



Office of the City Manager

CONSENT CALENDAR  
November 30, 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 October 5, 2021 (closed and special), October 12, 2021 (closed and regular), October 19, 2021 (special) and October 26, 2021 (closed and regular).

CONTACT PERSON

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

Attachments:

1. October 5, 2021 – Closed City Council Meeting
2. October 5, 2021 – Special City Council Meeting
3. October 12, 2021 – Closed City Council Meeting
4. October 12, 2021 – Regular City Council Meeting
5. October 19, 2021 – Special City Council Meeting
6. October 26, 2021 – Closed City Council Meeting
7. October 26, 2021 – Regular City Council Meeting

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

**TUESDAY, OCTOBER 5, 2021**

**4:00 P.M.**

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.*

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://us02web.zoom.us/j/82234741420>. 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: **822 3474 1420**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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## Preliminary Matters

**Roll Call:** 4:06 p.m.

**Present:** Kesarwani, Hahn, Robinson, Droste, Arreguin

**Absent:** Taplin, Bartlett, Harrison, Wengraf

Bartlett present at 4:13 p.m.

**Public Comment:** No speakers

## CLOSED SESSION:

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

### 1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)

- a. Case #1: Nathan Spencer v. City of Berkeley, Alameda Superior Court Case No. RG19036980 – personal injury proposed settlement

**Action:** M/S/C (Hahn, Arreguin) to authorize the City Attorney Attorney to settle Nathan Spencer v. City of Berkeley, Alameda County Superior Court, Case No. RG 19036980 for \$38,700.

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

- b. Case #2: Yenny Ung v. City of Berkeley, Alameda County Superior Court Case No. RG19047098 – personal injury proposed settlement

**Action:** M/S/C (Hahn/Arreguin) to authorize the City Attorney to settle Yenny Ung v. City of Berkeley, Alameda County Superior Court, Case No. RG19047098 for \$95,000.

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

## OPEN SESSION:

The City Council met in closed session and authorized the City Attorney to settle Nathan Spencer v. City of Berkeley, Alameda County Superior Court, Case No. RG 19036980 for \$38,700.

The City Council met in closed session and authorized the City Attorney to settle Yenny Ung v. City of Berkeley, Alameda County Superior Court, Case No. RG19047098 for \$95,000.

## Adjournment

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

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

Adjourned at 4:25 p.m.

This is to certify that the foregoing is a true and correct record of the closed session meeting on October 5, 2021.

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Michael MacDonald, Assistant City Clerk

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 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.



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

**Tuesday, October 5, 2021  
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

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## Preliminary Matters

### Report from Closed Session

The City Council met in closed session and authorized the City Attorney to settle Nathan Spencer v. City of Berkeley, Alameda County Superior Court, Case No. RG 19036980 for \$38,700.

The City Council met in closed session and authorized the City Attorney to settle Yenny Ung v. City of Berkeley, Alameda County Superior Court, Case No. RG19047098 for \$95,000.

**Roll Call:** 6:04 p.m.

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

**Absent:** Kesarwani, Taplin

Councilmember Kesarwani present at 6:07 p.m.

Councilmember Taplin present at 6:07 p.m.

### Consent Calendar

#### A. Waiver of Sanctuary City Ordinance for Motorola Solutions Lease

**From:** City Manager

**Recommendation:** Adopt a Resolution waiving the contract prohibition of Berkeley Municipal Code Chapter 13.105, Sanctuary City Contracting, in order to enter into a Public Safety Radio System lease with Motorola Solutions, Incorporated.

**Financial Implications:** See report

Contact: Jennifer Louis, Police, (510) 981-5900, Abe Roman, Fire, (510) 981-3473

**Action:** Moved to Action Calendar. 24 speakers. M/S/C (Arreguin/Taplin) to adopt Resolution No. 70,052–N.S. waiving the contract prohibition of Berkeley Municipal Code Chapter 13.105, Sanctuary City Contracting, in order to enter into a Public Safety Radio System lease with Motorola Solutions, Incorporated.

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

Councilmember Hahn absent 7:07 p.m. – 9: 23 p.m.

Recess 7:53 p.m. – 8:03 p.m.

## Action Calendar

1. **Approval of Interim Regulations for the Police Accountability Board and Office of the Director of Police Accountability for Handling Complaints Against Sworn Officers of the Police Department** (*Continued from September 28, 2021*) (*Item contains supplemental material*)

**From: Police Accountability Board and Director of Police Accountability**

**Recommendation:** Approve Interim Regulations to be used by the Police Accountability Board and Director of Police Accountability for Handling Complaints Against Sworn Officers of the Police Department under City Charter Article XVIII, Section 125 (Measure II). The City Council is asked to choose between the Board's modified proposal, conditioned upon City Attorney approval, or the Interim Director's preferred version.

**Financial Implications:** None

Contact: Katherine Lee, Interim Director of Police Accountability, (510) 981-4950

**Action:** M/S/Failed (Taplin/Droste) to approve the Interim Regulations as proposed by the Director of Police Accountability with an amendment to require written permission of aggrieved party for an eye witness to file a complaint.

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

**Action:** 19 speakers. M/S/C (Harrison/Hahn) to approve Interim Regulations as proposed by the Police Accountability Board including the items listed below.

- Adding Eyewitnesses to the definition of "Complainant" which reads as follows, "Aggrieved Parties, as well as Eyewitnesses to alleged police misconduct who file a complaint with the Office of the Director of Police Accountability."
- Amending Section II.A.2. Who may file, to read, "Only Aggrieved Parties, as well as Eyewitnesses [Definition of Eyewitness] to alleged police misconduct, may file a complaint. Complaints may also be initiated by the Board upon a vote of five Board members to authorize an investigation."
- Extending filing deadline for complaints to 180 days.
- Definition of "Eyewitness(es)" added to Section I.A. to include description as a "percipient witness."

Consideration of amendments to how testimony is taken at hearings is deferred until the required legal process is completed.

**Vote:** All Ayes.

## Adjournment

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

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

Councilmember Hahn absent 10:15 p.m. – 10:16 p.m.

Adjourned at 10:16 p.m.

I hereby certify that the foregoing is a true and correct record of the city council special meeting held on October 5, 2021.

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Mark Numainville  
City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

### **Item #A: Waiver of Sanctuary City Ordinance for Motorola Solutions Lease**

1. Diana Bohn

## **Supplemental Communications and Reports 3**

### **Item #A: Wiaver of Sanctuary City Ordinance for Motorola Solutions Lease**

2. Diana Bohn
3. Catherine Huchting
4. Margot Smith
5. Linda Franklin
6. Terry Paris

### **Item #1: Approval of Interim Regulations for the Police Accountability Board and Office of the Director of Police Accountability for Handling Complaints Against Sworn Officers of the Police Department**

7. Linda Franklin



**MINUTES  
BERKELEY CITY COUNCIL  
SPECIAL MEETING**

**TUESDAY, OCTOBER 12, 2021**

**4:00 P.M.**

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

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DISTRICT 8 – LORI DROSTE

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## Preliminary Matters

**Roll Call:** 4:06 p.m.

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

**Absent:** Kesarwani

Councilmember Kesarwani present at 4:17 p.m.

**Public Comment - Limited to items on this agenda only – 0 speakers**

## CLOSED SESSION:

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

**1. PUBLIC EMPLOYEE APPOINTMENTS PURSUANT TO GOVERNMENT CODE SECTION 54957(b):**

a. **Title of position to be filled:** Fire Chief

**Action:** No reportable action taken.

**2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b):**

a. **Title of position to be evaluated:** City Manager

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

Adjourned at 7:14 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on October 12, 2021.

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Mark Numainville  
City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, October 12, 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

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## Preliminary Matters

**Roll Call:** 7:33 p.m.

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

**Absent:** None

### Ceremonial Matters:

1. Recognition of Heirs to Our Oceans
2. Adjourned in Memory of John Carothers, Local Activist and Cyclist
3. Adjourned in Memory of Marilyn Golden, Disability Rights Activist
4. Marsha Friedman, Local Activist

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 10 speakers.

**Public Comment on Consent Calendar and Information Items Only:** 29 speakers.

## Consent Calendar

**Action:** M/S/C (Arreguin/Taplin) to adopt a temporary rule for a limit of one minute per speaker for agenda items.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Wengraf) to accept supplemental and revised materials from the City Attorney on Item 21 and from Councilmember Harrison on Item 28.

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

**Action:** M/S/C (Arreguin/Droste) to continue Items 29, 31, 32, and 33 to the October 26, 2021 meeting.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

## Recess Items

1. **Contract: Murray Building, Inc. for Cazadero Camp Jensen Dormitory Construction Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess: 1. Approving the plans and specifications for the Cazadero Camp Jensen Dormitory Project, Specification No. 21-11443-C; 2. Accepting the bid of Murray Building, Inc. as the lowest responsive and responsible bidder for the amount of \$1,329,000; 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 Murray Building, Inc. in an amount not to exceed \$1,461,900 which includes a 10% contingency.  
**Financial Implications:** Camps Fund - \$1,461,900  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,053–N.S.

