



03

Office of the City Manager

CONSENT CALENDAR
May 25, 2021

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Mark Numainville, City Clerk
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the council meetings of April 13, 2021 (special), April 20, 2021 (special and regular), April 27, 2021 (regular) and April 29, 2021 (closed).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. April 13, 2021 – Special City Council Meeting
2. April 20, 2021 – Special City Council Meeting
3. April 20, 2021 – Regular City Council Meeting
4. April 27, 2021 – Regular City Council Meeting
5. April 29, 2021 – Closed City Council Meeting

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

**Tuesday, April 13, 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/85445489790>. 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: 854 4548 9790. 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: 6:01 p.m.

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

Absent: Taplin

Councilmember Taplin present at 6:05 p.m.

Action Calendar – New Business

Recess 8:26 p.m. – 8:36 p.m.

- 1. University of California, Berkeley Long Range Development Plan Update and Housing Projects #1 and #2 Draft Environmental Impact Report**
From: City Manager
Recommendation: Review the California Environmental Quality Act (CEQA) process, and take comments on the Draft Environmental Impact Report (EIR) on the Long Range Development Plan Update (LRDP) and Housing Projects #1 and #2.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: 42 speakers. Presentation made and comments taken on the Draft Environmental Impact Report (EIR) on the Long Range Development Plan Update (LRDP) and Housing Projects #1 and #2.

Councilmember Droste absent 9:20 – 9:43 p.m.

Adjournment

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

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

Adjourned at 9:43 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on April 13, 2021.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: University of California, Berkeley Long Range Development Plan Update and Housing Projects #1 and #2 Draft Environmental Impact Report

1. Carol Denney
2. Sanah Basrai
3. Christine Youn
4. Zahra Anwar
5. Michele Trahan

Supplemental Communications and Reports 3

Item #1: University of California, Berkeley Long Range Development Plan Update and Housing Projects #1 and #2 Draft Environmental Impact Report

6. Presentation, submitted by Planning
7. Josue Sandoval
8. Harvey Smith (2)
9. Zach Stewart
10. Rachel Rovinsky
11. Ace Chen
12. Moni Law (3)
13. Ethan Lee
14. Jordan Burns
15. Julie Luu
16. Chimey Lee (2)

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

**Tuesday, April 20, 2021
5:30 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/84640742374>. 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: 846 4074 2374. 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: 5:37 p.m.

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

Absent: Kesarwani, Taplin, Droste

Councilmember Taplin present at 5:38 p.m.

Councilmember Kesarwani present at 5:42 p.m.

Action Calendar

1. Appointment of City Attorney

From: Mayor Arreguin

Recommendation: Adopt a Resolution confirming the appointment of Farimah Faiz Brown as City Attorney and approving an employment agreement to be effective immediately.

Financial Implications: See report

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

Action: 1 speaker. M/S/C (Arreguin/Hahn) to adopt Resolution No. 69,787–N.S.

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

Adjournment

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

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

Adjourned at 5:51 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on April 20, 2021.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

- None

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, April 20, 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/84640742374>. 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: **846 4074 2374**. 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: 6:03 p.m.

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

Absent: Bartlett, Droste

Councilmember Bartlett present at 6:05 p.m.

Councilmember Droste present at 6:17 p.m.

Ceremonial Matters:

1. Recognition of Victims' Rights Week
2. Recognition of Dimitri Belser, Berkeley Community Leader
3. Adjourned in Memory of Dale Jensen, Community Activist
4. Adjourned in Memory of Al Young, Local Writer and Former California Poet Laureate
5. Adjourned in Memory of Julia Lippman, Berkeley Resident and Activist

City Manager Comments:

Recognition of Fire Chief David Brannigan.

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Action: M/S/C (Arreguin/Wengraf) to accept revised material from Parks, Recreation and Waterfront on Item 16 and to accept supplemental material from Councilmember Bartlett on Item 27.

Vote: All Ayes.

Public Comment on Consent Calendar and Information Items Only: 23 speakers.

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

Vote: All Ayes.

Recess Items

1. **Addition of Subcontractors to Robert E. Boyer Construction, Inc. Contract No. 32000230**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to add the following subcontractors to Contract No. 32000230 with Robert E. Boyer Construction, Inc. for the construction of the Berkeley Tuolumne Camp Project (“Project”): Morrison Home Improvement, John Losoya Construction, Inc., and Dave Smith Construction, Inc.; and approving the finding that this action is necessary to mitigate the impact of significant labor shortages resulting from the effects of COVID-19 on the Project.
Financial Implications: None
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,788–N.S.

2. **Increase of Authorized Funding: Contact No. 8051 for Police Department Substation, 841 Folger Street/3000 Seventh Street**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to increase the amount of funding authorized under Contract No. 8051 by \$250,000 from \$2,245,726 to \$2,495,726 for rental of the property at 841 Folger Street/3000 Seventh Street.
Financial Implications: Various Funds - \$250,000
Contact: Jen Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 69,789–N.S.

Consent Calendar

3. **Police Accountability Board – Ordinance Amendment for Leaves of Absence and Alternate Commissioner; Amending BMC Chapter 3.02**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,757-N.S. amending Berkeley Municipal Code Section 3.02.030 to provide for leaves of absence for members of the Police Accountability Board and Berkeley Municipal Code Section 3.02.035 to provide for a designated council-approved alternate to serve when a regular member is on a leave of absence.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted second reading of Ordinance No. 7,757–N.S.

Consent Calendar

4. Measure T1 Loan

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to loan \$1,500,000 from the Capital Improvement Fund to the Measure T1 Fund in FY 2021 to complete Phase 1 projects and appropriate funds to repay this loan and previous loans from the Parks Tax Fund, Measure BB - Local Streets & Roads Fund, and Mental Health Realignment Fund from Phase 2 Measure T1 bond proceeds once they become available.

Financial Implications: See report

Contact: Rama Murty, Budget Office, (510) 981-7000

Action: Adopted Resolution No. 69,790–N.S.

5. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the council meetings of March 1, 2021 (closed), March 9, 2021 (regular), March 16, 2021 (closed and special), March 23, 2021 (regular), March 25, 2021 (special), March 29, 2021 (closed) and March 30, 2021 (closed and regular).

Financial Implications: None

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

Action: Approved the minutes as submitted.

6. Contract No. 9236 Amendment: Freitas Landscaping and Maintenance for Landscaping Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend contract number 9236 with Freitas Landscaping and Maintenance for landscaping services at the Berkeley Animal Shelter at Dona Spring Animal Shelter by adding \$25,000 through fiscal year 2024, increasing the total contract to \$74,000 pending budget approval in fiscal years 2022-2024.

Financial Implications: General Fund - \$25,000

Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

Action: Adopted Resolution No. 69,791–N.S.

7. Contract No. 105938-1 Amendment: Koefran Industries for Animal Disposal Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to extend and increase the current contract with Koefran Industries to remove and dispose of deceased animals for Berkeley Animal Care Services (BACS). The increase will be an additional \$110,000 through June 30, 2026, for a total contract amount not to exceed \$231,600 and subject to the City's Annual Appropriation Process.

Financial Implications: General Fund - \$110,000

Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

Action: Adopted Resolution No. 69,792–N.S.

