

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, July 27, 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 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/81818068814>. 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: **818 1806 8814**. 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: 6:03 p.m.

Present: Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin

Absent: Kesarwani, Droste

Councilmember Kesarwani present at 6:07 p.m.

Reports from Closed Session

1. The City Council met in closed session on July 13, 2021 pursuant to Government Code Sections 54956.9(a), 54956.9(d)(1), 54956.9(c) and 54956(d)(4) and took the following action:

The City Council authorizes the Mayor and City Manager to execute the final UC Berkeley-City of Berkeley Settlement Agreement based on the draft language presented in closed session, and modifications incorporated by Council, after the UC Board of Regents has approved the final 2021 Long Range Development Plan (LRDP) and provided that the final, approved 2021 LRDP does not differ substantially from the draft 2021 LRDP published by the University in April 2021. The Council also authorizes the City Attorney to make non-substantive changes to the document prior to.

The University of California Board of Regents approved the proposed settlement agreement on July 22, 2021. Today, July 27th, the final agreement was executed by the Mayor, City Manager, and UC officials. As both parties have now given final approval to the agreement, it is now a reportable action under Government Code Section 54957.1, the Ralph M. Brown Act.

The key terms of the final settlement agreement are as follows, and a copy of the agreement can be provided to any member of the public who requests it and will be posted on the City's website.

KEY TERMS:

Section 3 - FINANCIAL CONSIDERATION: ANNUAL PAYMENT

- The University will make an Annual Payment to the City in the amount of \$4.1 Million a year for city services and campus area projects. The amount of the Annual Payment will increase by 3% compounding each year for the term of the agreement until 2036.
- The Annual Payment shall not eliminate or otherwise supersede ongoing fees for services paid to the City by the University as of June 1, 2021, which may be increased under Section 5.1 of the Agreement. The Annual Payment supersedes and replaces the contributions specified in the 2005 Settlement Agreement annual allocation.
- The City will allocate the Annual Payment as follows, unless otherwise agreed to by the parties during the term of the agreement:
 - \$2.8 million (increased by three percent per year) for fire and other City services;
 - \$1.3 million (increased by three percent per year) for capital projects and other services benefiting residents living within one-half mile of the University's main campus boundaries and the Clark Kerr Campus, including but not limited to a joint BPD-UCPD Telegraph Area Beat (a community-based policing program). Priorities for these projects shall be determined by City and University leaders as specified in Section 3.7 of the agreement.
- For the 2021 Annual Payment, the City will allocate funds as follows:

- \$920,000 shall be allocated by the City to the City's Housing Trust Fund, in recognition of the demolition of eight rent-controlled units at 1921 Walnut Street for the Anchor House Student Housing Project;¹
 - \$130,000 shall be allocated by the City for a permanent restroom in the Telegraph area;
 - An amount determined through joint planning between the City and the University will be allocated to fund a day-time drop-in/service center in the Telegraph area for the unhoused population;
 - The City shall allocate the remainder of the 2021 Annual Payment as it determines to be appropriate.
- For the 2022 Annual Payment, the City will allocate funds as follows:
 - \$250,000 shall be allocated by the City for Piedmont/Channing traffic circle pedestrian and street lighting improvements;
 - Amount to be determined for wildfire risk management and fuel reduction on UC owned property;
 - The City shall allocate the remainder of the 2022 Annual Payment in compliance with Section 3.4.
 - The City will spend not less than 30 percent of the Annual Payment on services and infrastructure that benefit City residents living within one-half mile of the University's main campus boundaries and the Clark Kerr Campus. If the City fails to adhere to this commitment, then the University has the right to terminate this Agreement after providing the City written notice of the City's breach and a reasonable opportunity to cure the breach pursuant to Section 8.5. The Chancellor, Mayor, City Manager and Vice Chancellor for Administration shall meet annually to review the City's proposed list of projects and/or services satisfying the requirements of this Section. The parties shall use best efforts to reach mutual agreement on the list of expenditures, but the City shall make the allocations of its own expenditures, consistent with the terms of this Agreement. The City will not allocate any portion of the Annual Payment to the development of a new fire station, should the City decide to develop a new fire station during the term of this Agreement.
 - The University intends, but is not obligated, to continue to fund the Chancellor's Community Partnership Fund during the term of this Agreement in the amount of approximately \$300,000/year, increased by three (3) percent annually. The University shall provide a summary of these expenditures to the City annually.