## Consent Calendar

2. **Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Berkeley's Bicycle Boulevards and on At-Risk West Berkeley Residential Streets**  
**From: Councilmember Taplin (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt second reading of Ordinance No. 7,784 amending Berkeley Municipal Code (BMC) Section 14.56.070 to add 3-ton commercial truck weight limits on:
  1. Ninth Street between Dwight Way and Heinz Avenue
  2. Addison Street between San Pablo Avenue and Sixth Street;
  3. Allston Way between San Pablo Avenue and Sixth Street;
  4. Bancroft Way between San Pablo Avenue and Sixth Street;
  5. Channing Way between San Pablo Avenue and Fourth Street;
  6. Dwight Way between San Pablo Avenue and Sixth Street;
  7. Camelia Street between Eighth Street and Ninth Street;
  8. Eighth Street between Jackson Street and Camelia Street;
  9. Ninth Street between Camelia Street and Cedar Street;
  10. Virginia Street between Sacramento Street and Martin Luther King Jr. Way;
  11. Virginia Street between Shattuck Avenue and Euclid Avenue;
  12. Channing Way between Martin Luther King Jr. Way and Piedmont Avenue;
  13. Heinz Avenue between Ninth Street and San Pablo Avenue;
  14. Russell Street between San Pablo Avenue and Shattuck Avenue;
  15. Russell Street between Telegraph Avenue and Claremont Avenue;
  16. California Street between Hopkins Street and University Avenue;
  17. California Street between Dwight Way and Russell Street;

- 18.King Street between Russell Street and Stanford Avenue;
- 19.Milvia Street from Dwight Way to Russell Street;
- 20.Bowditch Street from Bancroft Way to Dwight Way;
- 21.Hillegass Avenue from Dwight Way to Woolsey Street
- 22.Addison from San Pablo to Sacramento
- 23.Allston San Pablo to Sacramento
- 24.Bancroft from San Pablo to Sacramento
- 25.Addison San Pablo to Curtis
- 26.Cowper from San Pablo to Curtis
- 27.Byron from Addison to Bancroft
- 28.Curtis from University to Dwight
- 29.Browning from Addison to Dwight
- 30.West from Addison to Allston
- 31.Valley from Bancroft to Dwight
- 32.Acton from Addison to 66th.
- 33.Bonar from University to Dwight
- 34.Edwards from Bancroft to Dwight
- 35.Matthews from Dwight to Russell
- 36.Mabel from Dwight to 66th.
- 37.Derby from San Pablo to Sacramento
- 38.Ward from San Pablo to Sacramento
- 39.Oregon from San Pablo Park to Sacramento
- 40.Burnett from San Pablo to Acton
- 41.Dohr from Ward to Prince
- 42.Haskell from San Pablo to Acton
- 43.Harmon from Idaho to California
- 44.Prince from Acton to California
- 45.66th from Mabel to California

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 7,784-N.S.

**3. Amending BMC Section 14.56.040 to Reduce the Commercial Weight Limit on Marin Ave**

**From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Droste (Co-Sponsor)**

**Recommendation:** Adopt second reading of Ordinance No. 7,785–N.S. amending Berkeley Municipal Code (BMC) Section 14.56.040 to reduce the commercial vehicle weight limit from four tons gross weight to three tons gross weight on Marin Avenue between Grizzly Peak Boulevard and The Marin Fountain Circle.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

**Action:** Adopted second reading of Ordinance No. 7,785-N.S.

- 4. Ordinance for a Shared Electric Micromobility Permit Program**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,786–N.S. adding Berkeley Municipal Code Chapter 14.63 and amending Chapter 14.68 to establish the Shared Electric Micromobility Permit Program and related parking regulations.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted second reading of Ordinance No. 7,786-N.S.
- 5. Adoption of the Baseline Zoning Ordinance (BZO)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,787–N.S. rescinding the current Berkeley Municipal Code (BMC) Title 23 and adopting the new Baseline Zoning Ordinance (BZO) as BMC Title 23 with an effective date of December 1, 2021.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,787-N.S.
- 6. Update Guidelines and Procedures for City Council Office Budget Expenditure Accounts**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Rescinding Resolution No. 65,540-N.S.; and 2. Updating the guidelines and procedures for City Council Office Budget Expenditure Accounts to allocate for Mayor and Councilmember Office staff salaries and fringe benefits for Legislative Assistant position to be adjusted annually consistent with any increase provided to the SEIU Local 1021 Community Services Unit and Part-Time Recreation Leaders Association (CSUPTRLA) Unit.  
**Financial Implications:** See report  
Contact: Rama Murty, Budget Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,054–N.S.
- 7. City Council Rules of Procedure and Order Revisions**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution revising Appendix C of the City Council Rules of Procedure and Order to refine practices for holding public meetings via video conference technologies; clarifying the Council procedures for moving an item from the Action to Consent Calendar; removing Appendix D; and rescinding any preceding amendatory resolutions.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 70,055–N.S.

**8. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 12, 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:** Zero Waste Fund - \$750,000

Contact: Henry Oyekanmi, Finance, (510) 981-7300

**Action:** Approved recommendation.

**9. Proposed Ordinance Amending Paragraph 'NN' of Berkeley Municipal Code Section 19.48.020**

**From: City Manager**

**Recommendation:** 1. Adopt the first reading of an Ordinance (Attachment 1) which modifies the language of Paragraph 'NN.' of Berkeley Municipal Code Section 19.48.020 ("Amendments to the California Fire Code) by adopting a building standard which is more restrictive than that standard currently contained in the California Fire Code and which will expand the existing local code amendment that requires the installation of fire sprinklers in new structures and the retrofit fire sprinklers into existing structures that currently exists in Fire Zone 3 to include structures located in Berkeley Fire Zone 2;

2. Adopt a Resolution (Attachment 2) setting forth findings of local conditions that require more stringent building standards than those provided by the 2019 California Fire Code and that amends Resolution number 69,178–N.S.; and

3. In compliance with state law on adopting such more restrictive building standards, hold a public hearing following the first reading and before the second reading, and schedule the public hearing for October 26, 2021.

**Financial Implications:** See report

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

**Action:** Adopted first reading of Ordinance No. 7,788—N.S. Second reading scheduled for October 26, 2021; Adopted Resolution No. 70,056–N.S. as revised in Supplemental Communications Packet #1 from the City Manager.



- 10. Purchase Order: Braun Northwest for Two 2022 North Star 155-1 Type 1 Ambulances**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in HGACBuy contract bid procedures, and authorizing the City Manager to execute a purchase order for two (2) 2022 North Star 155-1 Type 1 Ambulances with Braun Northwest, Inc. in an amount not to exceed \$650,000.  
**Financial Implications:** Measure FF - \$650,000  
Contact: Abe Roman, Fire, (510) 981-3473, Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,057–N.S.
- 11. Purchase Order: Nicholas K Corp DBA “The Ford Store” San Leandro for Five Ford F-250 4X4 Pickup Trucks**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Alameda County bid procedures and authorizing the City Manager to execute a purchase order for five (5) Ford F-250 4X4 Pickup Trucks with Nicholas K Corp DBA “The Ford Store” San Leandro in an amount not to exceed \$322,000.  
**Financial Implications:** Measure FF - \$322,000  
Contact: Abe Roman, Fire, (510) 981-3473, Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,058–N.S.
- 12. Contract No. 32100181 Amendment: Alameda County Healthcare Services Agency**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32100181 with Alameda County Healthcare Services to increase the total contract amount by \$62,000 for a total contract amount not to exceed \$100,000 for the period of May 1, 2021 to July 31, 2024 for epidemiology and program evaluation services. The contract will serve the needs of the Public Health Division in providing the program evaluation required under the 3-year Prop 64 Cohort 2 grant funding that was awarded to the City of Berkeley in May 2021.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,059–N.S.

- 13. Appointment of Fire Chief**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution confirming the appointment of Abraham Roman as the Fire Chief to be effective October 17, 2021 at an annual salary of \$268,990.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,060–N.S.
- 14. Classification and Salary: Establish Program Manager I and II Classifications**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 68,709-N.S., Classification and Salary Resolution for Public Employees Union, Local One to include the classification of Program Manager I and II Classifications with an hourly salary range of \$51.7326 - \$62.4561 effective October 12, 2021.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,061–N.S. as revised in Supplemental Communications Packet #2 from the City Manager.
- 15. Transfer Tax Refund for 1685 Solano Avenue**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to grant a transfer tax refund of an estimated \$121,250 to the Bay Area Community Land Trust (BACLT) to support the acquisition and renovation of 1685 Solano Avenue and BACLT's operation of the property as affordable housing.  
**Financial Implications:** General Fund - \$121,250  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,062–N.S.
- 16. Contract No. 112798-2 Amendment: Geographic Technologies Group for Additional Geographic Information System (GIS) Projects**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 112798-2 with Geographic Technologies Group (GTG) for Geographic Information System (GIS) professional services, for a total not to exceed \$100,000 and for a total contract value of \$499,411 from September 14, 2016 to June 30, 2023.  
**Financial Implications:** FY22 IT Cost Allocation - \$100,000  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,063–N.S.

- 17. Protiviti Government Services: Using General Services Administration (GSA) Vehicle for Professional Services Purchase Orders**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti Government Services for the purchase of professional services using the General Services Agency's (GSA) purchasing vehicle no. GS-35F-0280X for an amount not to exceed \$492,000 through September 30, 2022.  
**Financial Implications:** See report  
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,064–N.S.
- 18. Grant Application: Environmental Enhancement and Mitigation Project (EEMP) Proposal**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit an Environmental Enhancement and Mitigation (EEM) grant application to plant urban forest trees in the amount up to \$500,000; to accept the grant; to execute any resultant revenue agreements and amendments; and 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. 70,065–N.S.

### Council Consent Items

- 19. City Policy Regarding Scheduling City Meetings on Significant Religious Holidays**  
**From: Mayor Arreguin (Author), Councilmember Wengraf (Author), Councilmember Taplin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution establishing an official City of Berkeley policy to avoid scheduling of meetings of the City Legislative Bodies (City Council, Commissions and Boards, Council Policy Committees, Task Forces) on any religious holiday that incorporates significant work restrictions and direct the City Manager to identify those holidays in consultation with community religious leaders.  
**Financial Implications:** Staff time  
 Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,066–N.S. with the Resolved clause revised to read:

*NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it will be the policy of the City to avoid scheduling meetings of City Legislative Bodies (City Council, Commissions and Boards, Council Policy Committees, Task Forces) on religious holidays that incorporate significant work restrictions and such days shall be identified through consultation with community religious leaders.*

**20. Budget Referral: Security Cameras in the Public Right Of Way at Intersections Experiencing Increased Violent Crime, and Environmental Safety Assessment for High Crime Areas**

**From: Councilmember Taplin (Author), Councilmember Kesarwani (Author)**

**Recommendation:** In order to deter gun violence and obtain evidence to solve criminal investigations, adopt the following recommendations: 1. Authorize the City Manager to install security cameras, prominent signage, and increased lighting in the public right-of-way at intersections experiencing a rise in violent crime, including appropriate arterial streets serving as entry into and exit out of the City of Berkeley; 2. Refer to the City Manager an environmental safety assessment of the high crime areas specifically in South and West Berkeley; 3. Refer costs for security cameras and lighting to the Annual Appropriations Ordinance (AAO) #1 budget process.