Consent Calendar

- 8. Contract No. 32100053 Amendment: Orsolya Kuti, DVM for services at the Dona Spring Animal Shelter**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100053 with Orsolya Kuti, DVM adding \$4,800 to provide free spay and neuter surgeries at the Dona Spring Animal Shelter to eligible low/no-income and homeless pet owners who reside in Berkeley, Albany, Emeryville or Piedmont. Authorize the receipt of additional donations up to a total of \$40,000 over the three year period of FY 2021, FY2022 and FY2023, for a total contract amount not to exceed \$220,000.
Financial Implications: See report
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 69,793–N.S.
- 9. Contract No. 32100022 Amendment: Michael Arcega for San Pablo Park Measure T1 Public Art Commission**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100022 with Michael Arcega for additional artwork elements costing up to \$9,936 for a total contract amount not to exceed \$219,936. This is for the public art commission project located at San Pablo Park and funded by Measure T1.
Financial Implications: Measure T1 Public Art Fund - \$9,936
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 69,794–N.S.
- 10. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 20, 2021**
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: \$1,581,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

Consent Calendar

- 11. Predevelopment Funding Recommendations: 2024 Ashby Avenue and 1708 Harmon Street**
From: City Manager
Recommendation: Adopt a Resolution: 1. Reserving predevelopment funding in the amount of: a) \$1,198,960 for Community Housing Development Corporation/St. Paul AME's new construction development of affordable housing at 2024 Ashby Avenue; and b) \$1,056,400 for Community Housing Development Corporation/Ephesians Church of God in Christ (ECOGIC)'s new construction development of affordable housing at 1708 Harmon Street; and 2. Authorizing the City Manager, or her designee, to execute all original or amended documents or agreements to effectuate this action.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,795–N.S.
- 12. Revenue Contract: Alameda County Behavioral Health Care Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Alameda County Behavioral Health Care Services (ACBH) for the provision of mental health services, including Medi-Cal, Medicare, Educationally Related Mental Health Services (ERMHS), and Early Periodic Screening, Diagnosis and Treatment (EPSDT) billing and reimbursement for through June 30, 2021.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,796–N.S.
- 13. Shelter Plus Care Program Renewal Grants**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments resulting from the renewal of the following grants: 1. Two Shelter Plus Care grants from the U.S. Department of Housing and Urban Development (HUD): a) \$4,124,485 for the Supportive Housing Collaborative for the period June 1, 2021 through May 31, 2022; b) \$2,411,026 for the COACH Project grant for the period of January 1, 2022 through December 31, 2022; and 2. One grant from the County of Alameda for \$881,046 to provide tenant-based rental assistance to individuals who are chronically homeless and disabled. Some assistance may be further extended to individuals' families as part of the supported household on an individual case by case basis for the period of March 1, 2021 through February 28, 2022.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,797–N.S.

Consent Calendar

14. **Contract No. 32000082 Amendment: Mar Con Builders, Inc. for Live Oak Community Center Seismic Upgrade Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000082 with Mar Con Builders, Inc. for the Live Oak Community Center Seismic Upgrade Project, increasing the contract amount by \$160,562 for a total amount not to exceed of \$6,066,230.
Financial Implications: Parks Tax Fund - \$160,562
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,798–N.S.
15. **Contract No. 32000274 Amendment: Suarez and Munoz Construction, Inc. for San Pablo Park Playground and Tennis Court Renovation Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000274 with Suarez and Munoz Construction, Inc. for the San Pablo Park Playground and Tennis Court Renovation Project, increasing the amount by \$125,000 for an amended total amount not to exceed \$2,094,056.
Financial Implications: Parks Tax Fund - \$125,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,799–N.S.
16. **Contract: ERA Construction Inc. for King School Park Play Area Renovation Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the King School Park Play Area Renovation Project, Specification No. 21-11435-C; 2. Rejecting the lowest bid from Kompan California Inc. as non-responsive; 3. Accepting the bid of the lowest responsive and responsible bidder, ERA Construction Inc.; and 4. 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 ERA Construction Inc. for the King School Park Play Area Renovation Project at 1700 Hopkins Street, Berkeley, CA 94702, in an amount not to exceed \$650,438, which includes a contract amount of \$542,032 and a 20% contingency in the amount of \$108,406.
Financial Implications: Parks Tax Fund - \$650,438
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,800–N.S. as revised in the supplemental material received at the meeting from the Parks, Recreation and Waterfront Department.

Consent Calendar

17. **Contract: O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project: University Avenue (West Frontage Road to Marina Boulevard), Marina Boulevard, and Spinnaker Way Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Berkeley Marina Roadway Improvements Project: University Avenue (West Frontage Road to Marina Boulevard), Marina Boulevard, and Spinnaker Way Project (Bid Specification No. 20-11388-C); 2. Accepting the bid of O.C. Jones & Sons, Inc. as the lowest responsive and responsible bidder on the Project; 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 O.C. Jones & Sons, Inc., for the Berkeley Marina Roadway Improvements Project: University Avenue (West Frontage Road to Marina Boulevard), Marina Boulevard, and Spinnaker Way Project, in an amount not to exceed \$6,175,186, which includes a contract amount of \$5,369,727 and a 15% contingency in the amount of \$805,459.
Financial Implications: Various Funds - \$6,175,186
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,801–N.S.
18. **Grant Application: California Proposition 68 Statewide Parks Program for New Park Development at Selected Santa Fe Right-of-Way Parcels**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: 1. Submit a grant application in the amount of up to \$8,000,000 to the California Proposition 68 Statewide Parks Program for new park development at selected Santa Fe Right-of-Way parcels; 2. Accept any grants; 3. Execute any resulting grant agreements and any amendments; and 4. Authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,802–N.S.
19. **Recommendation to Incorporate Hate Crimes Against Persons with Homeless Status in Improving Hate Crime Reporting and Response**
From: Homeless Commission
Recommendation: That Council refer to the City Manager to develop a targeted approach, towards persons with homeless status, to improving hate crime reporting and response consistent with the other approaches being developed for other populations under the City of Berkeley's Improving Hate Crimes Reporting and Response legislation passed by Council on November 17, 2020.
Financial Implications: See report
Contact: Josh Jacobs, Commission Secretary, (510) 981-5400
Action: Approved recommendation.

Consent Calendar

20. Measure O Notice of Funding Availability (NOFA) for BUSD-Sponsored Educator Housing

From: Measure O Bond Oversight Committee

Recommendation: Adopt a Resolution to refer to the City Manager to release a Notice of Funding Availability (NOFA) for a Berkeley Unified School District (BUSD)-employee housing development sponsored by the BUSD, to be funded from Measure O Bond funds, relying on the City's Housing Trust Fund Guidelines but allowing tenant incomes up to 120% of Area Median Income, and reviewed by the Measure O Bond Oversight Commission (MOBOC).

Financial Implications: See report

Contact: Jenny Wyant, Commission Secretary, (510) 981-5400

Action: Adopted Resolution No. 69,803–N.S. as revised in Supplemental Communications Packet #1 from the Health, Housing, and Community Services Department.

Council Consent Items

21. Contract No. 9369 Amendment: Badawi & Associates, Certified Public Accountants for Professional Auditing Services

From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9369 with Badawi & Associates to perform annual audits of the city's financial statements and to perform annual compliance audits required by the Single Audit Act of 1984 (as amended), for fiscal years 2021 (FY21) and 2022 (FY22), in the amount of \$171,330 for FY21 and \$171,330 for FY22. Increasing the contract value by \$372,660 which includes a \$30,000 contingency for new regulatory reporting including the Measure T1 Audit. This will increase the contract value from \$1,243,896 to \$1,616,556 for the period May 6, 2020 to June 30, 2023.

Financial Implications: Various Funds - \$372,660

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

Action: Adopted Resolution No. 69,804–N.S.

