

# ANNOTATED AGENDA SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Tuesday, July 21, 2020

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

*Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this 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/89031983199>. 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 3198 3199**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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

*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:** 4:05 p.m.

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

**Absent:** Kesarwani

Councilmember Kesarwani present at 4:08 p.m.

**Action:** M/S/C (Arreguin/Hahn) to accept supplemental materials from Mayor Arreguin on Item 2a and Item 4.

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

## Action Calendar

### 1. **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 30, 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:** See report

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

**Action:** 14 speakers. M/S/C (Davila/Robinson) to continue the item to July 30, 2020.

**Vote:** All Ayes.

### 2a. **Placing Charter Amendment Measure on the November 3, 2020 Ballot to Amend Multiple Administrative Provisions**

**From:** City Manager

**Recommendation:**

1. Adopt a Resolution placing charter amendment measure on the November 3, 2020 Ballot to repeal the residency requirement for sworn members of the Berkeley Fire Department, conform the eligibility requirements of the Redistricting Commission with state law, and change to gender-neutral language through the text.

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:** 4 speakers. M/S/C (Arreguin/Droste) to continue the item to July 30, 2020 including the supplemental materials.

**Vote:** All Ayes.

## Action Calendar

**2b. 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 30, 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:** No action taken.

**3. Placing a Special Tax Measure on the November 3, 2020 Ballot to Fund Firefighting, Emergency Medical Response and Communications and Wildfire Prevention and Preparedness**

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution submitting a ballot measure to fund firefighting, emergency medical response and communications, and wildfire prevention and preparedness 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:** 8 speakers. M/S/C (Wengraf/Arreguin) to:

1. Adopt Resolution No. 69,502–N.S. amended to add “hazard mitigation” to the ballot question, the title of measure, and in Section 7.83.010E and Section 7.83.010D3 of the ordinance.
2. Designate Councilmember Wengraf, Vice-Mayor Hahn, and Councilmember Harrison to draft and submit the ballot arguments on behalf of the Council.

**Vote:** All Ayes.

## Action Calendar

### 4. **Placing a Tax Measure on the November 3, 2020 Ballot to Adopt a Tax on Transportation Network Companies**

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution submitting a ballot measure to adopt a tax on Transportation Network Companies 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:** 12 speakers. M/S/C (Arreguin/Harrison) to:

1. Adopt Resolution No. 69,503–N.S. as amended in the revised materials accepted by the Council at the meeting from Mayor Arreguin and further revised as follows:

- Remove reference to zero-emission discount throughout resolution and measure text
- Add the inflator language from the parcel tax to Section 7.71.030
- Revised Section 7.71.020 regarding pooled prearranged trips
- Revised Section 7.71.020M to change “rides” to “trips”

2. Designate Mayor Arreguin, Vice-Mayor Hahn, and Councilmembers Harrison and Droste to draft and submit the ballot arguments on behalf of the Council.

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

### 5. **Placing a Tax Measure on the November 3, 2020 Ballot to Increase the Utility Users Tax to Pay for General Municipal Services and Establish a Climate Equity Action Fund to Support Measures to Reduce Local Greenhouse Gas Emissions and Air Pollution**

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution submitting a ballot measure to increase the Utility Users Tax to pay for general municipal services and to establish a Climate Equity Action Fund to support measures to reduce local greenhouse gas emissions and air pollution 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:** 11 speakers. M/S/C (Arreguin/Robinson) to continue the item July 30, 2020 with the amendments discussed at the meeting.

**Vote:** All Ayes.

## Action Calendar

6. **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 30, 2020) (Item contains supplemental material.)*

**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:** 3 speakers. M/S/C (Arreguin/Hahn) to continue the item to July 30, 2020 to be agendized as a/b items with the Utility Users Tax item.

**Vote:** All Ayes.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 10:05 p.m.

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

**Item #1: Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers**

1. Barbara Gilbert

**Item 2a: Placing Charter Amendment Measure on the November 3, 2020 Ballot to Amend Multiple Administrative Provisions**

2. Supplemental material, submitted by Councilmember Hahn

**Item #4: Placing a Tax Measure on the November 3, 2020 Ballot to Adopt a Tax on Transportation Network Companies**

3. Ben Paulos
4. Thomas Gregory

**Item #5: Placing a Tax Measure on the November 3, 2020 Ballot to Increase the Utility Users Tax to Fund Climate Equity Programs**

5. Nancy Rader & Richard Norgaard

6. Eric Arens
7. League of Women Voters of Berkeley, Albany and Emeryville
8. Thomas Lord
9. Ray Yep, Margo Schueler, Gordon Wozniak and Jim McGrath
10. Barbara Gilbert

### **Supplemental Communications and Reports 3**

#### **Item #1: Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers**

11. Barbara Gilbert (2)
12. Councilmember Harrison

#### **Item 2a: Placing Charter Amendment Measure on the November 3, 2020 Ballot to Amend Multiple Administrative Provisions**

13. Revised material, submitted by Mayor Arreguin
14. Revised material, submitted by Mayor Arreguin with City Attorneys comments

#### **Item #3: Placing a Special Tax Measure on the November 3, 2020 Ballot to Fund Firefighting, Emergency Medical Response and Communications and Wildfire Prevention and Preparedness**

15. Jay Tharp
16. makemydayz@

#### **Item #4: Placing a Tax Measure on the November 3, 2020 Ballot to Adopt a Tax on Transportation Network Companies**

17. Revised material, submitted by Mayor Arreguin
18. Kelli Fallon, on behalf of the Bay Area Council
19. Peter Slowik (2)
20. Liza Lutzker
21. Robert Abiad
22. Trish Krajniak
23. Michael Colvin, on behalf on the Environmental Defense Fund
24. Chimey Lee

#### **Item #5: Placing a Tax Measure on the November 3, 2020 Ballot to Increase the Utility Users Tax to Fund Climate Equity Programs**

25. Jessica Woodard
26. Pat Kennedy
27. Thomas Lord
28. Elyce Klein
29. Thomas Yamaguchi

#### **Item #6: Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in response to the Fossil Fuel Free Berkeley referral**

30. Bryce Nesbitt