We note that the security camera footage would be used solely for the purpose of solving criminal investigations. The cameras are not intended and would not be used for any kind of surveillance purposes whatsoever. Key intersections entering and leaving Berkeley for security camera installation could include those listed below. Arterial intersections along University, Ashby and Alcatraz in close proximity to gun violence in South and West Berkeley should be prioritized: 6th/University, 7th/Ashby, San Pablo Ave./Ashby, Sacramento/Alcatraz, Alcatraz/Adeline, Ashby/Telegraph, Gilman/6th, College/Alcatraz, Ashby/Domingo, Ashby/Claremont. Other locations within Berkeley may include the following: University/San Pablo, University/Sacramento, Sacramento/Ashby, George Florence Park, 10th/Bancroft, 8th/Channing, 8th/Addison.

**Financial Implications:** See report

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

**Action:** Approved recommendation as revised in Supplemental Communications Packet #1 from Councilmember Taplin, and further revised to include the amendments below.

- Refer to the City Manager to develop a use policy for the security cameras that includes provisions that the data may be used for active investigations only and that the policy will include the data retention schedule. Staff to provide Council with an off-agenda memo commemorating the use policy.
- The locations of the cameras will be based on calls-for-service data; that staff will bring a list of locations to Council; and to refer the item to the AAO1 budget process.

**21. Ghost Gun Ordinance**

**From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Droste (Co-Sponsor)**  
*(Reviewed by the Public Safety Committee)*

**Recommendation:** Adopt first reading of an Ordinance amending the Berkeley Municipal Code to prohibit any person other than a licensed manufacturer or importer from possessing, selling, offering for sale, transferring, purchasing, transporting, receiving, or manufacturing an unfinished firearm frame or receiver that has not been imprinted with a serial number, subject to certain exceptions pursuant to state law; and prohibiting any person from possessing, manufacturing or assembling a firearm that has not been imprinted with a serial number, subject to certain exceptions pursuant to state law.

*Policy Committee Recommendation: Send the item, with a positive recommendation, to Council and directed the author to work with the City Attorney's office to finalize a draft Ordinance and to submit the item as a time critical item for inclusion in the October 12, 2021 Council agenda.*

**Financial Implications:** Staff time

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

**Action:** Approved first reading of Ordinance No. 7,789—N.S. as revised in the material submitted by the City Attorney at the meeting to 1) Edit a sentence in the Findings for clarity; 2) Amend the definition of “unfinished frame or receiver” and makes corresponding minor edits throughout, to avoid conflict with a proposed federal rule; 3) Address applicability, in light of federal and/or state law, for (1) licensed firearm precursor part vendors, (2) Federal Firearms Importers, (3) Federal Firearms Manufacturers, (4) sworn peace officers acting within the scope of official duties, and (5) licensed and regulated common carriers; 4) Delete a subsection that is descriptive of existing law; and 5) Provide that Subsections A and C shall take effect 6 months after the other provisions go into effect, rather than 90 days, allowing the City more time to inform residents of the provisions. Second reading scheduled for October 26, 2021.

**22. Letter to Senate Budget Committee Chair Sen. Skinner Regarding Berkeley Pier**

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

**Recommendation:** Send a letter to State Senator Nancy Skinner (D-Berkeley), Chair of the Senate Budget Committee, requesting state budget allocations for urgent infrastructure needs at the Berkeley Municipal Pier.

**Financial Implications:** None

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

**Action:** Item 22 continued to October 26, 2021.

- 23. Infrastructure and Affordable Housing Finance Plan for Adeline Corridor**  
**From: Councilmember Bartlett (Author)**  
**Recommendation:** Refer to the November Annual Appropriation Ordinance an allocation of \$200,000 to fund a Consultant to design and implement an infrastructure and affordable housing finance strategy for the Adeline Corridor Plan that was adopted by the City Council on December 8, 2020. The proposed analysis should examine the feasibility of various infrastructure financing tools, such as an Enhanced Infrastructure Finance District (EIFD), Community Facilities District, Affordable Housing Authority, Community Revitalization and Investment Authority, pursuit of state and Federal grants, and other public and private financing tools. The project team should determine which financing mechanism(s) would be most appropriate to fund elements of the Adeline Corridor Plan, and future community-oriented projects. Upon identifying the appropriate funding tools, the consultant would then proceed with implementation based on further feedback from City Council and the community.  
**Financial Implications:** See report  
 Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Councilmembers Harrison and Taplin added as co-sponsors. Approved recommendation.
- 24. Adopt a Resolution in Support of a Direct Pay Provision for the 26 U.S.C. § 25D Residential Energy Efficient Property Tax Credit**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Adopt a resolution in support of a Direct Pay Provision for the 26 U.S.C. § 25D Residential Energy Efficient Property Tax Credit. end copies of the resolution to Senators Feinstein and Padilla, Congresswoman Lee, Chairman Wyden, Chairman Neal, Ranking Member Crapo, and Ranking Member Brady.  
**Financial Implications:** None  
 Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Adopted Resolution No. 70,067–N.S.
- 25. Adopt a Resolution Denouncing Texas Anti-Abortion Law (SB 8) and Reaffirming Reproductive Freedom in Berkeley**  
**From: Councilmember Wengraf (Author), Councilmember Taplin (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution to denounce the Texas abortion law, Senate Bill (SB) 8, banning most abortions after six weeks of pregnancy. The resolution will also reaffirm the City of Berkeley's commitment to reproductive freedom.  
**Financial Implications:** None  
 Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted Resolution No. 70,068–N.S.

- 26. Support for H.R. 3755 and S.1975 – Women’s Health Protection Act of 2021**  
**From: Councilmember Wengraf (Author), Councilmember Taplin (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of H.R. 3755 and S.1975 – Women’s Health Protection Action of 2021 (Rep. Chu) (Sen. Blumenthal) and send copies to House Representatives Judy Chu and Barbara Lee; Senators Richard Blumenthal, Dianne Feinstein and Alex Padilla; Vice President Kamala Harris and President Joe Biden.  
**Financial Implications:** None  
 Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted Resolution No. 70,069–N.S.

## Action Calendar

*The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

*The Presiding Officer will request that persons wishing to speak use the "raise hand" function to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

*Action items may be reordered at the discretion of the Chair with the consent of Council.*

## Action Calendar – Public Hearings

*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.*

- 27. ZAB Appeal: 1205 Peralta Avenue, Variance/Use Permit #ZP2020-0060**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to deny Zoning Permit #ZP2020-0060 for a Variance to legalize the elimination of two off-street parking spaces by conversion of an existing 18 foot x 20 foot garage to habitable space, and a Use Permit to legalize the addition of three bedrooms on a lot that is non-conforming for density, lot coverage, setbacks, usable open space and parking.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 7 speakers.

M/S/C (Arreguin/Droste) to close the public hearing.

**Vote:** All Ayes

**28. Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04** *(Continued from September 28, 2021) (Item contains revised material)*

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23C.24] and amendments to relevant Definitions [BMC Chapter 23F.04] in the Zoning Ordinance.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 4 speakers.

**Action:** M/S/C (Arreguin/Wengraf) to continue the public hearing to October 26, 2021 as the first action item including supplemental material from Councilmember Harrison in Supplemental Communications Packet #1 and new material submitted at the meeting.

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

Councilmember Harrison absent 11:07 p.m. – 11:11 p.m.

**29. Amending the Berkeley Election Reform Act (BERA) Relating to Officeholder Accounts** *(Reviewed by the Agenda & Rules Committee) (Continued from September 14, 2021)*

**From: Agenda & Rules Committee: Mayor Arreguin, Councilmember Hahn, Councilmember Wengraf**

**Recommendation:**

Take one of the following actions: 1. Refer a proposal to the Fair Campaign Practices Commission (FCPC) amending the Berkeley Election Reform Act (BERA), BMC Chapter 2.12, and Lobbyist Registration Act, BMC Chapter 2.09, to enact “a reasonable set of limitations and rules” to regulate the maintenance of officeholder accounts, as developed and referred for consideration by the Agenda and Rules Committee; or 2. Refer a proposal to the FCPC amending BERA, BMC Chapter 2.12, to prohibit Officeholder Accounts, as originally proposed by the Fair Campaign Practices Commission.