22. Budget Referral: Remediation Plan for Lawn Bowling Green and North Bowling Green

From: Councilmember Taplin (Author), Mayor Arreguin (Co-Sponsor)

Recommendation: Refer to the budget process the development of a remediation plan, with further testing and cost estimate, for the Berkeley Lawn Bowling Green at 2270 Acton Street and the North Bowling Green at 1324 Allston Way.

Financial Implications: See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action: Approved recommendation.

Council Consent Items

- 23. Support for AB 1401: Parking Reform**
From: Councilmember Taplin (Author), Councilmember Kesarwani (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Laura Friedman, State Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 1401, which would eliminate parking requirements for housing and commercial buildings near transit and in low-VMT areas.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Councilmember Droste and Mayor Arreguin added as co-sponsors. Approved recommendation.
- 24. Support for SB-519: Controlled Substances**
From: Councilmember Taplin (Author)
Recommendation: Send a letter of support for Senator Wiener’s Senate Bill 519, which would decriminalize psilocybin, psilocyn, MDMA, DMT, ketamine, mescaline, and ibogaine; expunge criminal records for use and possession of these substances; and establish a commission to provide recommendations to the state legislature on therapeutic uses.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.
- 25. Urge the AC Transit Board of Directors to Restore the 80-Ashby/Sixth Street Bus Line**
From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Send a letter to the AC Transit Board of Directors urging the restoration of the 80-Ashby/Sixth Street bus line to its pre-pandemic level of service.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Councilmember Droste added as a co-sponsor. Approved recommendation.
- 26. Letter in Support of AB 816 “State and Local Agencies: Homelessness Plan”**
From: Councilmember Bartlett (Author), Councilmember Taplin (Co-Sponsor)
Recommendation: That the Mayor of Berkeley and Members of City Council supports AB 816 “State and Local Agencies: Homelessness Plan” by sending a letter of support to Assemblymember David Chiu, State Senator Nancy Skinner, and Assemblymember Buffy Wicks to express the City of Berkeley’s support for AB 816.
Financial Implications: None
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Councilmember Hahn added as a co-sponsor. Approved recommendation.

Council Consent Items

27. **Letter of Opposition to the Federal Aviation Administration’s Proposal to Shift the WNSDR Commercial Airliner Flight Corridor Directly Over Residential Neighborhoods in Berkeley, Richmond, El Cerrito, and Albany**
From: Councilmember Bartlett (Author), Councilmember Taplin (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: That the Mayor of Berkeley and Members of the City Council oppose the Federal Aviation Administration’s (FAA) proposal to re-route commercial airline traffic (the WNSDR arrival flight path to Oakland International Airport) directly over residential neighborhoods in Berkeley, Richmond, El Cerrito, and Albany beginning in October 2021. The Council should send letters to Rep. Barbara Lee, Rep. Mark DeSaulnier, Sen. Dianne Feinstein, Sen. Alex Padilla, Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, US Secretary of Transportation Pete Buttigieg, the FAA’s Western Pacific Regional Director, Raquel Girvin, and the Oakland Airport Community Management Noise Forum facilitator, Mike McClintock.
Financial Implications: Staff time
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Mayor Arreguin added as a co-sponsor. Approved recommendation including supplemental material received at the meeting from Councilmember Bartlett.
28. **Resolution in Support of Senate Bill 271, the Sheriff Democracy and Diversity Act, to Allow for More Diverse and Democratic Sheriff Elections**
From: Councilmember Harrison (Author), Councilmember Robinson (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution in support of Senate Bill 271, the Sheriff Democracy and Diversity act, to allow for more diverse and democratic Sheriff elections. Send copies of the resolution to Governor Newsom and State Senator Scott Wiener.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 69,805–N.S.
29. **Support for AB 1199: Homes for Families and Corporate Monopoly Transparency Excise Tax**
From: Councilmember Harrison (Author)
Recommendation: Adopt a Resolution proclaiming support for AB 1199, including support for the legislation in the 2020-2021 State Legislative Program, and sending copies of a letter to Assemblymember Mike Gipson, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 1199, which would create a database of rental properties, levy a tax on the rental profits of some people or entities holding many properties, and use the funds to support services for tenants and small landlords.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 69,806–N.S.

Council Consent Items

- 30. Budget Referral: Solano Avenue Revitalization Plan**
From: Councilmember Hahn (Author), Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Refer up to \$300,000 to the FY2022-FY2023 Budget Process for the development of a two-part Solano Avenue “Master” Revitalization Plan; Part A for the Upper/Eastern end of Solano Avenue and Part B for mid-corridor blocks within the City of Berkeley, to coordinate with the City of Albany’s mid-corridor Solano Avenue Reconfiguration Plan.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Approved recommendation.
- 31. Personal Liability Protection for Small Businesses Impacted by COVID-19**
From: Councilmember Hahn (Author)
Recommendation:
1. Adopt an urgency ordinance adding Berkeley Municipal Code (BMC) Chapter 13.113, relating to personal liability in commercial leases during the COVID-19 pandemic; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately, in order to protect the health, safety, and economic wellbeing of the people of Berkeley.
2. Direct the City Manager to conduct outreach to all commercial tenants regarding any protections enacted by the City Council, with a particular focus on businesses that were required to stop serving food or beverages (e.g., restaurants, bars); close to the public (e.g., hair salons, barbershops, tattoo parlors); cease operations (e.g., gyms, fitness centers); or sharply limit operations (e.g., schools, retail shops, nurseries) due to the COVID-19 crisis.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: 1. Adopt Urgency Ordinance No. 7,758-N.S. 2. Approved recommendation as revised in Supplemental Communications Packet #2 from Councilmember Hahn.
- 32. Support for AB 455: Bay Bridge Transit-Only Lane**
From: Councilmember Robinson (Author), Councilmember Kesarwani (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Rob Bonta, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 455, which would authorize the Bay Area Toll Authority, in consultation with the Department of Transportation, to designate transit-only traffic lanes on the San Francisco-Oakland Bay Bridge.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Councilmembers Taplin and Harrison added as co-sponsors. Approved recommendation.

Action Calendar – New Business

33. City Council Rules of Procedure and Order Revisions

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: M/S/C (Arreguin/Harrison) to accept supplemental material from Councilmember Taplin on Item 33.

Vote: All Ayes.

Action: M/S/C (Arreguin/Wengraf) to call the question on Item 33.

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

Action: 15 speakers. M/S/C (Arreguin/Wengraf) to adopt Resolution No. 69,807–N.S. as revised in Supplemental Communications Packet #2 from Councilmember Hahn, further amended to change the sunset date to July 28, 2021. Additional direction provided to the City Manager to re-agendize the item for the July 27, 2021 for Council to decide whether to extend the temporary policy.