Section 4 – COOPERATIVE RELATIONSHIP AND PLANNING REGARDING MATTERS OF MUTUAL CONCERN

- The University and the City will negotiate in good faith to establish within two years of the Effective Date a collaborative planning process for the City to review and comment upon campus capital projects located in the City environs and implementation of sustainable development standards prior to campus approval of such projects.
- The University will continue its practice of typically voluntarily honoring the City's existing zoning standards in the design of projects off the main campus. The University will consult with City staff, the City Council and relevant commissions as well as community members about new projects off of the main campus and respond to any reasonably identified concerns presented during the public process. This consultation shall include, but not be limited to, the following actions:

¹ This amount does not replace or in any way impact any relocation benefits provided by the University to tenants at 1921 Walnut Street.

- LRDP Projects. While implementing the 2021 LRDP, the University will continue to review and consider the City's adopted planning and zoning documents, including without limitation the Downtown Area Plan (DAP) and the Southside Area Plan (SAP) when making decisions about the location of University facilities off of the main campus, and will use the design guidelines and standards prescribed in the DAP or SAP, as applicable, when designing projects in the respective plan areas to the extent they are consistent with the program for the building.
- Off-Campus Projects. The University will submit all capital projects off of the main campus with an anticipated value in excess of \$5 million to the City's Planning Director and will either incorporate the City Planning Director's comments into the project or explain in writing its decision not to do so. Additionally, the University will submit all capital projects off of the main campus with a value in excess of \$5 million to the City's 4x6 City/Student/UC committee so that the committee and/or its members may provide comments to the University regarding such projects. When the University determines that it will not implement such projects consistent with the City's adopted planning and zoning documents, the University will, upon the request of the City's Planning Director, provide a written explanation of the reasons for such decision.
- If campus undergraduate enrollment growth exceeds one percent per year on average over three consecutive years, then the Mayor, City Manager, the Chancellor and the Vice Chancellor for Administration shall meet to discuss the potential physical impacts of enrollment increases on the City and whether any amendments should be made to the terms of this Agreement to address the increase. The City shall present specific data and evidence to illustrate the physical impacts of campus enrollment increases on the City.
- During the term of this Agreement, so long as there is demonstrated need on and in areas adjacent to University, the University will continue to fund a position of a campus social worker to work with the unhoused population who visit People's Park and in the broader Telegraph area, inclusive of Willard Park.
- The City and University are parties to a Memorandum of Understanding (City of Berkeley Resolution No. 51,172-N.S.) regarding the development of the Clark Kerr Campus dated April 23, 1982 (the "MOU"). The terms of the MOU are not altered by this Agreement, though they are generally described for reference in this Section and its subsections. During the remaining term of the MOU, the University and the City will comply with the MOU by working cooperatively in planning and development of projects on the Clark Kerr Campus that would be constructed prior to the expiration of the time term of the MOU in 2032. The City and the University will also consult and work cooperatively regarding potential expanded public access to recreational facilities on the Clark Kerr Campus.

The University reaffirms its commitment to work in partnership with the City as prescribed in the MOU.

With regard to any development planned to be undertaken by the University after the expiration of the MOU in 2032, but during the time term of this Agreement, the City will take a lead role in soliciting community input along with the University for capital renovation and capital projects (demolition, remodeling, retrofit and new construction) at the Clark Kerr Campus. The City and University will work cooperatively to develop any operational mitigations, if necessary, regarding capital renovation and capital Projects at the Clerk Kerr Campus, and will consult and work cooperatively with the City regarding public access to recreational facilities on the Clark Kerr Campus.

- The University's leadership will work with the City's elected officials and staff to study the impacts and plan for the potential closure of Alta Bates Hospital and its emergency room in Berkeley, and identify alternatives to continue emergency and acute care for the University and city population.

