

**REVISED AGENDA  
(ADDED CONTINUED ITEM FROM NOVEMBER 9, 2021)**



**BERKELEY CITY COUNCIL MEETING**

**Tuesday, November 16, 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 Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be 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/86284941257>. 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: 862 8494 1257. 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](mailto: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:

**Ceremonial Matters:** *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

1. Presentation: Study to Achieve Equity in City Contracting - "Berkeley Inclusion in Opportunity Index"

**City Manager Comments:** *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

**Public Comment on Non-Agenda Matters:** *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

## Consent Calendar

*The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".*

*No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.*

*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.*

**Public Comment on Consent Calendar and Information Items Only:** *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

*Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.*

## Consent Calendar

- 1. Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**  
**From: City Manager**  
**Recommendation:** Adopt a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021.  
**Financial Implications:** To be determined  
Contact: Farimah Brown, City Attorney, (510) 981-6950
- 2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 16, 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:** \$15,120,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 3. Authorizing Acceptance of California Department of Public Health California Equitable Recovery Initiative Grant Award**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to California Department of Public Health (CDPH) to accept an award of California Equitable Recovery Initiative (CERI) grant funds, and to execute any resultant revenue agreements and amendments in order to support health equity efforts in response to the COVID19 pandemic.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 4. ONTRACK Program Resources Inc. - Support Services for African American Community Members**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with ONTRACK Program Resources Inc., funded through State of California Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) dollars, for support services for African American community members, for an initial contract not to exceed \$75,000 through June 30, 2022.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

## Consent Calendar

- 5. Salary Adjustment to Market Median for Department Heads**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution to amend Resolution No. 69,998-N.S. (Classification and Salary Resolution for classifications in Representation Unit Z-1 Confidential and Executive Management Employees) to increase the salary of the department heads of Finance (\$19,332 to \$21,133), Human Resources (\$19,332 to \$20,179), Information Technology (\$19,332 to \$21,451), Parks, Recreation and Waterfront (\$20,152 to \$20,987), Planning (\$19,332 to \$19,634), Public Works (\$20,152 to \$21,432), and Fire Chief (\$20,439 to \$21,626) be increased per month effective November 14, 2021, to bring their salaries in line with the median of the salaries of City/County department heads in comparable jurisdictions in the Bay Area.  
**Financial Implications:** See report  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
- 6. Commission Reorganization: Creating the Parks, Recreation, and Waterfront Commission**  
**From: City Manager**  
**Recommendation:** Adopt an Ordinance repealing and re-enacting Berkeley Municipal Code Chapter 3.26 to create the Parks, Recreation, and Waterfront Commission, and repealing Berkeley Municipal Code Chapters 3.27 (Children, Youth, and Recreation Commission) and 3.08 (Berkeley Animal Care Commission).  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 7. Amendment to the Agreement for Maintenance of State Highways in the City between the California Department of Transportation and City of Berkeley**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the Agreement with the California Department of Transportation (Caltrans) for maintenance of the State highways within the City of Berkeley. The amendment will address two new traffic signals; 1) the new traffic signal at the intersection of San Pablo Avenue and Parker Street which will be constructed by Kaiser Permanente as part of their project's mitigation measure, and 2) the new traffic signal constructed by Caltrans at the intersection of San Pablo Avenue and Bancroft Way.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300
- 8. Vision 2050: A Year of Progress to Creating Sustainable and Resilient Infrastructure for Berkeley**  
**From: City Manager**  
**Recommendation:** Accept the progress report on the 1-year anniversary of the Council's adoption of the Vision 2050 framework report.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300

## Consent Calendar

- 9. Contract No. 31900031 Amendment: Downtown Streets Team**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager 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 \$355,000 for a new not to exceed amount of \$1,275,304, through June 30, 2022.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300
- 10. Purchase Order: Atlantic Machinery, Inc. for One Ravo Sweeper**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying the requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell contract bid procedures and authorizing the City Manager to execute a purchase order with Atlantic Machinery, Inc. for one (1) Ravo Sweeper in an amount not to exceed \$285,000.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300
- 11. Filling Vacancies Among the Elected Representatives of the Poor**  
**From: Human Welfare and Community Action Commission**  
**Recommendation:** Adopt a Resolution confirming the appointments of Mr. George Lippman (District 3) as elected representatives of the poor on the Human Welfare and Community Action Commission (HWCAC), having been voted at the HWCAC July 21, 2021 meeting, and that his term expire November 28, 2022.  
**Financial Implications:** None  
Contact: Mary-Claire Katz, Commission Secretary, (510) 981-5400

## Council Consent Items

- 12. Salary Adjustment for City Manager**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution to amend Resolution No. 69,998-N.S. (Classification and Salary Resolution for classifications in Representation Unit Z-1 Confidential and Executive Management Employees) to increase the salary of the City Manager from \$25,119 per month to \$32,180 per month effective November 14, 2021 to bring her salary in line with the median of the salaries of City/County Managers and Administrators in comparable jurisdictions in the Bay Area.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Council Consent Items

- 13. Condemning Facebook/Meta for its Role in the Rise of Hate Crimes**  
**From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution condemning Facebook and its parent company Meta for failing to address mitigating hate speech while censoring efforts to promote awareness around hate crimes.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 14. Budget Referral: Curtis Street Traffic Diverters**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Refer to the November Annual Appropriation Ordinance the funding of traffic diverters at the following intersections: 1. Curtis Street and Channing Way and 2. Curtis Street and Addison Street.  
**Financial Implications:** \$100,000  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

## 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

*Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak use the "raise hand" function to be recognized and 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. 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.*

*Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.*

## Action Calendar – Public Hearings

### 15. **Renewal of the Elmwood Avenue BID for Calendar Year 2022**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Elmwood Business Improvement District (hereafter, “the District”, “the Elmwood BID” or “the BID”) for 2021-22 and, if no majority protest exists, levy annual assessments in the District for calendar year 2022 to finance services and improvements and authorize a fiscal agency contract with Elmwood Business Association for receipt and expenditure of District funds.