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

Council Action Items

- 34. Requesting the California State Legislature to introduce actions to value human life and to condemn racial injustice and police brutality**
From: Councilmember Davila (Author) (Reviewed by the Health, Life Enrichment, Equity and Community Committee)
Recommendation:
1. Adopt a resolution requesting the California State Legislature to introduce legislation incorporating recommendations from the community to value human life and to condemn racial injustice and police brutality.
2. Send copies of this resolution to State Assemblymember Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.
Policy Committee Recommendation: Forward the item to Council with a negative recommendation given that there are a number of questions as to some of the points of the resolution including the purview of the Legislature, legal questions, and feasibility. The Committee recommends that the Council refer to the Public Safety Committee to consider the state Police Officer's Bill of Rights and possible subsequent action by the City Council. Further, that the office of Councilmember Taplin will look into specific state bills on police reform and public safety issues to determine which bills warrant a letter of support from the City Council.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Moved to Consent Calendar to adopt the recommendation of the Health, Life Enrichment, Equity and Community Committee.
- 35. Referral to the Planning Commission to Establish a Zoning Overlay at the Pacific Steel Casting Property**
From: Councilmember Kesarwani (Author), Councilmember Taplin (Co-Sponsor)
Recommendation: Refer to the Planning Commission to create a zoning overlay at the Pacific Steel Casting (PSC) property in West Berkeley—currently zoned Manufacturing (M) and redesignate it as Mixed Use - Light Industrial (MULI) due to the unique issues of public concern associated with this property (described below); specifically, include in the PSC zoning overlay allowances to enable all MULI uses and override any existing constraints in the Berkeley Municipal Code for Zoning (Title 23) on such MULI uses for the PSC property.
Financial Implications: Staff time
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Councilmember Wengraf added as a co-sponsor. Moved to Consent Calendar and amended to include a referral to the Planning Commission to explore the inclusion of skilled and trained workforce provision in SB 7 and the Berkeley Municipal Code.
- 36. ***Removed from Agenda by Councilmember Taplin*** Local Parks Option for the Percentage for Public Art on Private Projects**
From: Councilmember Taplin (Author)
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Action Items

37. **Refer to the City Manager to Prioritize Municipal Fleet Modal Shift to Electric Bicycles and Other Forms of Zero-Emissions Mobility Where Feasible**
From: Councilmember Harrison (Author)
Recommendation: Refer to the City Manager to prioritize municipal fleet modal shift to electric bicycles and other forms of zero-emissions mobility, where feasible, as part of ongoing efforts to achieve a zero-emissions fleet by 2030.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Councilmember Wengraf added as a co-sponsor. Moved to Consent Calendar.

Information Reports

38. **Civic Arts Commission Annual Work Plan 2021**
From: Civic Arts Commission
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
Action: Received and filed.
39. **Community Health Commission 2021 Work Plan**
From: Community Health Commission
Contact: Roberto Terrones, Commission Secretary, (510) 981-5400
Action: Received and filed.
40. **Disaster and Fire Safety Commission Work Plan 2021**
From: Disaster and Fire Safety Commission
Contact: Keith May, Commission Secretary, (510) 981-3473
Action: Received and filed.
41. **Measure O Bond Oversight Committee Work Plan FY 2021**
From: Measure O Bond Oversight Committee
Contact: Jenny Wyant, Commission Secretary, (510) 981-5400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 5 speakers.

Adjournment

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

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

Councilmember Droste absent 9:58 p.m. – 10:02 p.m.

Adjourned at 10:02 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on April 20, 2021.

Mark Numainville
City Clerk

Communications

Transient Occupancy Tax Allocated to the Marina Fund

1. Gordon Wozniak

Illegal Encampment at the Telegraph-Channing Mall

2. Kirstie Bennett, Jeffrey Goldberg and Chelsea Bennet Whitney, on behalf of the Shops at Telegraph-Channing Mall

Gilman and the I-80 Interchange

3. David Lerman
4. Carol Crossley, on behalf of the Alameda County Transportation Commission

Hopkins Street Parking

5. Merle Weiner
6. Carol Hirth
7. Jan Austerlitz
8. Councilmember Hahn (2)
9. Friends of Five Creeks
10. Farid Javandel, on behalf of the City of Berkeley
11. David Lerman
12. Julie Ross
13. David Pope

Berkeley Asphalt

14. Mike Perlmutter, on behalf of Clean AIR Berkeley (3)
15. Melanie McLean, on behalf of the City Manager

5G + Cell Antennas

16. Max Ventura (2)
17. Gene Herman
18. Frances Hillyard

Homelessness

19. Kai Horng
20. Jamie Greenblatt (2)
21. Kristen Barneich

- 22. Kathy Krebs
- 23. Chris Ahoy, on behalf of the Berkeley Rotary Club

Bicycle and Pedestrian Safety

- 24. Ed Reid
- 25. Beatriz Motta
- 26. Aviv Schifrin
- 27. Tom Lent
- 28. Bhima Sheridan
- 29. Sean McLaughlin
- 30. Noah Budnick (2)
- 31. Councilmember Taplin
- 32. Teresa Clarke
- 33. Elise Brewster
- 34. Dana Hymel
- 35. MaryAnn Furda
- 36. David Lerman
- 37. Jeffrey Black
- 38. Katy Love

Robberies near Ellsworth

- 39. Sabina McMurtry
- 40. Kris Muller
- 41. Sally Hughes
- 42. Carol Ness
- 43. Councilmember Robinson

Vaccinations

- 44. Gerald Maxey
- 45. City of Berkeley COVID-19 Information Services
- 46. Bryce Nesbitt
- 47. Linda Franklin

Redistricting

- 48. Dona Bretherick
- 49. Councilmember Taplin
- 50. Mark Numainville, City Clerk

Zoning and Housing

- 51. Avram Gur Arye
- 52. Susan Kirsch
- 53. Diana Bohn
- 54. Livable California
- 55. Christopher Hudson
- 56. Sally Hindman
- 57. Curry Barber

- 58. Linda Maio
- 59. Barbara Gilbert

Green Monday

- 60. Nilang Gor (2)
- 61. Melanie McLean, on behalf of the City of Berkeley

School Reopening's

- 62. Maxine Skaggs Kennedy

Nuclear Ban Treaty

- 63. Gar Smith

Cal Sailing Considerations for the Berkeley Marina Area Specific Plan (BMASP) Project

- 64. Camille Antinori, on behalf of Cal Sailing

Stop Asian Hate Demonstration

- 65. Jennifer Rose

Cesar Chavez Park Conservancy Grant

- 66. Igor Tregub, on behalf of the Sierra Club Northern Alameda County Group

Marijuana and Tobacco Smoke in Multi-Unit Housing

- 67. Carol Denney

National Crime Victims' Rights Week Proclamation Request

- 68. Michelle Joya, on behalf of the Alameda County District Attorney's Office

Milk Condition

- 69. Phil Allen

ZAB Use Permit for 3031 Telegraph Avenue

- 70. Steve Medbery

1900 Fourth Street Fencing

- 71. Stephanie Manning

Climate Emergency

- 72. Thomas Lord

Support Rooftop Solar

- 73. Kathleen Giustino (2)

PRC and Hiring a New Chief of Police

- 74. Katherine Lee, on behalf of the Police Review Commission

Police Violence

- 75. Ris Coto
- 76. Shellie Wharton

Quake Scenario Exercise

- 77. David Peattie

On-Demand Mobile App

- 78. Sandy

BART Housing Development

- 79. 11 similarly-worded form letters (BART Development)
- 80. 37 similarly-worded form letters (North Berkeley BART Development)
- 81. Laura Stevens
- 82. Forest Kaser
- 83. Toni Casal
- 84. Vicki Sommer (3)
- 85. Stephen Sperber and Roberta Silverstein
- 86. Eric Johnson (2)
- 87. Leah Levy
- 88. Chimey Lee
- 89. David Brandon
- 90. Albert Buixade Farre
- 91. Serena Lim and Family
- 92. Mariko Nobori
- 93. Todd Jailer
- 94. Friends of Adeline
- 95. Anna Cederstav
- 96. Tom Athanasiou and Rachel Sommerville
- 97. Janet Byron
- 98. Randy Shaw
- 99. Lee Bishop
- 100. Stephen Dalton
- 101. Robin Henke
- 102. Elie Hassenfeld
- 103. Jenny Johnston
- 104. Nritkaar Dhesi
- 105. David Brandon