- The University will cooperate in good faith with City efforts to collect and remit the City Parking Space Rental Tax from University-owned lots. The University will make best efforts to collect the tax from users by the date that the City begins collecting the tax from City-owned lots and demands collection by BART. The City acknowledges that the administrative processes between the City and the University related to collection of the tax must be established and that such establishment could preclude collection of the tax on behalf of the City prior to January 1, 2022.
- The University shall require its commercial tenants in buildings leased to non-University parties by the University (when such buildings are not on the main campus or the Clark Kerr Campus) for the sole purpose of generating revenue (as opposed to carrying out the program of the University) to obtain City permits and pay City impact fees. The University shall determine in good faith whether a space is leased to carry out its programs or exclusively to generate income. Nothing in this Section prevents the City from disagreeing with the University's determination that a commercial tenancy is in furtherance of the University's program.
- The University and the City will collaborate in good faith to reach an agreement regarding the University's master leasing of off-campus residential buildings, and will meet and confer in an effort to reach such an agreement within one year of the Effective Date. The University and City contemplate that such an agreement will set a date by which the University would reduce or eliminate its use of master leasing of residential facilities, excepting only temporary leasing necessary to create surge space during the renovation or construction of campus housing facilities. This Section does not require either party to enter into such an agreement, but the parties shall use their good faith best efforts to do so.
- The University commits in concept to assisting the City in its development of a new fire station by contributing land off of the main campus owned by the University as of the Effective Date and suitable for the development of a City fire station intended to serve the City and campus communities. The City and the University will engage in cooperative joint planning for a potential fire station in a location identified through such planning. This provision does not constitute a commitment by either party to entitle or fund a future fire station nor does this provision evidence that the City or the University have determined such a fire station to be necessary at this time.
- The University shall consider executing a ground lease to Resources for Community Development (or a similar private nonprofit housing developer) land at People's Park for the construction of a housing project to provide affordable and permanent supportive housing for the homeless. The University and City agree that the campus will entitle the project in order to enable the non-profit developer to fund and construct the project, and will work with the City and non-profit developer to support state and outside funding to complete the project. The obligations of the University regarding the supportive housing project are contingent upon compliance with the California Environmental Quality Act and the approval of the design of the project by the Board of Regents, which is presently scheduled to consider the project in September of 2021.
- Explore relocation and the cost of relocating the eight-unit building at 1921 Walnut Street, if it is technically feasible, to a site to be determined, prior to the commencement of construction of the Anchor House Student Housing Project, so long as moving the building does not result in increased time to the Anchor House Student Housing Project and/or the University, or delay the construction of the Anchor House Student Housing Project.

Section 6 – CURRENT AND FUTURE LITIGATION

- The City agrees to promptly dismiss the Upper Hearst Project lawsuit with prejudice and will represent to any court in the remaining Save Berkeley's Neighborhoods lawsuit challenging the Upper Hearst Project and SEIR (Alameda County Superior Court Case No. RG19022887) that the City does not oppose the Upper Hearst Project or the SEIR.

- The City agrees to promptly dismiss the City as a party with prejudice in the Clark Kerr Covenants Lawsuit (Alameda County Superior Court Case No. RG19006256) and will represent to any court in the remaining Save Berkeley's Neighborhoods lawsuit challenging the Clark Kerr Covenants that the City has dismissed or intends to dismiss all causes of action in the lawsuit with prejudice.
- 2021 LRDP, People's Park Housing Project, and Anchor House Student Housing Projects. The City agrees not to file any lawsuits, pursue any legal challenges, or directly or indirectly support any litigation (including without limitation through funding or by encouraging any litigation by an organization) that opposes: (1) the 2021 LRDP and 2021 LRDP EIR (2) the Anchor House Student Housing Project, (3) the People's Park Housing Project, including without limitation the permanent supportive housing component; provided, however, the City retains all rights to challenge the Anchor House Student Housing Project and the People's Park Housing Project if the University materially changes the scope of such projects in such a way that would cause new significant impacts or substantially increase the severity of impacts previously found to be significant.
- Future Campus Capital Projects, Off-Campus Housing Projects & Enrollment Decisions. Unless the City terminates this Agreement pursuant to the termination rights described in Section 7.3 or 7.4 below, while the Agreement is in effect, the City will not file any lawsuit, pursue any legal challenges, or directly or indirectly support any litigation (including without limitation through funding or by encouraging any litigation by an organization) under CEQA or any other theory to challenge the University's decision to approve: (1) a campus capital project on the University main campus or the Clark Kerr Campus ("Campus Capital Project"); (2) any other campus capital project off of the University main campus that consists of more than 80 percent assignable square footage of housing ("Off-Campus Housing Project"); or (3) any enrollment decision made by the State of California or the University ("Enrollment Decision"). Unless the City terminates this Agreement pursuant to the termination rights described in Section 7.4 described below, the City will also not file any CEQA action challenging an enrollment increase.