**Financial Implications:** See report

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

### 16. **Renewal of the Solano Avenue BID for Calendar Year 2022**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Solano Avenue Business Improvement District (hereafter, “Solano BID Advisory Board” or “the BID”) for 2021-2022 and, if no majority protest exists, levy annual assessments in the District for calendar year 2022 to finance services and improvements and authorize a fiscal agency contract for receipt and expenditure of District funds.

**Financial Implications:** See Report

Contact: Eleanor Hollander, Commission Secretary, (510) 981-7530

### 17. **Fees: Vital Records**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution adopting the Vital Records fee schedule adding a \$2.00 increase to the current fee for the issuance of each birth, death, and fetal death certificate. This fee adjustment is to become effective January 1, 2022 pursuant to Assembly Bill (AB) 128 (Chapter 21, Statutes of 2021), and Health & Safety (H&S) Codes, § 103627, 100425, 100430, and 100435.

**Financial Implications:** See report

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

### 18. **Opt-In to Countywide Organics Reduction and Recycling Ordinance**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a first reading of an Ordinance adding Chapter 12.35 to the Berkeley Municipal Code opting in to the Alameda County Waste Management Authority’s Organics Reduction and Recycling Ordinance with an effective date of January 1, 2022. This Ordinance will bring the City into compliance with the regulations of Senate Bill 1383: Short-lived Climate Pollutants Act of 2016.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

## Action Calendar – Continued Business

**A. Proposal to Allocate Revenues Generated by the Transient Occupancy Tax in the Waterfront Area to the Marina Fund to Avoid Insolvency, Rebuild its Fund Balance and to Stabilize its Finances** *(Continued from November 9, 2021)*

**From: Parks and Waterfront Commission**

**Recommendation:** That Council adopt a Resolution adopting a policy that all Transient Occupancy Taxes (TOT hotel tax) generated at the Berkeley Waterfront be allocated to the City's Marina Enterprise Fund. All other property, sales, utility users, and parking taxes; as well as business license and franchise fees, would continue to be allocated to the City's General Fund.

*Policy Committee Recommendation: Send the item to Council with a negative recommendation and additionally request a referral to the Budget & Finance Policy Committee to discuss and develop alternative revenue streams for the Marina Fund including a dedicated reserve.*

**Financial Implications:** See report

Contact: Roger Miller, Commission Secretary, (510) 981-6700

## Public Comment – Items Not Listed on the Agenda

### Adjournment

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx> and KPFB Radio 89.3.

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil>



**COMMUNICATION ACCESS INFORMATION:**

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.



Captioning services are provided at the meeting, on B-TV, and on the Internet.

~~~~~  
*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on November 10, 2021.*

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville, City Clerk

## **Communications – November 16, 2021**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing through [Records Online](#).*

### **Vision Zero**

1. 26 similarly-worded form letters

### **Automated License Plate Readers (ALPR)**

2. 5 similarly-worded form letters
3. Elliot Halpern

### **Accessory Dwelling Unit**

4. Jill Bond
5. Nancy Kates
6. Gene Meyers
7. Carla and Dolph Rempp
8. Sara Cox
9. Rocky Offner
10. Tom Hutcheson
11. Linda Polsby
12. Kenneth Yip
13. Pranab Bardhan
14. Cameron Woo
15. Russ Mitchell

### **BART Housing**

16. 13 similarly-worded form letters
17. North Berkeley Neighborhood Alliance (2)

18. Paul Bickmore
19. Jeffrey Wescott
20. Gary Miguel
21. David Soffa
22. Teresa Clarke (2)

### **Building Electrification**

23. Daniel Tahara
24. Igor Tregub, on behalf of Sierra Club

### **Bayer Development Agreement**

25. Jennifer Lovvorn, secretary of the Civic Arts Commission
26. Kathryn Reasoner
27. Kim Anno

### **Berkeley Asphalt Company**

28. Christopher Kroll (2)
29. Councilmember Kesarwani
30. Pear Michaels
31. Meryl Siegal

### **Plastic Bag Ordinance**

32. Dexter Griffin

### **Vandalism in the Downtown Business District**

33. Susie Kooyman

### **Fossil-Fuel Non-Proliferation Treaty**

34. Martin Bourque, on behalf of the Ecology Center

### **Access to Drinking Water**

35. David Lerman

### **Hope Center and Berkeley Way Apartments**

36. John Parman

### **Violation of First Amendment**

37. Nilang Gor

### **Intent to File Restraining Order**

38. Mellissa Cheatwood

### **EV Charging**

39. Tom Lent
40. Councilmember Harrison

**Homeless Altercations with Business'**

41. Haakon Thallaug, on behalf of Viking Trader

**Downtown Berkeley Ambassadors**

42. John Caner, CEO, Downtown Berkeley Association

**Nevada Cares Campus Briefing**

43. John Caner, CEO, Downtown Berkeley Association

**Hazardous State of Berkeley Streets and Sidewalks**

44. Sabina McMurtry

**Surging Gun Violence in America**

45. Paul Kealoha Blake

**Climate News**

46. Thomas Lord

**Violation of Sanctuary Contracting Ordinance**

47. Elana Auerbach

**Grizzly Peak Traffic Speed**

48. Joshua Bloom

**Hopkins Street Proposals**

49. Elsa Tranter

**URL's Only**

50. Vivian Warkentin

**Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.