URL's Only

- 106. 11 russbumper
- 107. Vivian Warkentin

Supplemental Communications and Reports 1

Item #20: Measure O Notice of Funding Availability (NOFA) for BUSD-Sponsored Educator Housing

- 108. Supplemental materials, submitted by Health, Housing & Community Services

Item #30: Budget Referral: Solano Avenue Revitalization Plan

- 109. Ray Yep
- 110. Cheryl and Toby Lou
- 111. David Peattie
- 112. Esther Hill
- 113. Pam Zelnik
- 114. Valerie Hambas
- 115. Hildy Revenaugh
- 116. Franco
- 117. Valerie Hambas
- 118. Elizabeth Sklut
- 119. Christine Mewha
- 120. Molly Couto
- 121. Judy Logan

Supplemental Communications and Reports 2

Item #20: Measure O Notice of Funding Availability (NOFA) for BUSD-Sponsored Educator Housing

- 122. Human Welfare and Community Action Commission

Item #27: Letter of Opposition to the Federal Aviation Administration's Proposal to Shift the WNSDR Commercial Airliner Flight Corridor Directly Over Residential Neighborhoods in Berkeley, Richmond, El Cerrito, and Albany

- 123. 100 similarly-worded form letters
- 124. Sally Nelson
- 125. Alice Rosenthal
- 126. Megan Finaly
- 127. Susan Calico
- 128. Mary Prophet
- 129. Kirsten Benjamin
- 130. Bob Martin
- 131. Jill Anthes
- 132. Gwen Allamby
- 133. Ann Einstein

Item #31: Personal Liability Protections for Small Businesses Impacted by COVID-19

- 134. Supplemental material, submitted by Councilmember Hahn

Item 33: City Council Rules of Procedures and Order Revisions

- 135. Supplemental material, submitted by Councilmember Hahn
- 136. 8 similarly-worded form letters

- 137. Gregory Kalkanis
- 138. Democratic Club of Cal

Supplemental Communications and Reports 3

Item #16: Contract: ERA Construction Inc. for King School Park Play Area Renovation Project

- 139. Revised material, submitted by Parks, Recreation & Waterfront

Item #27: Letter of Opposition to the Federal Aviation Administration's Proposal to Shift the WNSDR Commercial Airliner Flight Corridor Directly Over Residential Neighborhoods in Berkeley, Richmond, El Cerrito, and Albany

- 140. Supplemental material, submitted by Councilmember Bartlett
- 141. 63 similarly-worded form letters
- 142. Phil Allen
- 143. Wini Williams
- 144. John Haptas
- 145. Janet Cole
- 146. Sloane Morgan
- 147. Pamela Michaud
- 148. Adam Dawson
- 149. Maxina Ventura
- 150. W.K. Seely
- 151. Igor Tregub
- 152. Michael Smith
- 153. Jesse McFarland
- 154. Frances Schultz
- 155. Jeff Hoffman
- 156. Sarah Garrett

Item #28: Resolution in Support of Senate Bill 271, the Sheriff Democracy and Diversity Act, to Allow for More Diverse and Democratic Sheriff Elections

- 157. Sally Nelson
- 158. Judith Stacey
- 159. Sharon Rose

Item 33: City Council Rules of Procedures and Order Revisions

- 160. Supplemental material, submitted by Councilmember Taplin
- 161. 6 similarly-worded form letters
- 162. Judy MacLean
- 163. Ruth Learn
- 164. Andrea Mullarkey (2)
- 165. Elizabeth Grubb (2)
- 166. John Smith
- 167. Berkeley Tenants Union
- 168. Chimey Lee
- 169. Jack Green

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, April 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/82895393673>. 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: **828 9539 3673**. 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: 6:11 p.m.

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

Absent: None.

Ceremonial Matters:

1. Recognition of Michael Cooper, Berkeley Cannabis Commissioner
2. Adjourn in memory of Peter Manso, Berkeley Resident and Journalist
3. Adjourn in memory of Dimitri Belser, Former Commissioner and Ed Roberts Center Director

City Manager Comments:

The City Manager provided an update to the Reimagining Public Safety Process

Public Comment on Non-Agenda Matters: 9 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 26 speakers.

Action: M/S/C (Arreguin/Robinson) to accept supplemental material from the City Manager on Item 15.

Vote: All Ayes.

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

Vote: All Ayes.

Consent Calendar

1. **Referral Response: Urgency Ordinance for leasing the real property at 742 Grayson**
From: City Manager
Recommendation: Adopt an Urgency Ordinance to enter into a lease for the real property located at 742 Grayson St. Berkeley for a term of 11 months, after which it becomes a month to month lease through September 30, 2022.
Financial Implications: See report
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
Action: Adopted Urgency Ordinance No. 7,759–N.S.

Consent Calendar

- 2. Contract: Dorothy Day House to operate shelter at 742 Grayson**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Dorothy Day House to operate a shelter at 742 Grayson through September 30, 2022, for a total contract amount not to exceed \$1,109,522.
Financial Implications: Measure P funding - \$1,109,522
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 69,808–N.S.
- 3. Appointment of Planning and Development Department Director**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Jordan Klein as the Director of the Planning and Development Department effective May 3, 2021 at an annual salary of \$194,765.
Financial Implications: See report
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000
Action: Adopted Resolution No. 69,809–N.S.
- 4. Contract No. 32000171 Amendment: Michael Brady Emergency Management Training**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment extending the contract period to June 30, 2023 for Contract No. 32000171 with Michael Brady for Emergency Management Training.
Financial Implications: See report
Contact: David Brannigan, Fire, (510) 981-3473
Action: Adopted Resolution No. 69,810–N.S.
- 5. Donation of Fire Apparatus and Equipment**
From: City Manager
Recommendation: Adopt a Resolution donating surplus fire apparatus and equipment, including one surplus fire engine and one surplus ambulance, to the McCloud Fire Department.
Financial Implications: See report
Contact: David Brannigan, Fire, (510) 981-3473
Action: Adopted Resolution No. 69,811–N.S.

Consent Calendar

- 6. Rebuilding Together East Bay-North Contract Continuation Recommendation**
From: City Manager
Recommendation: Adopt a Resolution: 1. Providing additional two-year General Fund allocations for Rebuilding East Bay-North's Safe at Home and Community Facility Improvement programs; and 2. Authorizing the City Manager to enter into any agreements or amendments to effectuate this action, including an amendment to Contract No. 31900263 with Rebuilding Together East Bay-North for an amended amount of \$245,700 for a new not to exceed amount of \$491,400 and extending the contract term to June 30, 2023.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,812–N.S.
- 7. Contract No. 31900065-1 Amendment: Cyber Leadership and Strategy Solutions, LLC for Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No 31900065-1 with Cyber Leadership and Strategy Solutions, LLC (CLASS) for professional services in an amount not to exceed \$180,100, and a total contract value not to exceed \$230,000 from January 7, 2019 through June 30, 2022.
Financial Implications: Various Funds - \$180,100
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,813–N.S.
- 8. Contract No. 32100051 Amendment: Edgeworth Integration for Additional Security Cameras at the Berkeley Waterfront**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100051 with Edgeworth Integration, LLC to install additional security cameras at the Berkeley Waterfront by increasing the existing contract amount by \$80,000 for a not-to-exceed amount of \$140,000.
Financial Implications: Marina Fund - \$80,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,814–N.S.
- 9. Contract Amendment: Bellingham Inc. to replace additional finger docks at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Bellingham Inc. to replace additional finger docks at the Berkeley Marina by increasing the construction contract amount by \$110,000 for a not-to-exceed amount of \$240,000.
Financial Implications: Marina Fund - \$110,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,815–N.S.

