

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

Tuesday, July 7, 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/87660512181>. 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: **876 6051 2181**. 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: 4:03 p.m.

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

Absent: Kesarwani, Bartlett

Councilmember Kesarwani present at 4:11 p.m.

Councilmember Bartlett present at 4:13 p.m.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 1 speakers.

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

Vote: All Ayes.

A. Urgency Ordinance Allowing Temporary Outdoor Uses on Private Property From: City Manager

Recommendation: Adopt an urgency ordinance that creates Berkeley Municipal Code (BMC) Chapter 23E.18 [Temporary Outdoor Uses on Private Property] and BMC Section 23B.20.045 [Zoning Certificate for Temporary Outdoor Uses] to allow outdoor dining and commerce on private property without requiring a discretionary permit in order to safely support local businesses during the COVID-19 pandemic.

Financial Implications: None

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

Action: Adopted Ordinance No. 7,725-N.S. Additional direction provided to the City Manager to pursue further amendments to expand the applicability of temporary outdoor uses.

Action Calendar

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

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

1. Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Excavations for Video and Telecommunications Systems) and Revised Guidelines for Issuance of Public Right-of-Way Permits

From: City Manager

Recommendation: Adopt first reading of an ordinance amending Berkeley Municipal Code Chapter 16.10 (Excavations for Video and Telecommunications Systems), and adopt revised administrative guidelines for the issuance of Public Right-of-Way Permits.

Financial Implications: See report

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

Action: M/S/C (Harrison/Arreguin) to suspend debate and call the previous question on Item 1.

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

Action: M/S/Failed (Harrison/Hahn) on the severed portion of the main motion to include an amendment to increase the noticing radius to 1000 feet.

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

Action: 32 speakers. M/S/Carried (Harrison/Hahn) to 1) adopt first reading of Ordinance No. 7,726-N.S. as written in the materials submitted by the City Manager at the meeting, and further amended below; second reading scheduled for July 28, 2020; and 2) adopted revised administrative guidelines for the issuance of Public Right-of-Way Permits as amended below.

Amendments in the Ordinance

1. Amended Section 16.10.050 is to state that undergrounding shall be required where technically feasible
2. Require applicant to provide the Public Works Department with a list of addresses notified of an application submittal
3. Retain the radius for providing public notice of 500 feet
4. Revise section 16.10.060 to require mailing of the Director's decision to all property owners or residents within 500 feet of the proposed facility
5. Specify in Section 16.10.030.D that Surveillance Technology is defined in BMC Chapter 2.99
6. Revise Section 16.10.050.b to state: "The impact of the Facilities on views, parks, and on cultural resources protected by or eligible for protection under Chapter 3.24 of the Berkeley Municipal Code or the State Public Resources Code Section 5020.1(j)"

Amendments to the Guidelines

1. Revise Section 7(a)(11) to state: "any location within a historic district as defined in Chapter 3.24 of the Berkeley Municipal Code, or within 300 feet of a City park, school, or senior center, or of a historic district or a property designated as a landmark or structure of merit under Chapter 3.24, or a property that is eligible for protection under Chapter 3.24 or under the State Public Resources Code Section 5020.1(j)"

2. Revise Section 7(f)(4) to state: "not be placed in the line of sight of View Corridors, as defined in Section 23F.04 of the Berkeley Municipal Code, as viewed from the primary living area of a residence"
3. Revise Section 4(a)(12) to state that structural analysis may include wind analysis
4. Revise Section 8(h)(4) to state: "Horizontal projections are prohibited except where other designs are technically infeasible."
5. Revise Section 7(a) to state that strand-mounted assets are prohibited where "technically feasible"
6. Add the following to Section (4)(b): "If no voluntary pre-submittal community meeting is held, the applicant shall schedule a community meeting on or after the date the application is submitted."
7. Require additional structural engineering analysis in an Alquist-Priolo zone, high wind area, or liquefaction zone

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

Adjournment

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

Vote: All Ayes.

Adjourned at 8:05 p.m.

Communications

- None

Supplemental Communications and Reports 1

Item #1: Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Installation of Video and Telecommunications Systems) and Revised Guidelines for Issuance of Public Right-of-Way Permits

1. Phoebe Anne Sorgen

Supplemental Communications and Reports 2

Item #1: Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Installation of Video and Telecommunications Systems) and Revised Guidelines for Issuance of Public Right-of-Way Permits

2. Ariel Strauss, on behalf of Greenfire Law
3. Mark Pollock, on behalf of Pollock & James Law Firm
4. Ellen Marks
5. Lindsay Vurek
6. Joyce Kawahata
7. Tony Brasunas
8. Anne Herrick
9. Meaveen O'Connor

10. Stephen Russell
11. Marti Love
12. Phoebe Anne Sorgen
13. Stephanie Thomas

Supplemental Communications and Reports 3

Item #1: Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Installation of Video and Telecommunications Systems) and Revised Guidelines for Issuance of Public Right-of-Way Permits

14. Revised material, submitted by the City Manager's Office
15. Heidi Davis
16. Aaron Shank, on behalf of AT&T
17. Signe Mattson
18. Steve Gilmartin
19. Elana Auerback
20. Cynthia McGrane
21. Kate Bernier
22. Sally Nelson
23. Jenny Miller (2)
24. Phoebe Anne Sorgen (2)
25. Kate Laurer
26. Sandy Nixon
27. Mary Ellen Sperling
28. Jura Midam
29. Max Ventura
30. Oren Leiman
31. KO
32. David Haddock
33. Mark McDonald
34. Annemarie Weibel
35. Gar Smith
36. Catherine Dodd (2)
37. Carol Wong
38. Sierra Murphree
39. Joyce Kawahata
40. Elizabeth Starr (2)
41. Mary White (2)
42. Yani Teichner
43. Carla Woshawny
44. Beth Jerde
45. Byrce Nesbitt
46. Natalie Logusch
47. Connie Anderson
48. Dillontree@
49. Tony Brasunas
50. Blair Beckman
51. Nancy Lemon

Urgency Item: Substitute Staff's Drafts and Use WIRED's Redlined Drafts or Include Most of the Deadlines

52. Time critical material, submitted by Councilmember Davila