*Policy Committee Recommendation: Send the item to Council with two proposed alternatives: 1) Councilmember Hahn’s proposal to regulate officeholder accounts, and 2) the Fair Campaign Practices Commission proposal to prohibit officeholder accounts; and to include the Commission’s analysis of regulating officeholder accounts in the item that goes to the full Council.*

**Financial Implications:** See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

**Action:** Item 29 continued to October 26, 2021.



- 30. Referral to the Zero Waste and Energy Commission (or Successor Commission) to Hold Joint Meetings to Conduct Community Outreach and Education Events with Regard to the Proposed Ordinance Regulating the Use of Carryout and Pre-checkout Bags and to Make Recommendations to the FITES Committee** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee) (Continued from September 14, 2021)*  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Refer to Berkeley's Zero Waste and Energy Commissions (or successor Commission) to hold joint meetings regarding the proposed Ordinance regulating the use of carryout and pre-checkout bags and promoting the use of reusable bags by December 31, 2021.  
 As part of the series of meetings, the Commissions should: 1. strive to conduct community/business outreach and education events to include, but not limited to the following entities: a. all stores and events that provide pre-checkout bags (e.g., grocery stores, convenience stores, food marts, and food vendors); b. all restaurants, take-out food stores, food trucks, permitted events, and any other commercial establishment not regulated by the state that provide carryout bags; and 2. make any recommendations with respect to any amendments and appropriate phasing to the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee.  
*Policy Committee Recommendation: Make a positive recommendation to the City Council that the Council direct the Zero Waste and Energy Commission (or successor Commission) to hold joint meetings to conduct community outreach and education events and recommend proposed changes and appropriate phasing to the FITES Committee.*  
**Financial Implications:** See report  
 Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Moved to Consent Calendar. Approved recommendation as revised in the Supplemental materials submitted by Councilmember Harrison.
- 31. Objective Standards Recommendations for Density, Design and Shadows**  
**From: Joint Subcommittee for the Implementation of State Housing Laws** *(Continued from September 28, 2021) (Item contains supplemental material)*  
**Recommendation:** Refer to the Planning Commission and Design Review Committee to review the recommendations from the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) for objective standards for density, design and shadows and draft Zoning Ordinance amendments for City Council consideration.  
**Financial Implications:** See report  
 Contact: Alene Pearson, Commission Secretary, (510) 981-7400  
**Action:** Item 31 continued to the October 26, 2021 meeting.

**32. Identifying City Council Referrals for Removal****From: City Manager****Recommendation:** 1. Review the referrals marked as rescinded by the sponsoring Councilmember or District; 2. Consider the referrals identified by Councilmembers for further discussion; and 3. Approve the removal of referrals that have been marked as rescinded by the sponsoring Councilmember or District.**Financial Implications:** None

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

**Action:** Item 32 continued to the October 26, 2021 meeting.**Council Action Items****33. Budget Referral: Allocate General Fund Revenues to Support Pilot Program Offering Free AC Transit on Sundays in Berkeley****From: Councilmember Harrison (Author)****Recommendation:** Refer to the November 2021 budget process approximately \$500,000 in General Fund Revenue toward fully subsidizing AC Transit fares originating from Berkeley on Sundays for at least one calendar year.**Financial Implications:** General Fund - \$500,000

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

**Action:** Item 33 continued to the October 26, 2021 meeting, including revised material in Supplemental Communications Packet #2 from Councilmember Harrison.**Public Comment – Items Not Listed on the Agenda – 0 speakers.****Adjournment****Action:** M/S/C (Arreguin/Wengraf) to adjourn the meeting.**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Droste.

Councilmember Droste absent 11:08 – 11:11 p.m.

Adjourned at 11:11 p.m.

I hereby certify that the foregoing is a true and correct record of the city council regular meeting held on October 12, 2021.

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 Mark Numainville  
 City Clerk
**Communications**

**Homelessness Issues**

1. Eric Friedman
2. Paul Buddenhagen, Deputy City Manager
3. Yasuo Tanaka
4. Steve Kromer
5. Ben Buettner
6. Fran Haselsteiner
7. Alex Merenkov
8. Parisa Jorjani (2)
9. Jae Wheeler

**Sustainable Housing at the North Berkeley BART**

10. 11 similarly-worded form letters
11. Andrew Livsey
12. Deborah Gouailhardou
13. Laura Wise
14. Josh Gutwill
15. Lorna Brand
16. Barbara Fisher

**Purchase Parcel of the Ashby Community Garden**

17. Carrie Jahde
18. Anna Henry
19. Veronica Graham
20. Mariam Queen and Alison Paskal
21. Carolyn Goldwasser
22. Jennifer Sowerwine
23. Nell Wollner
24. Larisa Cummings
25. Ingrid Good
26. Linda Currie
27. Elizabeth Barry

**New Construction Funding at 1740 San Pablo Avenue**

28. Kate Traynor, on behalf of BRIDGE Housing Corporation

**Zero Waste Commission Support**

29. Danielle Epifani
30. Chrise

**Fair Work Week Ordinance**

31. John Paluska, Owner of Comal

**Fire Hazard at 1040 University Avenue**

32. Ben Hubbell

**Vaccine + Masks**

- 33. City of Berkeley Youth Commission
- 34. Susan Imperial

**Oppose SB9**

- 35. Evan Meyer

**Investing in West Berkeley**

- 36. Becca Schonberg

**Cragmont Park Rental**

- 37. Denise

**Parking Ordinance Suggestion**

- 38. Tina Goldsmith

**Secondhand Marijuana and Tobacco Use**

- 39. Carol Denney

**Resolution to Support Redistribution of City Resources**

- 40. Anna Minsky

**RV Parking**

- 41. Charlene Washington
- 42. Maryann O'Sullivan

**Berkeley Shooting/Crime**

- 43. Michael O'Heaney
- 44. Jeff Vincent
- 45. Naomi Marks
- 46. Laralynn Rapoza
- 47. Imad Din

**Street Paving Equity**

- 48. Zach Franklin
- 49. Minda Berbeco
- 50. Kris Wiley
- 51. Maryann O'Sullivan

**Menstrual Problems After COVID Shots**

- 52. Vivian Warkentin

**Leonard Powell Saga**

- 53. Steve Martinot

**Save People's Park**

54. Diana Bohn

**Parking Permits**

55. Parisa Jorjani

**URL's Only**

56. Russbumper (3)

57. Vivian Warkentin

58. Barbara Gilbert

**Supplemental Communications and Reports 1**

**Item #2: Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Berkeley's Bicycle Boulevards and on At-Risk West Berkeley Residential Streets**

59. Carl Bass

**Item #4: Ordinance for a Shared Electric Micromobility Permit Program**

60. Tom Lent

**Item #9: Proposed Ordinance Amending Paragraph 'NN' of Berkeley Municipal Code Section 19.48.020**

61. Revised material, submitted by Fire

**Item #20: Budget Referral: Security Cameras in the Public Right Of Way at Intersections Experiencing Increased Violent Crime, and Environmental Safety Assessment for High Crime Areas**

62. Revised material, submitted by Councilmember Taplin

63. Arabelle Malinis

64. Patrick McCully

65. Kristina Hill

66. Ken Berland

67. Denah Bookstein

**Item #21: Ghost Gun Ordinance**

68. 18 similarly-worded form letters

**Item #27: ZAB Appeal: 1205 Peralta Avenue, Variance/Use #ZP2020-0060**

69. Rena Rickles (3)

**Item #28: Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04**

70. Supplemental material, submitted by Councilmember Harrison for the September 28 council meeting

71. Cameron Woo

**Item #30: Referral to the Zero Waste and Energy Commission (or Successor Commission) to Hold Joint Meetings to Conduct Community Outreach and Education Events with Regard to the Proposed Ordinance Regulating the Use of Carryout and Pre-checkout Bags and to Make Recommendations to the FITES Committee**

- 72. Revised material, submitted by Councilmember Harrison for the September 14 council meeting
- 73. Martin Bourque
- 74. Peter Schultze-Allen

**Supplemental Communications and Reports 2**

**Item #6: Council Office Expense Account**

- 75. Barbara Gilbert

**Item #14: Classification and Salary: Establish Program Manager I and II Classifications**

- 76. Revised material, submitted by Human Resources

**Item #20: Budget Referral: Security Cameras in the Public Right Of Way at Intersections Experiencing Increased Violent Crime, and Environmental Safety Assessment for High Crime Areas**

- 77. Supplemental material, submitted by Councilmember Taplin
- 78. Chimey Lee
- 79. Tracy Rosenberg
- 80. 8 similarly-worded form letters

**Item #21: Ghost Gun Ordinance**

- 81. 5 similarly-worded form letters
- 82. Laurie Leiber
- 83. Anna Mahony

**Item #24: Adopt a Resolution in Support of a Direct Pay Provision for the 26 U.S.C. 25D Residential Energy Efficiency Property Tax Credit**

- 84. Barbara Gilbert

**Item #27: ZAB Appeal: 1205 Peralta Avenue, Variance/Use #ZP2020-0060**

- 85. Alan Tobey
- 86. Veronika Fukson
- 87. Karen Fiene
- 88. Rena Rickles (5)
- 89. Ruth Tobey
- 90. Joan Sprinson
- 91. Tiana Wages
- 92. Sara Ishikawa

**Item #28: Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04**

- 93. 15 similarly-worded form letters
- 94. George Porter
- 95. Marissa Moss
- 96. Kathleen Giustino
- 97. Sheila Goldmacher
- 98. Cindy Shamban
- 99. Lisa Bruce
- 100. Janis Ching (2)
- 101. Loni Gray
- 102. Debra Sanderson (2)
- 103. Margaretta Mitchell
- 104. John Rice
- 105. Kerna Trottier
- 106. Sabina McMurtry
- 107. Eric Arens
- 108. Rolf Bell
- 109. Debra Shell
- 110. Susan Kegeles

**Item #30: Referral to the Zero Waste and Energy Commission (or Successor Commission) to Hold Joint Meetings to Conduct Community Outreach and Education Events with Regard to the Proposed Ordinance Regulating the Use of Carryout and Pre-checkout Bags and to Make Recommendations to the FITES Committee**

- 111. Igor Tregub, on behalf of the Sierra Club
- 112. 287 similarly-worded form letters

**Item #31: Objective Standards Recommendations for Density, Design and Shadows**

- 113. Susanne Tilney
- 114. Wendy Alfsen
- 115. Michael Katz
- 116. Sally Hughes
- 117. Laura Klein
- 118. Lisa Bruce
- 119. Erin Diehm
- 120. Bummer Brenner
- 121. Kris Muller
- 122. Gar Smith
- 123. Phil Allen
- 124. Tom Graly
- 125. Kirsten Rose