Consent Calendar

- 10. Contract: Raimi + Associates for Professional Planning Services for the 2023–2031 Housing Element Update**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Raimi + Associates to perform professional planning services for the 2023 - 2031 Housing Element Update in an amount not to exceed \$540,000 for the period of May 15, 2021 to May 15, 2023.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 69,816–N.S.
- 11. Contract: Bay Cities Paving & Grading, Inc. for Street Rehabilitation FY 2021 Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Street Rehabilitation FY 2021 Project, Specification No. 21-11422-C; accepting the bid of Bay Cities Paving & Grading, Inc. as the lowest responsive and responsible bidder; and 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 in an amount not to exceed \$4,296,733.
Financial Implications: Various Funds - \$4,296,733
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,817–N.S.
- 12. Purchase Order: Jack Doheny Company for One CCTV Sewer Camera Truck**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell Contract No. 122017-RVL bid procedures, and authorizing the City Manager to execute a purchase order for one Closed Circuit Television (CCTV) Camera Sewer Truck with Jack Doheny Company in an amount not to exceed \$465,000.
Financial Implications: Various Funds - \$465,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,818–N.S.

Consent Calendar

- 13. Purchase Order: Nicholas K Corp DBA The Ford Store San Leandro for Eight Ford Interceptor Utility Hybrid SUVs**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in The County of Alameda bid procedures and authorize the City Manager to execute a purchase order for eight (8) Ford Interceptor Utility Hybrids with Nicholas K Corp DBA The Ford Store San Leandro in an amount not to exceed \$390,000 with additional up-fitting costs with various vendors in an amount not to exceed \$120,000 for a total not to exceed of \$510,000.
Financial Implications: Equipment Replacement Fund - \$510,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,819–N.S.
- 14. Contract No. 31900031 Amendment: Downtown Streets Team**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 31900031 with Downtown Streets Team to add additional scope to address enhanced needs for services around encampments and neighborhoods, and increase the contract by \$50,000 for a new not to exceed amount of \$920,304.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,820–N.S.
- 15. Contract: California Constructores for Sidewalk Repairs FY 2020 Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sidewalk Repairs FY 2020 Project, Specification No. 20-11409-C; accepting the bid of California Constructores as the lowest responsive and responsible bidder; and 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 in an amount not to exceed \$2,000,000.
Financial Implications: Various Funds - \$2,000,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,821–N.S. including supplemental materials submitted at the meeting to reject the bid protest for this contract award.

Consent Calendar

- 16. Contract No. 32000147 Amendment: Trip Stop Sidewalk Repair, Inc. for FY 2020 Sidewalk Inspection and Shaving Services Project**
From: City Manager
Recommendation: Adopt Resolution authorizing the City Manager to execute amendment to Contract No. 32000147 with Trip Stop Sidewalk Repair, Inc. for FY2020 Sidewalk Inspection and Shaving Services, increasing the original contract amount by \$1,000,000 for a total not-to-exceed amount of \$1,450,000 and extend the term by two years for a revised contract expiration date of March 9, 2024.
Financial Implications: Various Funds - \$1,000,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,822–N.S.
- 17. Contract No. 31900288 Amendment: Disability Access Consultants for ADA Transition Plan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900288 with Disability Access Consultants for Americans with Disabilities Act (ADA) Transition Plan increasing the contract amount by \$78,200 for a total not-to-exceed of \$484,800 and extend the contract term to June 30, 2022.
Financial Implications: Capital Improvement Fund - \$78,200
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,823–N.S.
- 18. Approving Proposed Projects Anticipated to be paid for by the State’s Road Maintenance and Rehabilitation Account (RMRA) Funds for FY2022**
From: City Manager
Recommendation: Adopt a Resolution approving a proposed list of projects that will utilize funding from the State of California’s Road Maintenance and Rehabilitation Account, and authorize the City Manager to submit the proposed list to the California Transportation Commission.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,824–N.S.

Consent Calendar

19. **Contract No. 31900104 & Contract No. 32000003 Amendments: Nelson\Nygaard for Parking Data Collection and Community Outreach Services for the goBerkeley Residential Shared Parking Pilot**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute amendments to Contract No. 31900104 and Contract No. 32000003 with Nelson\Nygaard for parking data collection and community outreach and engagement services for the goBerkeley Residential Shared Parking Pilot, respectively, extending each contract term to December 31, 2023.
Financial Implications: None
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,825–N.S.
20. **Contract No. 32000124 Amendment: D.L Falk Construction, Inc. for Central Library Interior Renovations Project at 2090 Kittredge Street**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000124 with D.L. Falk Construction, Inc. to complete interior renovations work at the Central Library, increasing the current contract not-to-exceed amount of \$3,056,900 by \$100,000 for a revised total amount not-to-exceed \$3,156,900.
Financial Implications: Library Tax Fund - \$100,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,826–N.S.
21. **Vision Zero Annual Report**
From: City Manager
Recommendation: Adopt a Resolution: 1. Accepting the City of Berkeley Vision Zero Annual Report for 2020-2021; 2. Affirming the actions and priorities as stated in the 2020 Berkeley Vision Zero Action Plan; 3. Directing the City Manager to form a Vision Zero Coordinating Committee for guiding the implementation of the 2020 Vision Zero Action Plan, including coordinating with the ongoing Berkeley Department of Transportation (BerKDOT) referral response and the Reimagining Public Safety Task Force, with the goal of developing a Vision Zero Traffic Enforcement policy before proceeding with the “Safer Streets by Everyone: Enforcement” actions described in the Vision Zero Action Plan.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,827–N.S.

Consent Calendar

- 22. Contract No. 31900158 Amendment: D.L. Falk Construction for North Berkeley Senior Center Seismic Upgrades and Renovations Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900158 with D.L. Falk Construction to complete renovation and seismic upgrade work at the North Berkeley Senior Center, increasing the current contract amount of \$8,320,400 by \$350,000 for a total amount not-to-exceed of \$8,670,400.
Financial Implications: T1 Fund - \$350,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,828–N.S.
- 23. Lease Agreement: 2010 Addison Street at Center Street Garage with Vito Loconte and Alexie LeCount DBA Lexie’s Frozen Custard**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement for 2010 Addison Street at the Center Street Garage with Vito Loconte and Alexie LeCount DBA Lexie’s Frozen Custard, a sole proprietorship, for an initial term of ten (10) years with one optional five-year lease extension AND approve payment of a commission of \$9,331.23 to Colliers International for commercial brokerage fees for locating a tenant for the premises.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Item removed from the agenda by the City Manager.

Council Consent Items

24. Assessing the City's Bonding Capacity and Considering Strategy for Multiple Needs

From: Mayor Arreguin (Author)

Recommendation: Refer to the City Manager to explore various options for a future city bond measure in November 2022 to support the growing need for affordable housing, street improvements, and infrastructure citywide. Analysis should include an assessment of the city's long-range capital needs (street repaving, bicycle and pedestrian improvements, and other infrastructure needs, as is being developed through CIP/Vision 2050 planning) and long-term affordable housing needs. The analysis should explore the city's bond capacity and ability to incur further indebtedness, the potential for a single bond measure or multiple bond measures in 2022 or over a phased period, explore budget scenarios at various amounts, any other mechanisms to maximize and leverage city bonding capacity. Staff analysis should also explore different bond programs and revenue mechanisms employed by other California cities to support affordable housing finance and infrastructure projects.