Section 7 – TERMINATION

- The Agreement shall become effective upon execution of the undersigned, and shall supersede, replace, and terminate the 2005 Settlement Agreement in its entirety. Any monetary payments, if any, by the University to the City that would have been due on July 1, 2021 under the 2005 Settlement Agreement are replaced in full by the payment called for on July 1, 2021, in Section 3.1 of this Agreement. This Agreement shall terminate on June 30, 2037 ("Expiration Date"), or at such earlier date as set forth in this Agreement.
- Upon prior written notice to the University, the City may terminate this Agreement if the City decides to file a lawsuit challenging a Campus Capital Project or Off-Campus Housing Project, as defined in Section 6.4. If the City desires to file such a lawsuit, then the City may terminate this Agreement and permanently forego entitlement to future Annual Payments under this Agreement. In the event of such termination, in such litigation or in any litigation filed by the City regarding a specific proposed capital project that is tiered from the 2021 LRDP EIR, the City shall not seek any compensation or damages related to enrollment increases at the University so long as the University does not increase campus undergraduate enrollment by an amount that exceeds one percent annual enrollment growth, compounded annually, compared to the 2020-2021 undergraduate enrollment level, at the time such litigation is filed.
- Upon prior written notice to the University, the City may terminate this Agreement (which shall also permanently terminate the University's obligation to make Annual Payments pursuant to Section 3.1 of this Agreement) if the University decides to increase campus undergraduate enrollment by an amount that exceeds one percent annual enrollment growth, compounded annually, compared to the 2020-2021 undergraduate enrollment level. In the event of such termination, the University and the City will have no further obligations under this Agreement except that the City's obligation to not challenge a decision to approve the Upper Hearst Project, the 2021 LRDP, the Anchor House Student Housing Project and the People's Park Housing Project expressly survives such termination.

2. City Council met in closed session on July 14, 2021 Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release with a release of future medical care, as to a workers' compensation matters, WCAB Case #ADJ11556675 and ADJ10831595.

Ceremonial Matters:

1. Recognition of June 3 as Partition Remembrance Day
2. Adjourned the Meeting in Memory of Eli Kane, Recent BHS Graduate
3. Adjourned the Meeting in Memory of the victim of the recent traffic fatality on Ashby Avenue
4. Recognition of the 31st Anniversary of the signing of the Americans with Disabilities Act

City Manager Comments:

The City Manager provided a detailed update on the Reimagining Public Safety process.

Public Comment on Non-Agenda Matters: 9 speakers

Consent Calendar

Action: M/S/C (Arreguin/Harrison) to accept an urgency item from Councilmember Robinson pursuant to Government Code Section 54954.2(b)(2) entitled Support of AB 9: Wildfire Preparedness and Mitigation.

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

Action: M/S/C (Arreguin/Hahn) to accept an urgency item from Councilmember Robinson pursuant to Government Code Section 54954.2(b)(2) entitled Support for SB 290

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

Action: M/S/C (Arreguin/Robinson) to accept an urgency item from Councilmember Hahn pursuant to Government Code Section 54954.2(b)(2) Authorization to East Bay

Community Foundation to disburse \$165,000 from The Berkeley COVID Relief Fund to BANANAS to distribute to Berkeley Childcare Providers most impacted by COVID-19

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

Public Comment on Consent Calendar and Information Items Only: 17 speakers.

Action: M/S/C (Arreguin/Hahn) to accept revised materials from Mayor Arreguin and Councilmember Hahn for Item 22.

Vote: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent - Droste

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

Vote: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent - Droste

Consent Calendar

Urgency Item: Support of AB 9: Wildfire Preparedness and Mitigation

From: Councilmember Robinson (Author)

Recommendation: Send a letter of support to Assemblymember Jim Wood, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 9, which aims to focus on the state's community preparedness and mitigation efforts, including assistance to local jurisdictions, by establishing new programs and operational structures within the Department of Conservation and the Office of the State Fire Marshal.

Financial Implications: None

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action: Councilmember Hahn added as a co-sponsor. Approved recommendation.

Urgency Item: Support for SB 290

From: Councilmember Robinson (Author)

Recommendation: Send a letter to Senator Nancy Skinner and Assemblymember Buffy Wicks in support of SB 290, which would improve the Density Bonus Lay by further incentivizing the inclusion of low-income student housing in student housing developments, among other changes.

Financial Implication: None

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action: Approved recommendation.