126. Jane Graly
127. Charlene Harrington
128. George Killingsworth
129. Paul Newacheck
130. Constance Rivemale
131. Karen Weil
132. Sharon Singer
133. Rani Cochran
134. Jeffrey Kaplan
135. Linda Franklin and Fred Dodsworth
136. Sbina McMurtry
137. Larry Hendel
138. Lynn Cooper
139. Meryl Siegal
140. Jane Kitchel
141. Nancy Lemon and Blaine Devine
142. Kerna Trottier
143. Carole Cool
144. Rachel Bradley
145. Diana Bohn
146. Charlene Woodcock
147. Eva Herzer
148. Barbara Fisher
149. Kori Kody and Steve Jackson
150. Fred Krieger
151. Mathew Lewis
152. Todd and Linda Darling
153. Tony Corman
154. Jeffrey Carter
155. Rob Wrenn
156. Sheila Goldmacher
157. Barbara Stebbins
158. Jean Mudge
159. Alison Lingo
160. Carla Woodworth
161. Tobey Wiebe
162. Theresa Gensler

**Item #33: Budget Referral: Allocate General Fund Revenues to Support Pilot Program Offering Free AC Transit on Sundays in Berkeley**

163. Revised material, submitted by Councilmember Harrison

**Supplemental Communications and Reports 3**

**Item #20: Budget Referral: Security Cameras in the Public Right Of Way at Intersections Experiencing Increased Violent Crime, and Environmental Safety Assessment for High Crime Areas**



- 164. Eric Wiesner
- 165. Rani Hurd

**Item #21: Ghost Gun Ordinance**

- 166. Supplemental material, submitted by the Attorney's Office
- 167. Eric Wiesner

**Item #27: ZAB Appeal: 1205 Peralta Avenue, Variance/Use #ZP2020-0060**

- 168. Presentation, submitted by Planning
- 169. Joan Sprinson

**Item #28: Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04**

- 170. Supplemental material, submitted by Councilmember Harrison
- 171. Steven Segal

**Item #30: Referral to the Zero Waste and Energy Commission (or Successor Commission) to Hold Joint Meetings to Conduct Community Outreach and Education Events with Regard to the Proposed Ordinance Regulating the Use of Carryout and Pre-checkout Bags and to Make Recommendations to the FITES Committee**

- 172. 34 similarly-worded form letters

**Item #33: Budget Referral: Allocate General Fund Revenues to Support Pilot Program Offering Free AC Transit on Sundays in Berkeley**

- 173. Igor Tregub

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

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

**Tuesday, October 19, 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*

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 859 2014 3926. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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*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:** 6:04 p.m.

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

**Absent:** None

## Worksession

- 1. BPD Annual Update: 2020/First Half of 2021 Crime Report; Council Referrals/Reporting: Use of Force, Stop Data (RIPA Report), Hate Crime Response/Reporting; Departmental Personnel Report: Hiring/Recruitment/Staffing and FIP recommendations implementation From: City Manager**  
Contact: Jennifer Louis, Police, (510) 981-5900

**Action:** Presentation made and discussion held.

## Public Comment - Items on this agenda only – 12 speakers

## Adjournment

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

**Vote:** All Ayes

Adjourned at 9:42 p.m.

I hereby certify that the foregoing is a true and correct record of the city council special meeting held on October 19, 2021.

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Mark Numainville  
City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

- None

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

**Item #1: BPD Annual Update: 2020/First Half of 2021 Crime Report; Council Referrals/Reporting: Use of Force, Stop Data (RIPA Report), Hate Crime Response/Reporting; Departmental Personnel Report: Hiring/Recruitment/Staffing and FIP recommendations implementation**

1. Presentation, submitted by the Police Department

**MINUTES  
BERKELEY CITY COUNCIL  
SPECIAL MEETING**

**TUESDAY, OCTOBER 26, 2021**

**4:00 P.M.**

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**

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## Preliminary Matters

**Roll Call:** 4:06 p.m.

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

**Absent:** Kesarwani

**Public Comment - Limited to items on this agenda only – 1 speaker**

## 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, LaTanya Bellow, Interim Deputy City Manager, Don Ellison, Interim Human Resources Director, Ravinder Rangi, Employee Relations Manager, Jon Holtzman, Labor Negotiator, Dania Torres-Wong, Labor Negotiator, Burke Dunphy, Labor Negotiator, Jen Louis, Interim Chief of Police, Abe Roman, 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, Unrepresented Employees.

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

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

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

Adjourned at 5:02 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session City Council meeting held on October 26, 2021.

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Mark Numainville  
City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, October 26, 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**

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## Preliminary Matters

**Roll Call:** 6:04 p.m.

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

**Absent:** Kesarwani, Droste

Councilmember Kesarwani present at 6:31 p.m.

Councilmember Droste present at 6:39 p.m.

## Ceremonial Matters:

1. Recognition of Jim Jacobs, Pioneering Berkeley Librarian
2. Recognition of Childhood Lead Poisoning Prevention Week (October 24 – October 30)
3. Adjourned in Memory of Dr. John Lowitz, Local Physician
4. Bob Burrell, Berkeley Resident

## City Manager Comments:

The City Manager provided an update on the Reimaging Public Safety process including Task Force activities and planned future meetings.

**Public Comment on Non-Agenda Matters:** 7 speakers.

**Public Comment on Consent Calendar and Information Items Only:** 8 speakers.

**Action:** M/S/C (Arreguin/Robinson) to adopt a temporary rule to limit public comment to one minute per speaker for Consent and Action items.

**Vote:** All Ayes.

## Consent Calendar

**Action:** M/S/C (Arreguin/Hahn) to accept revised material from Councilmember Robinson on Item 30 and 31; to accept revised material from Councilmember Hahn on Item 36; and to accept revised material from Councilmember Harrison on Item 38.

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

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

**Vote:** All Ayes.



## Consent Calendar

1. **Ghost Gun Ordinance**  
**From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Droste (Co-Sponsor)**  
**Recommendation:** Adopt second reading of an Ordinance amending the Berkeley Municipal Code to prohibit any person other than a licensed manufacturer or importer from possessing, selling, offering for sale, transferring, purchasing, transporting, receiving, or manufacturing an unfinished firearm frame or receiver that has not been imprinted with a serial number, subject to certain exceptions pursuant to state law; and prohibiting any person from possessing, manufacturing or assembling a firearm that has not been imprinted with a serial number, subject to certain exceptions pursuant to state law.  
**First Reading Vote:** All Ayes  
**Financial Implications:** Staff time  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Adopted second reading of Ordinance No. 7,789-N.S.
  
2. **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.  
**Financial Implications:** None  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted Resolution No. 70,071-N.S.
  
3. **Referral Response: Amending City Council Office Budget Expenditure and Reimbursement Policies**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution revising the Councilmember Office Budget Relinquishment and Grant Policy to add that donations to nonprofit organizations be made on behalf of the City Council and the residents of Berkeley.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 70,072-N.S.
  
4. **Appointment of Emergency Standby Officer for City Council District 2 and Resignation of Second Standby Officer for District 7**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution confirming the appointment of a newly nominated standby officer for City Council District 2 to serve in the event the elected official is unavailable during an emergency, removing the second standby officer for District 7, and rescinding Resolution No. 69,190-N.S.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 70,073-N.S.

- 5. Revised Conflict of Interest Code**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution adopting a revised Conflict of Interest Code for the City of Berkeley and rescinding Resolution No. 69,152–N.S.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 70,074-N.S.
- 6. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the council meetings of September 14, 2021 (closed and regular), September 21, 2021 (special) and September 28, 2021 (closed and regular).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Approved recommendation.
- 7. Contract No. 32100161 Amendment: Dorothy Day House for Services at 742 Grayson Street**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend contract number 32100161 with Dorothy Day House, adding \$548,096 for a new total not to exceed amount of \$1,657,618, to include the operation of homeless shelter for people living in vehicles in an off-street safe parking program for Recreational Vehicles at 742 Grayson Street, and extending the contract through September 30, 2022.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,075-N.S.
- 8. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 26, 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:** Parking Meter Fund - \$300,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.

9. **Contract: Federal Engineering, Inc. for Prioritized Dispatch Consulting**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Federal Engineering, Inc. (Contractor) to provide prioritized dispatch consulting services from November 1, 2021 to October 30, 2022 in an amount not to exceed \$100,000 with an option to extend for two additional two-year terms, for a total contract amount not to exceed \$300,000.  
**Financial Implications:** See report  
Contact: Abe Roman, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,076-N.S.
10. **Contract No. 31900009 Amendment: Building Opportunities for Self-Sufficiency (BOSS) for Property Management Services at 2111 McKinley Ave**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900009 with Building Opportunities for Self-Sufficiency (BOSS) to fund property management services at 2111 McKinley Avenue in Berkeley, a Supported housing site for mental health division clients, to increase the amount by \$287,712 for a total contract not to exceed \$657,712, and to extend the contract through November 1, 2023.  
**Financial Implications:** FY22 Budget - \$287,712  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,077-N.S.
11. **Contract No. 32100019 Amendment: Sonya Dublin Consulting as the External Evaluator, Tobacco Prevention Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32100019 with Sonya Dublin Consulting as the External Evaluator for Health, Housing and Community Services Public Health Division's Tobacco Prevention Program, increasing the amount by \$9,900 for a total amount not to exceed \$103,500, and extending the contract through December 31, 2021.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,078-N.S.

**12. Contract: Discovery Health Services, Vendor for Citywide COVID-19 Testing  
From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Discovery Health Services for weekly onsite employee COVID-19 testing, for the period covering November 1, 2021 to November 1, 2022 for an amount not to exceed \$450,000.

**Financial Implications:** See report

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 70,079-N.S.

**13. Contract: Voya for Third-Party Administrator for COBRA Administration and Retiree Health Premium Assistance Plan Administration  
From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Voya for COBRA Plan administration and administration of the Retiree Health Premium Assistance Plan for non-sworn retirees and other retiree medical programs for sworn Fire and Police, for the period covering November 1, 2021 to November 1, 2026 for an amount not to exceed \$112,000.