Financial Implications: See report

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

Action: Councilmembers Hahn and Taplin added as co-sponsors. Approved recommendation as revised by Mayor Arreguin in Supplemental Communications Packet #1.

25. Support for AB-490: positional asphyxia

From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor) and Councilmember Harrison (Co-Sponsor)

Recommendation: Send a letter of support to Assemblymember Mike Gipson (D-Carson), Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 490, which would prohibit law enforcement agency use of force policies to prohibit techniques and transport methods with substantial risk of positional asphyxia.

Financial Implications: None

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action: Approved recommendation.

Council Consent Items

- 26. Budget Referral: Urgent Remediation of Unsafe Ninth Street Traffic Conditions From: Councilmember Taplin (Author), Mayor Arreguin (Co-Sponsor)**
Recommendation: That the City Council refers to the budget process the funding of traffic calming, traffic diversion, and bike network improvements on Ninth Street between Gilman and Ashby Avenue including but not limited to:
1. Three traffic diverters, one within each collector/arterial segment that currently lacks a diverter: a. Gilman to Cedar b. University to Dwight c. Dwight to Heinz
 2. Six permanent traffic circles, including a. Ninth and Page b. Ninth and Virginia c. Ninth and Channing d. Ninth and Parker e. Ninth and Grayson f. Ninth and Heinz
 3. Two ADA-compliant, bicycle-friendly speed tables per block
 4. Re-engineer the diverter at 9th and Delaware to prevent cut through traffic on 9th, particularly from casual carpool during morning rush hour
 5. Initiate a community engagement process to elicit neighborhood feedback and prepare a pilot program for quick-build protected bike lanes along Ninth Street between Bancroft Way and Heinz Avenue
 6. Green bike waiting spaces on Ninth Street at University Avenue, both northbound and southbound with loop detectors for bikes at the waiting boxes.
 7. Three STOP signs on the north, east and west ends of the intersection at Ninth and Murray Street
- Financial Implications:** See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation as revised by Councilmember Taplin in Supplemental Communications Packet #2.
- 27. Adopt Resolution Requesting CalPERS Divest from Industrial Animal Protein and Factory Farming Companies and Invest in California's Local Plant-Based Food Economy**
From: Councilmember Harrison (Author)
Recommendation: Adopt Resolution Requesting CalPERS Divest from industrial animal protein and factory farming companies and invest in California's local plant-based food economy. Send a copy and letter to California Public Employees' Retirement System (CalPERS) requesting their consideration.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 69,829–N.S.

Action Calendar – Public Hearings

28. Submission of the PY 2021 (FY 2022) Annual Action Plan Containing Allocations of Federal Funds

From: City Manager

Recommendation: Conduct a public hearing on the federal Program Year (PY) 2021 Annual Action Plan (AAP) for federal Housing and Urban Development Department (HUD) funds, including the allocation of federal funding for community agencies, and upon conclusion, adopt a Resolution:

1. Approving proposed funding allocations under the FY 2022 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and
2. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and
3. Allocate 10% for HOME program administration, up to 5% to support Community Housing Development Organization (CHDO) operations, and the remaining (approximately 85%) of the PY 2021 HOME funds to the Housing Trust Fund; and
4. Allocate 20% of the PY 2021 CDBG funds to Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Community Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation and/or program income and earlier unused funds, be more or less than estimated; and
5. Allocate the allowable 7.5% of the PY 2021 ESG to Administration, \$6,676 to the HMIS system, up to the allowable 60% to emergency shelter/street outreach, and the remaining amount to Rapid Rehousing as outlined in Exhibit A, and
6. Finalize the PY 2021 Annual Action Plan, including planned expenditures, adding required HUD application forms and certifications, and including other HUD-required information, submit it to the U.S. Department of Housing and Urban Development (HUD), and execute all documents necessary to receive the City's entitlement grants under the CDBG, ESG and HOME Programs.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 3 speakers. M/S/C (Arreguin/Wengraf) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to adopt Resolution No. 69,830–N.S.

Vote: All Ayes.

Action Calendar – New Business

29. **Refinancing of 2010 Certificates of Participation Originally Issued to Finance Animal Shelter Project**
From: City Manager
Recommendation: Adopt a Resolution ratifying Resolution No. 69,309-N.S., approving a preliminary official statement, approving the method of sale and approving documents and official actions related to the refinancing of outstanding 2010 certificates of participation.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: 0 speakers. M/S/C (Wengraf/Harrison) to adopt Resolution No. 69,831–N.S.
Vote: All Ayes.
30. **Issuance of \$45,000,000 in General Obligation Bonds, Series B for the 2016 Election - Infrastructure and Facilities Improvements, Measure T1**
From: City Manager
Recommendation: Adopt a Resolution authorizing the issuance of \$45,000,000 aggregate principal amount of general obligation bonds, series B (Infrastructure and Facilities Improvements, Measure T1), approving an official statement and authorizing actions related hereto.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: 0 speakers. M/S/C (Arreguin/Wengraf) to adopt Resolution No. 69,832–N.S.
Vote: All Ayes.

Recess 8:22 p.m. – 8:33 p.m.

Action Calendar – New Business

31. City Affordable Housing Funds: Ashby and North Berkeley BART Station Areas and Future Housing Funding Notices of Funding Availability (NOFA)

From: City Manager

Recommendation: Adopt a Resolution to:

1. Provisionally reserve \$40 million of the City's Measure O bond funds as part of the \$53 million City subsidy needed to achieve 35% affordable housing at the Ashby and North Berkeley BART sites, and allow for a portion of funding (to be determined at a later date) to be considered for predevelopment;
2. Provisionally reserve at least \$13 million in future Affordable Housing Mitigation Fees, and/or a new source of revenue to be identified no later than 2024, in order to cover the balance of \$53 million City subsidy currently estimated to be needed for 35% affordable housing at the Ashby and North Berkeley BART sites, and allow for a portion of the funding (to be determined at a later date) to be considered for predevelopment;
3. Refer to the City Manager to investigate a new bond measure that could fund housing and/or infrastructure needs at the two BART sites and in the Adeline Corridor, or in the City as a whole, and to establish a timeline and community process for such a bond measure with a goal of maximizing affordable housing (up to 100%) at either or both BART sites; and
4. Release one or more NOFAs to support development of new affordable housing projects or rehabilitation of existing affordable projects, using Permanent Local Housing Allocation (PLHA) funds allocated for operating subsidies for homeless households and housing rehabilitation, HOME funds and the balance of City Housing Trust Funds, in combination with the balance of any remaining Measure O funds available from the second tranche; and using the Housing Trust Fund Guidelines and operating subsidy guidance established by staff, and reviewed by the Housing Advisory Commission.

Financial Implications: See report

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

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

Action: Moved to Consent Calendar. Adopted Resolution No. 69,833–N.S.