Urgency Item: Authorization to East Bay Community Foundation to disburse \$165,000 from The Berkeley COVID Relief Fund to BANANAS to distribute to Berkeley Childcare Providers most impacted by COVID-19

From: Councilmember Hahn (Author) and Mayor Arreguin (Co-Sponsor)

Recommendation: Adopt a Resolution directing the East Bay Community Foundation (EBCF) to disburse \$165,000 from the Berkeley Relief Fund to BANANAS for the purpose of providing grants to Berkeley childcare providers: 1. Authorize EBCF to disburse \$165,000 from the Berkeley Relief Fund to BANANAS, with \$150,000 available for grants and \$15,000 to BANANAS to cover administrative and program costs; and 2. Direct BANANAS to identify Berkeley's most vulnerable licensed in-home childcare providers according to grant criteria and provider terms approved by the City Manager, and grant up to \$10,000 to each qualified provider to be used for purposes related to the provision of childcare.

Grants in excess of \$10,000 or diverging from approved criteria and/or terms shall require written approval of the City Manager, and all grants shall be reported to the City Manager before December 31, 2021

Financial Implications: \$165,000

Contact: Vice Mayor Sophie Hahn, Council District 5, (510) 981-7150.

Action: Councilmember Harrison added as a co-sponsor. Adopted Resolution No. 69,971-N.S.

Consent Calendar

- 1. Referral Response: General Plan Re-Designation and Zoning Map Amendment of Parcels Located at 1709 Alcatraz Avenue, 3404 King Street, 3244 Ellis Street, 1717 Alcatraz Avenue, and 2024 Ashby Avenue**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,780-N.S. rezoning five parcels located at 1709 Alcatraz Avenue (APN 052-1533-001-03), 3404 King Street (APN 052-1435-001-02), 3244 Ellis Street (APN 052-1533-005-00), 1717 Alcatraz Avenue (APN 052-1533-006-00) and 2024 Ashby Avenue (APN 053-1592-022-00) to Commercial – Adeline Corridor District (C-AC).
First Reading Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,780–N.S.
- 2. Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Tenth Street, Ninth Street, Eighth Street, and Seventh Street**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,781-N.S. amending Berkeley Municipal Code (BMC) Section 14.56.070 to add 3-ton commercial truck weight limits on Tenth Street between University Avenue and Dwight Way, Ninth Street between University Avenue and Dwight Way, Eighth Street between University Avenue and Dwight Way, and Seventh Street between University Avenue and Dwight Way.
First Reading Vote: All Ayes
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Adopted second reading of Ordinance No. 7,781–N.S.
- 3. Contract: Downtown Berkeley YMCA for Fitness Center Memberships for City Employees**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Downtown Berkeley YMCA in the amount not to exceed \$163,008 for fitness center memberships for City employees for the period July 1, 2021 through June 30, 2022.
Financial Implications: Various funds - \$163,008
Contact: Rama Murty, Budget Office, (510) 981-7000
Action: Adopted Resolution No. 69,972–N.S.

Consent Calendar

4. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the council meetings of June 1, 2021 (regular), June 3, 2021 (closed), June 10, 2021 (closed), June 15, 2021 (special and regular), June 17, 2021 (closed), June 25, 2021 (closed) and June 29, 2021 (regular).

Financial Implications: None

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

Action: Approved the minutes as submitted.

5. Voting Delegates – League of California Cities Annual Conference

From: City Manager

Recommendation: Designate, by motion, a voting delegate and alternate for the business meeting of the Annual League of California Cities conference to be held on Friday, September 24, 2021, in Sacramento.

Financial Implications: See report

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

Action: Approved recommendation appointing Councilmember Hahn as the voting delegate and Councilmember Taplin as the alternate.

6. Contract: Citygate for Fire Department Standards of Coverage Study

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Citygate Associates, LLC (Contractor) to provide a Standards of Response Coverage study for the Berkeley Fire Department (Department) from August 1, 2021 to September 30, 2022, in an amount not to exceed \$125,000 with an option to extend for an additional two years, for a total contract amount not to exceed \$200,000.

Financial Implications: Measure FF - \$200,000

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

Action: Adopted Resolution No. 69,973–N.S.

7. Contract: East Bay Sanctuary Covenant – Trauma Support Services for Latinx/Latinas/Latinos

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute and amend a contract with the East Bay Sanctuary Covenant, funded through State of California Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) monies, for Trauma Support Services for Latinx/Latinas/Latinos, for an initial contract not to exceed \$100,000 through June 30, 2022.

Financial Implications: Mental Health Services Act Fund - \$100,000

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Action: Adopted Resolution No. 69,974–N.S.