**Financial Implications:** See report

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 70,080-N.S.

**14. Resolution Authorizing an Amendment to CalPERS Contract Pursuant to California Government Code 20516**

**From: City Manager**

**Recommendation:** Adopt a Resolution to initiate process to amend the contract between the Board of Administration, California Public Employees' Retirement System and the City Council for the City of Berkeley pursuant to California Government Code 20516 to effectuate changes to the cost sharing agreement between the City and Unrepresented PEPRA members in the following Units: Units X-1 (Unrepresented Hourly Non-Career); X-2 (Retired Annuitants); Z-1 (Confidential and Executive Management Employees); Z-2 (Confidential Professional Employees); Z-3 (Confidential Clerical Employees); Z-6 (Legislative Analysts); and Z-9 (Unrepresented at-will positions in the Rent Stabilization Program) (collectively referred to as "Unrepresented Group").

As part of the most recent negotiations regarding the memorandum of understanding between the City and SEIU Local 1021 Maintenance and Clerical (MC), the parties agreed to reduce the MC PEPRA members' employer cost share (Ramp Down) of eight percent (8%) over the term of the current MOUs. Although the Unrepresented Group is not represented by a labor group, they customarily receive the same negotiated benefits afforded to the MC chapters.

**Financial Implications:** See report

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 70,081-N.S.

**15. Revise Housing Inspector Supervisor Classification and Salary**

**From: City Manager**

**Recommendation:** Adopt a Resolution amending Resolution No. 69,996-N.S. Memorandum of Understanding: Public Employees Union - Local 1, revising the Housing Inspector Supervisor Classification and Salary.

**Financial Implications:** See report

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 70,082-N.S.

**16. Assistant Inspector, Housing Inspector I, Housing Inspector II, and Senior Housing Inspector**

**From: City Manager**

**Recommendation:** Adopt a Resolution amending Resolution No. 69,991-N.S. Classification and Salary Resolution for SEIU 1021 Community Services and Part-Time Recreation Activity Leaders Memorandum Agreement, Unit L (career and non-Career, miscellaneous and administrative employees) adding Assistant Inspector, Housing Inspector I, Housing Inspector II and Senior Housing Inspector.

**Financial Implications:** See report

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 70,083-N.S.

- 17. Dell Computers, Inc.: Using National Association of State Procurement Officials (NASPO) ValuePoint Cooperative Purchasing Agreement for Computer Hardware and Software Purchases**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to increase spending authority with Dell Computers, Inc. for the purchase of computer and server hardware, software, and related services, utilizing pricing and contracts, amendments, and extensions from the National Association of State Procurement Officials (NASPO) ValuePoint for the period beginning October 26, 2021 through June 30, 2023 for an amount not-to-exceed (NTE) \$1,939,538 with \$1,019,769 in Fiscal Year 2022 and \$919,769 in Fiscal Year 2023.  
**Financial Implications:** Various Funds - \$1,939,538  
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,084-N.S.
- 18. Contract No. 122411-2 Amendment: Communication Strategies for Consulting Services for Voice over IP (VoIP) Extending Support and Maintenance and AT&T Phone Bill Audit**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 122411-2 with Communication Strategies for Consulting Services for Voice over IP (VoIP) extending Support and Maintenance and in order to conduct a phone billing audit of AT&T, increasing the contract amount by \$14,625 for a total not-to-exceed amount of \$97,436 from July 1, 2017 to June 30, 2023.  
**Financial Implications:** IT Cost Allocation Fund - \$14,625  
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,085-N.S.
- 19. Grant Application: the San Francisco Restoration Authority Measure AA Grant Program for Pre-Construction documents for Potential Improvement Projects at Aquatic Park**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to: 1) submit a grant application in the amount of \$897,000 to the San Francisco Restoration Authority Measure AA Grant Program to prepare pre-construction technical documents for potential improvement projects at Aquatic Park; 2) accept any grants; 3) execute any resulting grant agreements and any amendments; and that Council authorize 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. 70,086-N.S.

- 20. Grant Application: Boating Safety and Enforcement Equipment (BSEE) grant program of the California Division of Boating & Waterways**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to 1) submit a grant application to the California Division of Boating and Waterways 2021 BSEE grant program for \$20,000; 2) accept any grants; and 3) execute any resulting grant agreements and any amendments; and the City Council authorizes the implementation of the projects 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. 70,087-N.S.
- 21. Renewal of the Elmwood Avenue BID for Calendar Year 2022**  
**From: Elmwood Advisory Board**  
**Recommendation:** Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2021 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2022; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2022 and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 16, 2021.  
**Financial Implications:** See report  
Contact: Kieron Slaughter, Commission Secretary, (510) 981-7530  
**Action:** Adopted Resolution No. 70,088-N.S.
- 22. Renewal of the Solano Avenue BID for Calendar Year 2022**  
**From: Solano Avenue BID Advisory Board**  
**Recommendation:** Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2021 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2022; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2022; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 16, 2021  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Commission Secretary, (510) 981-7530  
**Action:** Adopted Resolution No. 70,089-N.S.

- 23. Budget Referral: Reckless Driving and Sideshow Deterrence Improvements**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** That the City Council refers to the FY2023 budget process the funding of sideshow deterrence infrastructure, traffic circles or bott's dots, at the following intersections:  
Seventh Street and Addison Street, Eighth Street and Channing Way, Bonar Street and Allston Way, Bonar Street and Bancroft Way, additional intersections to be determined by the Transportation Division of the Public Works Department. The Transportation Division shall determine which intersections best qualify for bott's dots and which qualify for traffic circles.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation as revised in Supplemental Communications Packet #2 by Councilmember Taplin.
- 24. Budget Referral: Sidewalk Repair on Arterial Streets**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** That the City Council refers to the FY2023 budget process an allocation of \$600,000 from the General Fund for the purpose of funding sidewalk repairs on major West and South Berkeley arterial streets including Sacramento Street, Alcatraz Avenue, and Dwight Avenue.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
- 25. CalVIP Grant Application Authorization**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Authorize the City Manager to respond to Requests For Proposals (RFPs) and submit applications to the California Violence Intervention and Prevention (CalVIP) Grant Program in future funding cycles in order to provide resources for community safety initiatives.  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.



- 26. Presentation Request: Study to Achieve Equity in City Contracting - “Berkeley Inclusion in Opportunity Index”**  
**From: Councilmember Bartlett (Author) and Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Request for Mason Tillman Associates Ltd (MTA) to present their findings and recommendations from the “Berkeley Inclusion in Opportunity Index” study at the November 9th, 2021 City Council meeting. The presentation should include an analysis of the City’s use of local, small, emerging, and diverse enterprises. The study focuses on enterprises experiencing barriers to access in obtaining City contracts in construction, architecture, engineering, professional services, goods, and other services.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Approved recommendation.
- 27. Support Net Energy Metering**  
**From: Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor) and Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Approve a Resolution in Support of Net Energy Metering and transmit copies to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC).  
**Financial Implications:** None  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Adopted Resolution No. 70,090-N.S.
- 28. Amend City Council Rules of Procedure and Order to Allow Extension of Items in Committee in Writing**  
**From: Councilmember Robinson (Author)**  
**Recommendation:** Adopt a Resolution revising the City Council Rules of Procedure and Order to amend Chapter III, Section G, Subsection 4 to allow the Chair of a Committee to accept a Primary Author’s written request that their item remain in Committee past the 120 day deadline rather than requiring that extensions be approved by a full vote of the committee.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Adopted Resolution No. 70,091-N.S.

- 29. Budget Referral: Public Bank East Bay**  
**From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor) and Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Refer \$50,000 to the November 2021 AAO process for a contribution to the Friends of the Public Bank East Bay for the development of a business plan for the Public Bank East Bay.  
**Financial Implications:** General Fund - \$50,000  
 Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Approved recommendation.
- 30. Budget Referral: Durant Parklet and Telegraph Plaza Improvements**  
**From: Councilmember Robinson (Author) and Mayor Arreguin (Co-Sponsor)**  
**Recommendation:** Refer \$60,000 to the November 2021 AAO process for placemaking improvements in the Telegraph District, consisting of the installation of a public parklet on Durant Avenue and the closure of the right-turn slip lane at the Dwight Triangle to create a public plaza.  
**Financial Implications:** \$60,000  
 Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Approved recommendation as revised in supplemental materials submitted by Councilmember Robinson at the meeting.
- 31. Budget Referral: Telegraph Shared Streets Feasibility Study**  
**From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor) and Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Refer \$500,000 to the November 2021 AAO process for conducting a feasibility study of the Telegraph Shared Streets project.  
**Financial Implications:** \$500,000  
 Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Approved recommendation as revised in supplemental materials submitted by Councilmember Robinson at the meeting.

## 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.*

*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.*

**32. Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04 (Continued from October 12, 2021) (Item contains Supplemental material)**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23C.24] and amendments to relevant Definitions [BMC Chapter 23F.04] in the Zoning Ordinance.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 31 speakers.

**Action:** M/S/C (Hahn/Arreguin) to suspend the rules and extend the meeting to 11:30 p.m. and to continue Items 35, 36, and 38 to November 9, 2021.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Wengraf) to suspend the rules and extend the meeting to 11:45 p.m.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Kesarwani) to suspend the rules and extend the meeting to 11:50 p.m.

**Vote:** All Ayes.

**Action:** M/S/C (Wengraf/Robinson) to suspend the rules and extend the meeting to 12:00 a.m.

**Vote:** All Ayes.

**Action:** M/S/Failed (Hahn/Harrison) to 1) Refer the development of a local ADU Ordinance that only covers area outside of Fire Zones 2 and 3; and Zones 2 and 3 continue to be governed by state regulations at this time; Refer to the City Attorney development of a special ordinance for Zones 2 and 3 with specific findings regarding public safety needs; 2) Include 20 foot height by right and a 4 foot setback with no protrusions into the setback; 3) Prohibit roof decks; 4) Include the 3 foot setback from the proposal by Councilmember Kesarwani; 5) Do not include language regarding design standards; 6) Request staff to propose language on the notification of existing tenants; 7) Provide links to requirements in other comparable jurisdictions; 8) Consider an AUP process for ADUs that exceed standards but may still be allowed; 9) Provide information of the oak tree replacement concept.

