

# ANNOTATED AGENDA SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Thursday, July 30, 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.*

*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/81409898529>. 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: **814 0989 8529**. 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:** 8:32 p.m.

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

**Absent:** None.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 4 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

### 1. Memorandum of Understanding: Berkeley Police Association

**From:** City Manager

**Recommendation:** Adopt a Resolution approving a one (1) year extension to Memorandum of Understanding (hereafter referred to as "MOU") with the Berkeley Police Association (hereafter referred to as the "Union") with a term of July 30, 2020 through June 30, 2021; authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the extended MOU with no changes in compensation except for economic items related to the COVID-19 epidemic; and authorizing the City Manager to make non-substantive edits to the format and language of the Memorandum of Understanding in alignment with the tentative agreement, and conforming to legal requirements.

**Financial Implications:** See report

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 69,535–N.S.

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

## Consent Calendar

### 2. Memorandum of Understanding: SEIU Local 1021 Community Services Unit And Part-Time Recreation Leaders Association

**From: City Manager**

**Recommendation:** Adopt a Resolution approving a one (1) year extension to Memorandum of Understanding (hereafter referred to as "MOU") with SEIU Local 1021 Community Services Unit And Part-Time Recreation Leaders Association (hereafter referred to as the "Union") with a term of June 27, 2020 through June 26, 2021; authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the extended MOU with no changes in compensation except for economic items related to the COVID-19 epidemic; and authorizing the City Manager to make non-substantive edits to the format and language of the Memorandum of Understanding in alignment with the tentative agreement, and conforming to legal requirements.

**Financial Implications:** See report

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 69,536–N.S.

### 3. Memorandum of Understanding: SEIU Local 1021 Maintenance & Clerical Chapter

**From: City Manager**

**Recommendation:** Adopt a Resolution approving a one (1) year extension to Memorandum of Understanding (hereafter referred to as "MOU") with SEIU Local 1021 Maintenance & Clerical Chapter (hereafter referred to as the "Union") with a term of June 27, 2020 through June 26, 2021; authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the extended MOU with no changes in compensation except for economic items related to the COVID-19 epidemic; and authorizing the City Manager to make non-substantive edits to the format and language of the Memorandum of Understanding in alignment with the tentative agreement, and conforming to legal requirements.

**Financial Implications:** See report

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 69,537–N.S.

### 4. Unrepresented Employees: Salary Adjustments and Update to Unrepresented Employee Manual

**From: City Manager**

**Recommendation:** Adopt a Resolution approving as amended the Unrepresented Employee Manual to attach a one (1) year Agreement with terms and conditions (hereafter referred to as "Agreement") with the Unrepresented Employees group (hereafter referred to as the "Unrep Group") with a term of July 30, 2020 to June 30, 2021 that includes COVID-19 considerations, Additional Emergency Paid Sick Leave Allocation, Additional Floating Holidays, and Limited Reopener language effective July 1, 2020, and rescinding Resolution No. 68, 535-N.S.

**Financial Implications:** See report

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 69,538–N.S.

## Action Calendar

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

*(Continued from July 21, 2020) (Item contains supplemental material.)*

**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:** 11 speakers. M/S/C (Harrison/Davila) to: 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.

1. Adopt Resolution No. 69,539–N.S.
2. Designated Councilmembers Harrison, Davila, and Robinson to file ballot measure arguments on this measure on behalf of the Council.

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

### 6. **Placing Charter Amendment Measure on the November 3, 2020 Ballot to Amend Multiple Administrative Provisions** *(Continued from July 21, 2020) (Item contains revised and supplemental material.)*

**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:** Moved to Consent Calendar. Adopt Resolution No. 69,540–N.S. as revised in Supplemental Communications Packet #2 and further revised at the meeting regarding the provisions related to the City Attorney.

**Action:** M/S/C (Arreguin/Hahn) to designate Mayor Arreguin, Vice-Mayor Hahn and Councilmember Robinson to file ballot measure arguments on behalf of the City Council for the Charter Amendment.

**Vote:** All Ayes.

## Action Calendar

- 7a. 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** *(Continued from July 21, 2020) (Item contains revised material.)*

**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

- 7b. Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in response to the Fossil Fuel Free Berkeley referral** *(Continued from July 21, 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:** M/S/Failed (Davila/Harrison) to suspend the rules and extend the meeting to 11:15 p.m.

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

**Action:** M/S/Carried (Arreguin/Hahn) to call for the previous question on Item 7a.

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

**Action:** 6 speakers. M/S/C (Harrison/Davila) to:

1. Adopt Resolution No. 69,541–N.S. 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 as written in the revised materials from the City Manager.
2. Designated Councilmembers Harrison, Davila, and Robinson to file ballot measure arguments on this measure on behalf of the Council.

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

## Action Calendar

**Action:** M/S/Failed (Davila/Bartlett) to add the urgency item from Councilmember Davila to the agenda pursuant to Government Code Section 54954.2(b)(2).

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

## Adjournment

Adjourned the meeting in memory of the following:

- Diana Russell, Dancer and Activist
- Willie Cooks, Developer and Community Member

Adjourned at 11:00 p.m.

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

**Item #6: Placing Charter Amendment Measure on the November 3, 2020 Ballot to Amend Multiple Administrative Provisions**

1. Supplemental material, submitted by the City Attorney

**Item #7a: 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**

2. Alice Feller
3. Vanessa Warheit
4. Asano Fertig and James Apriletti
5. Chrissy Hoffman
6. Joanna Katz
7. Andrew Jaeger
8. Annie Hallatt
9. Emily Kaplan
10. Gail and Bill Tennant
11. Esther Lerman
12. Sepha Schiffman
13. Ben Gerhardstein, on behalf of Walk Bike Berkeley
14. Kelley Hammargren

## **Action Calendar**

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

#### **Item #5: Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-time Status and Salaries for the Mayor and Councilmembers**

- 15. Chimey Lee
- 16. Andrea Mullarkey
- 17. Christine Schwartz

#### **Item #7a: 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**

- 18. Martha Griswold
- 19. Ruby MacDonald
- 20. Ariella Granett
- 21. Linda Currie (2)
- 22. Igor Tregub, on behalf of the Sierra Club
- 23. Tom Lent
- 24. Harvey Smith
- 25. Elyce Klein
- 26. Ben Paulos
- 27. Warren Linney
- 28. Chimey Lee
- 29. Kelly Hammargren

#### **Miscellaneous Communications**

##### **Student-Tenants Support of Councilmember Davila's Resolution**

- 30. 34 similarly worded form letters