Consent Calendar

- 8. Contract No. 052129-1 Amendment: Pacific Center for Human Growth**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment for Contract No. 052129-1 with the Pacific Center for Human Growth for trauma support services for the Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Agender, Plus (LGBTQIA+) population, to increase the amount by \$100,000 for a total contract amount not to exceed \$415,150, and to extend the contract through June 30, 2022.
Financial Implications: Mental Health Services Act Fund - \$100,000
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,975–N.S.
- 9. Contract No. 088999-1 Amendment: Center for Independent Living**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment for Contract No. 088999-1 with the Center for Independent Living for trauma support services for older adults, to increase the amount by \$31,846 for a total contract amount not to exceed \$320,676, and to extend the contract through June 30, 2022.
Financial Implications: Mental Health Services Act Fund - \$31,846
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,976–N.S.
- 10. Contract No. 8392B Amendment: Innovative Claim Solutions (ICS) for claims administration of the City’s Workers’ Compensation Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8392B with Innovative Claim Solutions (ICS) to provide third-party claims administrative services, Medicare, Medicaid, and SCHIP Extension Act (MMSEA) Section 111 Mandatory Reporting to the Centers for Medicare & Medicaid Services (CMS), to increase the amount by an additional \$616,819, for a total contract amount of \$7,440,430, and extending the period through June 30, 2022.
Financial Implications: Workers’ Compensation Self-Insurance Fund - \$616,819
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,977–N.S.

Consent Calendar

- 11. Contract No. 090741-1 Amendment: Bartel Associates, LLC for Actuarial Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 090741-1 with Bartel Associates, LLC for Actuarial Consulting Services, increasing contract amount by \$95,000 for a revised total contract amount not to exceed \$270,000 through December 31, 2023.
Financial Implications: Various Funds - \$95,000
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,978–N.S.
- 12. Contract: OBS Engineering, Inc. for John Hinkel Park Amphitheater Area Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the John Hinkel Park Amphitheater Area Improvements Project, Specification No. 21-11426-C; 2. Accepting the bid of the lowest responsive and responsible bidder, OBS Engineering, Inc.; 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 OBS Engineering, Inc. for the John Hinkel Park Amphitheater Area Renovations Project at 41 San Diego Road, in an amount not to exceed \$1,119,580 which includes a contract amount of \$1,017,800 and a 10% contingency in the amount of \$101,780.
Financial Implications: Various Funds - \$1,119,580
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,979–N.S. as revised in Supplemental Communications Packet #2 to reject the bid protest.
- 13. Contract No. 31900178 Amendment: Siegel & Strain Architects for Design and Construction Administration Services for the Cazadero Camp Jensen Dormitory Replacement Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900178 with Siegel & Strain Architects for design and construction support services for the Cazadero Camp Jensen Dormitory Replacement Project, increasing the contract by \$120,000 for a total amount not to exceed \$278,000.
Financial Implications: Camps Fund - \$120,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,980–N.S.

Consent Calendar

- 14. Contract No. 32100146 Amendment: Bellingham Inc. for Additional Dock Repairs at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100146 with Bellingham Inc. to repair additional docks at the Berkeley Marina by increasing the construction contract amount by \$40,000 for a not-to-exceed amount of \$280,000.
Financial Implications: Marina Fund - \$40,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,981–N.S.
- 15. Contract No. 32100102 Amendment: DMR Builders for the 125/127 University Avenue Tenant Improvement Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100102 with DMR Builders to complete renovation and facility upgrade work at the 125/127 University Avenue building, increasing the amount of the contract by \$146,000, for a new amount not to exceed of \$439,000.
Financial Implications: Parking Meter Fund - \$146,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,982–N.S.
- 16. Dana Complete Street Pilot Project by AC Transit**
From: City Manager
Recommendation: Adopt a Resolution: 1) approving the Dana Complete Street Pilot Project, including a conceptual design repurposing an existing traffic lane to install a two-way cycle track, construction of a boarding island for bus passengers, and specified changes to parking and loading zones, as necessary, and directing the City Manager to direct staff to work with Alameda-Contra Costa County Transit District (AC Transit) in developing the detailed engineering design of the project; 2) authorizing the City Manager to direct staff to grant permits for construction activities within City Right-of-Way, contingent on Public Works staff approval of final construction drawings and specifications from AC Transit, and directing the City Manager to direct staff to work with AC Transit on the evaluation phase of the project following construction.
Financial Implications: Staff time
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,983–N.S.