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

**Action:** M/S/Carried (Kesarwani/Taplin) to:

- 1) Adopt the proposed recommendations from Councilmembers Kesarwani, Bartlett, Taplin, and Robinson contained in Supplemental Communications Packet #2 for area outside the Hillside Overlay District only.
- 2) Referral to the November 4 Legislative Platform Meeting, a discussion of ADU limitations in the Hillside Overlay District.
- 3) For the Hillside District, in light of the public hazards and life safety concerns, we refer to the City Manager and City Attorney for staff analysis and recommendations for a potential ordinance, Councilmember Wengraf's full list of recommendations (including the number of ADUs on a parcel) as well as the issue of ADU limitations where there is one access and egress route with a goal of returning within a month or less.
- 4) Refer to the City Manager and the City Attorney the proposal from Councilmember Robinson to consider the following language: "As part of their application, an applicant will attest to whether the lot on which the proposed ADU or JADU is to be built is occupied by tenants." Further, to consider creating a notification system for tenants of properties where an ADU is to be ministerially approved, including potentially by requiring in the code that property owners notify their tenants or by creating a staff-side notification process, and to explore other options to protect tenants, with special attention to elderly and disabled tenants.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:10 a.m.

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

Councilmember Harrison absent at 11:56 p.m.

**33. Proposed Ordinance Amending Paragraph ‘NN’ of Berkeley Municipal Code Section 19.48.020**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the second reading of Ordinance No. 7,788-N.S. which modifies the language of Paragraph ‘NN.’ of Berkeley Municipal Code Section 19.48.020 (“Amendments to the California Fire Code) by adopting a building standard which is more restrictive than that standard currently contained in the California Fire Code and which will expand the existing local code amendment that requires the installation of fire sprinklers in new structures and the retrofit fire sprinklers into existing structures that currently exists in Fire Zone 3 to include structures located in Berkeley Fire Zone 2.

**First Reading Vote:** All Ayes

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 9 speakers.

M/S/C (Arreguin/Robinson) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Wengraf/Droste) to adopt the second reading of Ordinance No. 7,788-N.S.

**Vote:** All Ayes.

Recess 7:57 p.m. – 8:12 p.m.

## Action Calendar – Old Business

**34. Identifying City Council Referrals for Removal** *(Continued from October 12, 2021)*

**From: City Manager**

**Recommendation:** 1. Review the referrals marked as rescinded by the sponsoring Councilmember or District; 2. Consider the referrals identified by Councilmembers for further discussion; and 3. Approve the removal of referrals that have been marked as rescinded by the sponsoring Councilmember or District.

**Financial Implications:** None

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

**Action:** 4 speakers. M/S/C (Arreguin/Droste) to approve the removal of the referrals in the item with the following changes:

- 1) Remove the Fair Chance Ordinance item (Arreguin)
- 2) Keep the Racism as a Public Health Threat item (Taplin)
- 3) Keep the Referral to Prevent Displacement item (Taplin)
- 4) Remove the five items identified by Councilmember Robinson in Supplemental Communications Packet #1 (Robinson)
- 5) Keep the AC Transit MOU item (Hahn)

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

**35. Amending the Berkeley Election Reform Act (BERA) Relating to Officeholder Accounts** *(Reviewed by the Agenda & Rules Committee) (Continued from October 12, 2021)*

**From: Agenda & Rules Committee: Mayor Arreguin, Councilmember Hahn, Councilmember Wengraf**

**Recommendation:** Take one of the following actions:

1. Refer a proposal to the Fair Campaign Practices Commission (FCPC) amending the Berkeley Election Reform Act (BERA), BMC Chapter 2.12, and Lobbyist Registration Act, BMC Chapter 2.09, to enact “a reasonable set of limitations and rules” to regulate the maintenance of officeholder accounts, as developed and referred for consideration by the Agenda and Rules Committee; or
2. Refer a proposal to the FCPC amending BERA, BMC Chapter 2.12, to prohibit Officeholder Accounts, as originally proposed by the Fair Campaign Practices Commission.

*Policy Committee Recommendation: Send the item to Council with two proposed alternatives: 1) Councilmember Hahn’s proposal to regulate officeholder accounts, and 2) the Fair Campaign Practices Commission proposal to prohibit officeholder accounts; and to include the Commission’s analysis of regulating officeholder accounts in the item that goes to the full Council.*

**Financial Implications:** See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

**Action:** Item 35 continued to November 9, 2021.

**36. Objective Standards Recommendations for Density, Design and Shadows** *(Continued from October 12, 2021) (Item contains Supplemental material)*

**From: Joint Subcommittee for the Implementation of State Housing Laws**

**Recommendation:** Refer to the Planning Commission and Design Review Committee to review the recommendations from the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) for objective standards for density, design and shadows and draft Zoning Ordinance amendments for City Council consideration.

**Financial Implications:** See report

Contact: Alene Pearson, Commission Secretary, (510) 981-7400

**Action:** Item 36 continued to November 9, 2021, including materials in Supplemental Communications Packet #1 and Supplemental material submitted at the meeting from Mayor Arreguin, Councilmembers Wengraf, Hahn, and Harrison.

- 37. Letter to Senate Budget Committee Chair Sen. Skinner Regarding Berkeley Pier** *(Continued from October 12, 2021)*  
**From: Councilmember Taplin (Author), Mayor Arreguin (Co-Sponsor), Councilmember Robinson (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)**  
**Recommendation:** Send a letter to State Senator Nancy Skinner (D-Berkeley), Chair of the Senate Budget Committee, requesting state budget allocations for urgent infrastructure needs at the Berkeley Municipal Pier.  
**Financial Implications:** None  
 Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Moved to Consent Calendar. Adopted recommendation with revised letter as written in Supplemental Communications Packet #2 from Councilmember Taplin.
- 38. Budget Referral: Allocate General Fund Revenues to Support Pilot Program Offering Free AC Transit on Sundays in Berkeley** *(Continued from October 12, 2021) (Item contains Supplemental material)*  
**From: Councilmember Harrison (Author) and Councilmember Bartlett (Co-sponsor)**  
**Recommendation:** Refer to the November 2021 budget process approximately \$500,000 in General Fund Revenue toward fully subsidizing AC Transit fares originating from Berkeley on Sundays for at least one calendar year and possible restoration of the suspended Line 80 serving some of Berkeley's lowest income neighborhoods.  
**Financial Implications:** General Fund - \$500,000  
 Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Item 38 continued to November 9, 2021 including revised material submitted at the meeting from Councilmember Harrison.

### Action Calendar – New Business

- 39. 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** *(Reviewed by the Budget & Finance Policy Committee)*  
**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  
**Action:** Item 39 continued to November 9, 2021.

**40. Annual Commission Attendance and Meeting Frequency Report**

**From: City Manager**

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

**Action:** Received and filed.

**41. Senior Center Survey Results – Fiscal Year 2021**

**From: City Manager**

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

**Action:** Received and filed.

**42. Parks and Waterfront Commission Work Plan for 2021-2022**

**From: City Manager**

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**Action:** Received and filed.

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

**Adjournment**

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

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin;

Noes – None; Abstain – None; Absent - Harrison.

Adjourned at 12:05 a.m.

I hereby certify that the foregoing is a true and correct record of the regular session City Council meeting held on October 26, 2021.

\_\_\_\_\_  
Mark Numainville  
City Clerk

**Communications – October 26, 2021**

**Homelessness**

1. Councilmember Taplin
2. Diana Bohn
3. Maria St. John
4. Alison Huetter
5. Hugh Fountain
6. Tim Southwick
7. Laura Menard
8. Councilmember Bartlett



9. Jae Wheeler

**RV Parking**

- 10. Maryann O'Sullivan
- 11. Diana Bohn
- 12. Mimi Mougovan
- 13. Yesica Prado

**Street Paving Equity**

- 14. Kelley Zito
- 15. Mikko Jokela
- 16. Lauren Gularte
- 17. Markus Feyh

**Automated License Plate Readers (ALRP)**

- 18. 18 similarly-worded from letters
- 19. Becca Schonberg

**Affordable Housing Overlay**

- 20. Alfred Twu
- 21. Nico Nagle, on behalf of the Housing Action Coalition

**North Berkeley BART Zoning**

- 22. Mary Rose

**Leonard Powell Saga**

- 23. Steve Martinot

**Lori Droste's Interview Request**

- 24. Jalaya

**BUSD Student Vaccine Mandate**

- 25. Nathan Shepard

**Sugar-Sweetened Beverage Product Panel Experts Commission (SSBPPE)**

- 26. Holly Scheider, Chairperson, SSBPPE Commission

**City Vacant Positions**

- 27. Margot Smith

**Police Accountability Board, et al**

- 28. Katherine Lee, Interim Director of Police Accountability (2)

**Mask Mandate**

- 29. Anne McClintock

- 30. COVID-19 Information Service, City of Berkeley
- 31. B. Beekman

**UC Berkeley Adding 20,000 Students**

- 32. Margot Smith

**Sanctuary City and Motorola**

- 33. B. Beekman

**Mats in King Pool Locker Room**

- 34. Katie Calvert

**Public Toilets in Front of the People's Park Mural**

- 35. Rachel Neuman
- 36. Diana Bohn
- 37. Amy Kimmel
- 38. Sylvia
- 39. Harvey Smith
- 40. Kelly Hammargren
- 41. Liam Garland, Director of Public Works
- 42. Carol Denney
- 43. Carrie Olson
- 44. Gar Smith
- 45. Marcia Poole
- 46. Councilmember Harrison
- 47. Maris Arnold
- 48. Deborah Green
- 49. Lisa Teague
- 50. Daniella Thompsin
- 51. Maureen Kildee
- 52. Lee Altenberg
- 53. Max Ventura
- 54. Andrea Prichett
- 55. Alan Steinbach