Council Action Items

- 32. Adopt an Ordinance Adding Chapter 2.100 to the Berkeley Municipal Code Regulating Police Acquisition and Use of Controlled Equipment** *(Reviewed by the Public Safety Policy Committee)*
From: Councilmember Harrison (Author), Councilmember Bartlett (Author), Councilmember Taplin (Author)
Recommendation: Adopt an Ordinance Adding Chapter 2.100 to the Berkeley Municipal Code to Regulate Police Acquisition and Use of Controlled Equipment.
Policy Committee Recommendation: Send the item with a Qualified Positive Recommendation, removing definition #13 (LRAD) and further recommending that Council deliberate on definitions for #8, #9 (40 mm projectile only), and #12 due to concern about duplication with the Use of Force policy. Council may consider possible amendments to the Use of Force policy to ensure that all controlled equipment specified in #8, the 40 mm projectile in definition #9, and #12 are covered and reported by our City's Use of Force policy, including reporting on police beat areas in quarterly use of force reporting to Council. Consider possible replacement of "display" in Controlled Equipment Ordinance to "deploy" defined as "to utilize for a deliberate purpose in the presence of members of the public.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:30 p.m.
Vote: All Ayes.
- Action:** M/S/C (Harrison/Arreguin) to suspend the rules and extend the meeting to 11:40 p.m.
Vote: All Ayes.
- Action:** 32 speakers. Mayor Arreguin added as a co-sponsor. M/S/C (Arreguin/Hahn) to adopt first reading of Ordinance No. 7,760-N.S. as amended by Councilmember Harrison in Supplemental Communications Packet #2 and further amended to clarify the definition of Controlled Equipment, clarify the applicability to the LRAD device and SRT deployments, and clarify reporting by "days" and "instances" as appropriate. Second reading scheduled for May 11, 2021.
Vote: All Ayes.

Information Reports

- 33. Zero Waste Commission Fiscal Year 2021-22 Work Plan**
From: Zero Waste Commission
Contact: Heidi Obermeit, Commission Secretary, (510) 981-6300
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 0 speakers.

Adjournment

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

Vote: All Ayes.

Adjourned at 11:39 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on April 27, 2021.

Mark Numainville
City Clerk

Communications

Item #27: Adopt Resolution Requesting CalPERS Divest from Industrial Animal Protein and Factory Farming Companies and Invest in California's Local Plant-Based Food Economy

1. Alexandra Colacito
2. Gretchen Ellis

BART Housing Development

3. Stephen Shiboski
4. Laura Enriquez
5. Ednah Beth Friedman
6. Barbara Anscher
7. Lynda Caesara
8. Valerie McDermott
9. Margot Smith
10. Carol Hirth
11. Linda Press Wulf
12. John Hagopian
13. Anne Boersma
14. Laura Magnani
15. Adam Davis
16. Burr Tyler
17. Dorothea Dorenz
18. Judith Brown
19. Phyllis Oyama
20. Madeline Hero
21. Laura Lipman

Hopkins Street Corridor Traffic Study

22. Paul Johnson (2)

- 23. Farid Javandel, on behalf of the City of Berkeley (2)
- 24. Councilmember Hahn (2)
- 25. Merle Weiner
- 26. Art Goldberg

Golden Gate Fields Horses

- 27. Ryan

Exclusionary Zoning

- 28. Rhonda Gruska

Unsafe Activities on the 2100 Block of Curtis Street

- 29. Theresa Hwang

Proposed Project at 600 Addison Street

- 30. Parks and Waterfront Commission

Untrash It Volunteer Work

- 31. Irene Rice

Art Kala Institute Thanks!

- 32. Ellen Lake, on behalf of Kala Art Institute

Ohlone Park East Improvements

- 33. LA Wood

Homeless Action

- 34. jimmarone@

Arts Funding from the American Rescue Plan Act

- 35. 20 similarly-worded form letters

Supplemental Communications and Reports 1

Item #21: Vision Zero Annual Report

- 36. Moni Law

Item #24: Assessing the City's Bonding Capacity and Considering Strategy for Multiple Needs

- 37. Revised material, submitted by Mayor Arreguin

Item #32: Adopt an Ordinance Adding Chapter 2.100 to the Berkeley Municipal Code Regulation Police Acquisition and Use of Controlled Equipment

- 38. Revised material, submitted by Councilmember Harrison
- 39. Barbara Atwell

Supplemental Communications and Reports 2

Item #26: Budget Referral: Urgent Remediation of Unsafe Ninth Street Traffic Conditions

40. Supplemental material, submitted by Councilmember Taplin

Item #27: Adopt Resolution Requesting CalPERS Divest from Industrial Animal Protein and Factory Farming Companies and Invest in California's Local Plant-Based Food Economy

41. Katia Antonova

42. Adrian Singh

Item #32: Adopt an Ordinance Adding Chapter 2.100 to the Berkeley Municipal Code Regulation Police Acquisition and Use of Controlled Equipment

43. Revised material, submitted by Councilmember Kesarwani

44. Revised material, submitted by Councilmember Harrison

45. Gayle Eleanor

46. Summer Brenner

47. Kelly Hammargren

48. Sally Nelson

49. Linda Franklin

50. Wendy Alfsen

51. James Brook

52. 29 similarly-worded form letters

Supplemental Communications and Reports 3

Item #15: Contract: California Constructores for Sidewalk Repairs FY 2020 Project

53. Revised material, submitted by Public Works

Item #17: Contract No. 31900288 Amendment: Disability Access Consultants for ADA Transition Plan

54. Mary Behm-Steinberg

Item #26: Budget Referral: Urgent Remediation of Unsafe Ninth Street Traffic Conditions

55. Sierra Club Northern Alameda County Group

56. Marjorie Alvord

Item #27: Adopt Resolution Requesting CalPERS Divest from Industrial Animal Protein and Factory Farming Companies and Invest in California's Local Plant-Based Food Economy

57. Sierra Club Northern Alameda County Group

Item #28: Submission of the PY 2021 (FY 2022) Annual Action Plan Containing Allocations of Federal Funds

58. Presentation, submitted by the City Manager's Office

Item #32: Adopt an Ordinance Adding Chapter 2.100 to the Berkeley Municipal Code Regulation Police Acquisition and Use of Controlled Equipment

59. Marilyn Cleveland

60. Reesa Gonclaves

61. Lori Fagerholm

62. Elliot Halpern
63. Sara Gray
64. Emma Gobler
65. Steve Thomasberger
66. Anna Tseselsky
67. Audrey Love
68. Ali Lafferty
69. 17 similarly-worded form letters

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING**

THURSDAY, APRIL 29, 2021

3:00 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 closed session 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.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/89203024650>. 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); enter Meeting ID: 892 0302 4650. 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.

Preliminary Matters

Roll Call: 3:03 p.m.

Present: Bartlett, Harrison, Hahn, Robinson, Droste

Absent: Kesarwani, Taplin, Wengraf, Arreguin

Councilmember Kesarwani present at 3:07 p.m.

Councilmember Taplin present at 3:07 p.m.

Councilmember Wengraf present at 3:45 p.m.

Mayor Arreguin present at 3:57 p.m.

Public Comment - Limited to items on this agenda only – 11 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, David White, Deputy City Manager, LaTanya Bellow, Human Resources Director, Dania Torres-Wong, Chief Labor Negotiator, Burke Dunphy, Labor Negotiator, Jen Louis, Interim Chief of Police, Abe Roman, Interim Fire Chief.

Employee Organizations: International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021 Community Services and Part-time Recreation Activity Leaders, Berkeley Fire Fighters Association Local 1227, Berkeley Police Association, Service Employees International Union, Local 1021 Maintenance and Clerical Chapters, Berkeley Fire Fighters Association, Local 1227 I.A.F.F./Berkeley Chief Fire Officers Association, Public Employees Union Local 1.

Action: No reportable action.

OPEN SESSION:

No reportable action.

Adjournment

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

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

Councilmember Kesarwani absent 4:58 p.m. – 5:18 p.m.

Councilmember Droste absent 5:01 p.m. – 5:18 p.m.

Adjourned at 5:18 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on April 29, 2021.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

1. Ryan Murray
2. Gordon Hansen