Consent Calendar

17. **Creation of Climate Equity Action Fund**

From: Energy Commission

Recommendation: The Energy Commission recommends that City Council create a Climate Equity Action Fund, designate a process for making funding decisions, and appropriate \$600,000 to create a pilot test.

Financial Implications: See report

Contact: Billi Romain, Commission Secretary, (510) 981-7400

Action: Approved recommendation as revised in Supplemental Communications Packet #1 by Councilmember Harrison to adopt Resolution No. 69,984-N.S. with further amendments to the be it resolved clause made at the meeting as follows:

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager establish a Climate Equity Action Fund as a repository of city, regional, state, and federal funds related to climate equity for income-qualified households with a preference for households at or below 50% of Area Median Income.

18. **Request for Two Additional Meetings for the Commission**

From: Homeless Services Panel of Experts

Recommendation: That Council grant the Homeless Services Panel of Experts two additional meetings for the calendar year, 2021.

Financial Implications: See report

Contact: Josh Jacobs, Commission Secretary, (510) 981-5400

Action: Approved the City Manager recommendation. Additional meetings not approved.

Council Consent Items

19. **Contract No. 32000196 Amendment: Szabo & Associates for Communications Consulting Services**

From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000196 with Szabo & Associates for communications consulting services for the Mayor's Office, in the amount of \$78,000, extending the contract to June 30, 2022.

Financial Implications: Mayor's Office Budget - \$78,000

Contact: Jesse Arreguin, Mayor, (510) 981-7100

Action: Adopted Resolution No. 69,985-N.S. as revised in Supplemental Communications Packet #2 by Mayor Arreguin.

Council Consent Items

- 20. Letter of Support for Senate Bill 379**
From: Councilmember Taplin (Author)
Recommendation: Send a letter of support for Senate Bill 379 to State Senator Scott Wiener (D-SF), State Senator Nancy Skinner (D-Berkeley), Asm. Buffy Wicks (D-Oakland) and Senate President Pro Tempore Toni Atkins (D-San Diego).
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Councilmember Harrison added as a co-sponsor. Approved recommendation.
- 21. Proclamation: Partition Remembrance Day**
From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)
Recommendation: That the Berkeley City Council adopts the Partition Remembrance Day Proclamation.
Financial Implications: None
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Approved recommendation.
- 22. Accelerating the City of Berkeley's transition to Plant-Based Foods**
From: Councilmember Hahn (Author), Mayor Arreguin (Author)
Recommendation: Adopt a Resolution establishing a goal to achieve a 50% decrease in animal-based food products served by the City of Berkeley by 2024, and refer to the City Manager to report to the City Council on progress towards reaching this goal by January 31, 2022.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Adopted Resolution No. 69,986–N.S. as revised in materials submitted at the meeting by Councilmember Hahn and Mayor Arreguin.
- 23. Appointment of Beverly Greene to the Board of Library Trustees**
From: Councilmember Hahn (Author)
Recommendation: Adopt a Resolution appointing Beverly Greene to the Board of Library Trustees ("BOLT") for a term of four years beginning August 31, 2021.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Adopted Resolution No. 69,987–N.S.
- 24. Letter to Senators Feinstein and Padilla in Support of the Restaurant Revitalization Fund Replenishment Act**
From: Councilmember Hahn (Author)
Recommendation: Send a letter, attached, to Senators Feinstein and Padilla in Support of the Restaurant Revitalization Fund Replenishment Act.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Approved recommendation.

Council Consent Items

25. **Moving Forward to Contract for Municipal Grant-Writing Services**
From: Councilmember Hahn (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Direct the City Manager to move forward to establish needs and select a firm or firms to supplement the City's grant writing capacity, and provide a budget referral in time to be considered for the November 2021 AAO Update, such that a new firm or firms can be in place by January of 2022.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Approved recommendation.
26. **Calling on the U.S. Government to Negotiate the Elimination of Nuclear Weapons**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-sponsor)
Recommendation: Adopt a Resolution calling on the government of the United States to implement its obligations under international law to negotiate the elimination of nuclear weapons. Send a copy of the resolution to President Biden, Congressmember Barbara Lee, and Senators Dianne Feinstein and Alex Padilla.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 69,988–N.S.

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

27. Updated Fees for the Home Occupations Ordinance

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S., the Planning Department Fee Schedule, to establish fees for new Home Occupation permit categories.