**Bayer Healthcare – Public Hearing Notice**

- 56. Alene Pearson, on behalf of Planning

**URL's Only**

- 57. Russbumper (2)
- 58. Vivian Warkentin

**Supplemental Communications and Reports 1**

**Item #32: Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04**

- 59. Supplemental material, submitted by Councilmember Kesarwani
- 60. Doris Nassiry
- 61. Steven Segal
- 62. Cameron Woo
- 63. Christine Rosen

**Item #34: Identifying City Council Referrals for Removal**

- 64. Supplemental material, submitted by Councilmember Robinson

**Item #36: Objective Standards Recommendation for Density, Design and Shadows**

- 65. Supplemental material, submitted by Councilmember Hahn

**Supplemental Communications and Reports 2**

**Item #23: Budget Referral: Reckless Driving and Sideshow Deterrence Improvements**

- 66. Supplemental material, submitted by Councilmember Taplin

**Item #27: Support Net Energy Metering**

- 67. Todd and Linda Darling

**Item #32: Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04**

- 68. Supplemental material, submitted by Councilmember Wengraf
- 69. Revised material, submitted by Councilmember Kesarwani
- 70. Gregory Fischer
- 71. Alfred Twu
- 72. Jeffrey Heller
- 73. Eric Johnson
- 74. Claudia Kawczynska
- 75. Michael Ely
- 76. Riti Dhesi
- 77. Oren Leiman
- 78. Mary Ann Wenger
- 79. Robert Sonderegger
- 80. Navarre Oaks
- 81. Cameron Woo
- 82. Michael Katz
- 83. Emily McAfee
- 84. Debra Sanderson, Co-chair, ADU Task Force
- 85. Karen Gilligan
- 86. Linda Schmidt
- 87. Tawny Reynolds
- 88. Kelly Hammargren
- 89. Elizabeth Snowden
- 90. Charles Smith

91.30 similarly- worded form letters

**Item #36: Objective Standards Recommendation for Density, Design and Shadows**

- 92. Gary Weimberg
- 93. Eric Arens
- 94. James Grow
- 95. Elizabeth Ditmars
- 96. Gary Dahl
- 97. Charlene Woodcock
- 98. Jack Litewka
- 99. Rob Wrenn
- 100. Jane Graly
- 101. Sabina McMurtry
- 102. Daniel Caraco
- 103. Tom Graly
- 104. Paul Cox
- 105. Mischa Lorraine
- 106. Vincent Casalaina
- 107. Jane Tierney
- 108. Barbara Fisher
- 109. Theresa Gensler
- 110. Eva Herzer
- 111. Donna Mickleson
- 112. Greysonne Coomes
- 113. Steve Jackson and Kori Kody
- 114. Carla Woodworth
- 115. Kelly Hammargren
- 116. Sally Bean
- 117. Gregor and Rosa Hicks
- 118. Toni Mester
- 119. Linda Yen

**Item #37: Letter to Senate Budget Committee Chair Sen. Skinner Regarding Berkeley Pier**

- 120. Supplemental material, submitted by Councilmember Taplin
- 121. Amma Oduro
- 122. Nicholas Waton
- 123. Micaela Hardt
- 124. Eric Smith

**Item #38: Budget Referral: Allocate General Fund Revenues to Support Pilot Program Offering Free AC Transit on Sundays in Berkeley**

- 125. Masha Albrecht
- 126. Lisa Guis
- 127. David Otten

- 128. Marjorie Alvord
- 129. Daveed Mandell

**Item 39: 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**

- 130. Camille Antinori, on behalf of the Cal Sailing Club
- 131. Peter Kuhn (2)
- 132. Councilmember Harrison
- 133. Robert Ofsevit
- 134. Umair Khokhar

**Supplemental Communications and Reports 3**

**Item #27: Support Net Energy Metering**

- 135. Tawny Reynolds
- 136. Liam Herbert
- 137. Igor Tregub, on behalf of California Solar & Storage Association

**Item #30: Budget Referral: Durant Parklet and Telegraph Plaza Improvements**

- 138. Revised material, submitted by Councilmember Robinson

**Item #31: Budget Referral: Telegraph Shared Streets Feasibility Study**

- 139. Revised material, submitted by Councilmember Robinson

**Item #32: Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04**

- 140. Presentation, submitted by Planning
- 141. 14 similarly-worded form letters
- 142. 124 similarly-worded form letters (Supp 2 comments)
- 143. Nancy Rader
- 144. Sharon Entwistle
- 145. David Parsons
- 146. Kristina Kessel
- 147. Trei Campbell
- 148. Philip and Sonya Hunt
- 149. Carol Dorf
- 150. Joann Sullivan
- 151. Barbara Fisher
- 152. Barry Eichengreen
- 153. Chris McKee
- 154. Jimmy Owens
- 155. Elsa Tranter
- 156. Brandin Roat
- 157. Barbara Davis
- 158. Robert Girling

159. Sarah Liu
160. Joan Wager
161. John Coveney
162. Ellen Greenblatt
163. Tetsu Tokunaga
164. James Jones
165. Schuyler Bailey
166. Maya Trilling
167. Lila Crutchfield
168. Jenny Wenk
169. Kathryn Snowden
170. Jo Ann Driscoll
171. Christopher Adams
172. Carolyn West
173. Mike Bank
174. Ben Buckman
175. Bruce Brody
176. Sally and Jonathan Francis
177. David Johnson
178. George Porter (3)
179. Cindy Larson
180. Gina Rieger
181. Robert Sonderegger
182. Karen Chernoff
183. William Foley
184. Helen Marcus
185. Robert Warden
186. Eileen Adams
187. John Parman
188. Karen Kissler
189. Carmelle Knudsen
190. Nigel Blair-Johns
191. Steve Jackson and Kori Kody
192. Carla Schneiderman
193. Brian Gilbane
194. Bonnie
195. Rachel Bradley
196. Bryce Nesbitt
197. Kathleen Weaver
198. Gail Machlis
199. Eric Friedman
200. Rachel Biale
201. Ellen Matthews
202. George Leitmann
203. Marissa Moss
204. Gail Greenwood

205. Cindy Rosenthal
206. Linda Aurichio
207. Karen Tobey
208. Diane Damonte
209. Jen Bilik
210. Connie Field
211. Ellen Archilla
212. Tami Boulet and Nick Rizza
213. Isaac Turiel
214. Natalie Leimkuhler
215. Pierre Divenyi
216. Robert Hoffman
217. Soufyane Zatla
218. Ryan O'Connell
219. Lee Bishop
220. Scott Scheffler
221. Gary Miguel
222. Hope Alper
223. Marjorie Fletcher
224. John and Nancy Lawrence
225. Jerry Skrainar
226. Kevin Powell
227. Shawn Drost
228. Carrie Kabat
229. David Thill
230. Paul Winsberg
231. Judith Tabb
232. Phyllis Olin
233. Fred Schlachter
234. Tony Hawthorne
235. Bryce Nesbitt
236. David Baxter
237. Kay Licina
238. Regina Stefaniak
239. Pablo Diza-Gutierrez
240. Gretchen Brandt
241. Naomi Pearce
242. Molly Raphael
243. Paula Morgan
244. Milton McClaskey
245. Christina Crowley
246. Paul Litsky
247. Jonathan Bailey
248. Melinda di Sessa
249. Shirley Issel
250. Jacques Watteyne

- 251. Bonnie Wade
- 252. Pamela Doolan
- 253. Melinda Derish and Cassius Scott
- 254. Lisa and Tim Goodman
- 255. Beth Feingold
- 256. Vanessa Bohm (2)
- 257. Richard Hiersch
- 258. Sylvia Conant
- 259. David Socholitzky
- 260. Leah Isaacson
- 261. Doris Nassiry
- 262. Bianca Walser
- 263. Diane Tokugawa
- 264. Colin McRae
- 265. Ted Raphael
- 266. Susie Bailey
- 267. Victoria deMara
- 268. James Nelson
- 269. Candace and Rick Medress
- 270. Carol Valk
- 271. Jean Krois
- 272. Barbara Vaughan
- 273. Kim Sharrar
- 274. John Hitchen
- 275. Dave Savidge
- 276. Thomas Belfort
- 277. Shelley Izquierdo
- 278. David Feiten
- 279. Robert Dering and Gay Gale
- 280. George Porter
- 281. Shirley Issel
- 282. Diane Webershapiro

**Item #33: Proposed Ordinance Amending Paragraph “NN” of Berkeley Municipal Code Section 19.48.020**

- 283. Presentation, submitted by Fire

**Item #36: Objective Standards Recommendation for Density, Design and Shadows**

- 284. Supplemental material, submitted by Councilmember Hahn
- 285. Todd Darling
- 286. Wendy Alfsen
- 287. Keith Johnson
- 288. Linda Franklin
- 289. Rafa Sonnenfeld
- 290. Erin Diehm



- 291. Constance Rivemale
- 292. Deborah Kropp
- 293. Karen Weil
- 294. David Ushijima
- 295. Oren Cheyette
- 296. Richard Illgen
- 297. Thomas Lord
- 298. Councilmember Harrison
- 299. Mark Morris

**Item #38: Budget Referral: Allocate General Fund Revenues to Support Pilot Program Offering Free AC Transit on Sundays in Berkeley**

- 300. Supplemental material, submitted by Councilmember Harrison
- 301. Mary Lim-Lampe
- 302. MJ Baumann
- 303. Kevin Jude
- 304. Igor Tregub, on behalf of the Sierra Club

**Item 39: 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**

- 305. Gordon Wozniak, Chair of the Parks and Waterfront Commission