Blasi
55. Laura Redmond
56. Geraldine Slevin
57. Talia Lowery
58. Nicole McIntyre
59. Barbette & Bruce Jackson
60. Jenna Hackman
61. Sarah Maslov
62. Ariadne Wolf
63. Elena Pinsky
64. Sylvie Stein
65. Ivar Diehl
66. Penina Eiberg-Schwartz
67. Ysh Schwartz
68. Ken Yale
69. Alex Early  
70. Christina Robinson  
71. Marcy Rein  
72. Chimey Lee  

Item #B: Establish a Moratorium on Enforcements of the BMC Chapter 14.48 Sidewalk Ordinance, 3x3 regulation, Encampment Evictions, Sweeps, RV Parking and the towing/ticketing/impounding of vehicles used for shelter during the COVID 19 Pandemic  
73. 339 identical form letters  
74. Rachel Perea  
75. Raul Delarosa  
76. Kenshi Husted  
77. Barbara Brust  
78. Sheila Mitra-Sarkar  
79. Anna Steiner  
80. Finn Black  
81. Anika Grover  
82. Noel Lamour  
83. June Whitehorse  
84. Cora Leigh Moss  
85. David Simkin  
86. Ivar Diehl  

Item #8: Urgency Ordinance: Commercial Rent Increase Restrictions During the COVID-19 Emergency  
87. Revised material, submitted by Councilmember Harrison  
88. Summer Brenner  
89. Michael Katz  
90. Bruce Bagnell  
91. Negeene Mosaed  
92. Kerrie Hein  
93. Robert Perl  
94. Diane Gerstler  
95. Cambria Lowe  
96. Erica Etelson  
97. Roberta Stern  
98. Allen Kanner  
99. Jane Hargrave  

Supplemental Communications and Reports 2  

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

Item #B: Establish a Moratorium on Enforcements of the BMC Chapter 14.48 Sidewalk Ordinance, 3x3 regulation, Encampment Evictions, Sweeps, RV Parking
and the towing/ticketing/impounding of vehicles used for shelter during the COVID 19 Pandemic
101. 14 identical form letters
102. Anjali Vadhri
103. Ian Rogers
104. Austine Peng
105. Margy Wilkinson
106. Veronica Van Gough
107. Jessica Mcginley
108. Jorge Maya
109. Noel Lamour
110. Anna Steiner
111. Anika Grover
112. Charles Clarke

Item #8: Urgency Ordinance: Commercial Rent Increase Restrictions During the COVID-19 Emergency
113. Revised material, submitted by Councilmember Harrison

Supplemental Communications and Reports 3

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

Item #5: Electric Bike Share Program Franchise Amendment
115. Chimy Lee

Item #A: Oppose The Alameda County Sheriff’s Proposal to Receive An Additional $85 Million Annually to Dramatically Increase the Sheriff’s Office Budgets Especially for Santa Rita Jail During a Pandemic Crisis
116. Chris Taaffe
117. Jean Caiani
118. Chimy Lee

Item #B: Establish a Moratorium on Enforcements of the BMC Chapter 14.48 Sidewalk Ordinance, 3x3 regulation, Encampment Evictions, Sweeps, RV Parking and the towing/ticketing/impounding of vehicles used for shelter during the COVID 19 Pandemic
119. 31 identical form letters
120. John Caner, on behalf of the Downtown Berkeley Association
121. Alex Know, on behalf of the Telegraph Business Improvement District
122. Christine Schwartz
123. Adam Stemmler
124. Kelly Hammargren
125. Dandy Harris (2)
126. Councilmember Robinson
127. Kirsten MacDonald (2)
128. Anika Grover
129. Chimey Lee
130. Kathryn Collins
131. Barbara Hillman
132. Deborah LeVeen
133. Marcia Poole
134. Sophia DeWitt
135. Simone Arpaio
136. Ingrid Chen
137. Diana Bohn
138. Dino Sammakieh

**Item #8: Urgency Ordinance: Commercial Rent Increase Restrictions During the COVID-19 Emergency**
139. Revised material, submitted by Councilmember Harrison
140. Eric Etelson
141. Diane Gerstler
142. Chimey Lee (2)
143. Igor Tregub

**Urgent Item: Resolution Urging Action on Business Interruption Insurance**
144. Urgency Item, submitted by Mayor Arreguin