Financial Implications: See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 2 speakers. M/S/C (Arreguin/Hahn) to close the public hearing.

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

Action: M/S/C (Arreguin/Hahn) to adopt Resolution No. 69,989–N.S.

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

Action Calendar – Old Business

28. Objective Standards Recommendations for Density, Design and Shadows

From: Joint Subcommittee for the Implementation of State Housing Laws

(Continued from March 23, 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: 6 speakers. M/S/C (Arreguin/Wengraf) to continue the item to September 14, 2021.

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

Action Calendar – New Business

29. **City Council Rules of Procedure and Order Revisions** *(Item re-agendized by Council direction on April 20, 2021 to consider whether to extend the temporary rules in Appendix D.)*

From: City Manager

Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to add temporary rules for the legislative process during the COVID-19 declared emergency; sunset the temporary process to read written comments at meetings; and rescinding any preceding amendatory resolutions.

Financial Implications: None

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

Action: Moved to Consent Calendar. No action taken. Appendix D requirements expire on July 28, 2021.

Information Reports

30. **Referral Response: Facilitate the Local Implementation of Senate Bill 1413 and Expedite the Development of Teacher and School Employee Housing**

From: City Manager

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Action: Received and filed.

31. **Annual Report on Landmarks Preservation Commission Actions**

From: Landmarks Preservation Commission

Contact: Fatema Crane, Commission Secretary, (510) 981-7400

Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 2 speakers.

Adjournment

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

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

Adjourned at 9:09 p.m.

Communications

Item #14: Dana Complete Street Pilot Project by AC Transit

1. Charles Siegel, Ben Gerhardstein, Karen Parolek for Walk Bike Berkeley

Transit-Oriented Development (TOD) at BART

2. 9 similarly-worded form letters
3. Cindy Shamban
4. Marianne Schulman

5. D.P. Neyhart
6. Laura Klein
7. Larry Orman
8. David Brandon

Appeal 1527 Sacramento – AUP# ZP2020-0034

9. Joyce Lewis
10. Michele and Micah Liedeker

Grizzly Peak

11. Joshua Bloom

Homelessness

12. Bob May (2)

Pedestrian Safety

13. David Lerman

Assembly Bill 1238 – Response to Letter Dated May 11, 2021 (Item 27)

14. State Senator Nancy Skinner

Public Restrooms

15. Judy Hunt

Defining Ecocide

16. Thomas Lord

Zoning

17. Helen Jones

Privatization of Some Public Spaces

18. Ann Hawkins

East Bay Community Energy (ECBE)

19. ECBE

Community for a Cultural Civic Center

20. Ann Harlow

URL's Only

21. Russbumper (7)

Supplemental Communications and Reports 1

Item #17: Creation of Climate Equity Action Fund

22. Revised material, submitted by Councilmember Harrison

Supplemental Communications and Reports 2

Item #12: Contract: OBS Engineering, Inc. for John Hinkel Park Amphitheater Area Improvement Project

23. Revised material, submitted by Parks, Recreation and Waterfront

Item #16: Dana Complete Street Pilot Project by AC Transit

24. Ryan Lau, on behalf of Alameda-Contra Costa Transit District

Item #19: Contract No. 32000196 Amendment: Szabo & Associates for Communications Consulting Services

25. Supplemental material, submitted by Mayor Arreguin

Supplemental Communications and Reports 3

Item #16: Dana Complete Street Pilot Project by AC Transit

26. Alex Knox, on behalf of the Telegraph Business Improvement District

Item #17: Creation of Climate Equity Action Fund

27. Thomas Lord

Item #22: Accelerating the City of Berkeley's transition to Plant-Based Foods

28. Revised material, submitted by Councilmember Hahn

Item #27: Updated Fees for the Home Occupations Ordinance

29. Presentation, submitted by Planning

30. Michai Freeman

Item #28: Objective Standards Recommendation for Density, Design and Shadows

31. Presentation, submitted by Planning

Item #29: City Council Rules of Procedures and Order Revisions

32. Andrea Mullarkey

Urgent Items

Support of AB 9: Wildfire Preparedness and Mitigation

33. Urgent item, submitted by Councilmember Robinson

Support of SB 290

34. Urgent Item, submitted by Councilmember Robinson

Direct the East Bay Community Foundation to disburse \$165,00 from the Berkeley COVID Relief Fund to a local non-profit, BANANAS, to distribute to Berkeley Childcare Providers most impacted by COVID

35. Urgent item, submitted by Councilmember Hahn