

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, July 28, 2020
6:00 PM

JESSE ARREGUIN, MAYOR
Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/83653444287>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial **1-669-900-9128** and enter Meeting ID: **836 5344 4287**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

To submit an e-mail comment during the meeting to be read aloud during public comment, email clerk@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 6:05 p.m.

Present: Davila, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Kesarwani, Bartlett

Councilmember Kesarwani present at 6:07 p.m.

Councilmember Bartlett present at 6:11 p.m.

Ceremonial Matters:

1. Adjourned in Memory of Clark Sylvan, Local Activist

City Manager Comments:

The City Manager provided a presentation on the SMART Roadmap

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 21 speakers.

Action: M/S/C (Arreguin/Hahn) to adopt temporary rules to allow the Presiding Officer additional discretion to adjust the time allotted for public comment to under two minutes if needed.

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

Action: M/S/C (Arreguin/Wengraf) to adopt Item 42 on the Consent Calendar as amended to be a referral to the City Manager, Planning Commission, and Land Use, Housing, and Economic Development Committee.

Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Droste (Recused – lives on golden duplex eligible parcel)

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

Vote: All Ayes.

Consent Calendar

- 1. Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Excavations for Video and Telecommunications Systems)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,726-N.S. amending Berkeley Municipal Code Chapter 16.10 (Excavations for Video and Telecommunications Systems).
First Reading Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila; Absent – None.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,726–N.S.
- 2. City Consent to Declaration of Easements Between 2009 Addison and 2015 Addison**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,728-N.S. authorizing the City Manager to give City consent to an amended declaration of easements for safety and access between 2015 Addison Street, which is owned by the Berkeley Repertory Theater, and 2009 Addison Street, owned by the Joint Powers Financing Authority, leased by the City of Berkeley, and subleased to the Berkeley Repertory Theater.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,728–N.S.
- 3. Resolution Reviewing and Ratifying the Proclamation of Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**
From: City Manager
Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020 and June 16, 2020.
Financial Implications: To be determined
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 69,507–N.S.

Consent Calendar

4. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the council meetings of June 2, 2020 (closed and regular), June 9, 2020 (special and special), June 16, 2020 (special, special and regular), June 22, 2020 (closed), June 23, 2020 (special), June 24, 2020 (closed) and June 30, 2020 (closed and regular).

Financial Implications: None

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

Action: Approved the minutes as submitted.

5. Establish 2021 City Council Meeting Schedule

From: City Manager

Recommendation: Adopt a Resolution establishing the City Council regular meeting schedule for 2021, with starting times of 6:00 p.m.

Financial Implications: None

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

Action: Adopted Resolution No. 69,508–N.S.

6. Grant to Animal Services from the Avast Foundation

From: City Manager

Recommendation: Adopt a Resolution accepting a grant for Animal Services from the Avast Foundation in the amount of \$10,000.

Financial Implications: Animal Services Donation Fund - \$10,000 (grant)

Contact: Erin Steffen, City Manager's Office, (510) 981-7000

Action: Adopted Resolution No. 69,509–N.S.

7. Grant from the California Arts Council

From: City Manager

Recommendation: Adopt a Resolution accepting a \$10,500 grant from the California Arts Council for the Berkeley Civic Arts Program to partner with the Berkeley Unified School District (BUSD) and four community arts providers to provide arts programming for BUSD summer sessions.

Financial Implications: See report

Contact: Jordan Klein, Economic Development, (510) 981-7530

Action: Adopted Resolution No. 69,510–N.S.

8. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 28, 2020

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: Various Funds - \$8,645,000

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

Action: Approved recommendation.

Consent Calendar

9. Contract No. 32000094 Amendment: Youth Spirit Artworks to Provide Transition Age Youth (TAY) Case Management and Linkage Services From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with vendor Youth Spirit Artworks (YSA) to provide Transition Age Youth (TAY) case management and linkage services through June 30, 2021 in an amount not to exceed \$317,000. This will extend the existing contract by one year and add in \$100,000.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,511–N.S.

10. Revenue Grant Agreement: Federal COVID19 Funding Support from the Centers for Disease Control and Prevention for the Epidemiology and Laboratory Capacity CARES Grant From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to Heluna Health, to accept this COVID19 response grant, and to execute any resultant revenue agreements and amendments; which enables us to conduct and implement mitigation strategies in response to COVID19 for the following revenue agreement: Public Health Emergency Preparedness's COVID-19 Response Program in the projected allocation of \$196,965 for FY 2021.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,512–N.S.

11. Operating Funding for Community Housing Development Organizations From: City Manager

Recommendation: Adopt a Resolution: 1. Approving a multiyear operating funding contract for Resources for Community Development (RCD) and Satellite Affordable Housing Associates (SAHA), starting FY21 and ending FY25; 2. Approving funding in the amount of \$50,000 to RCD and \$50,000 to SAHA for FY21; 3. Authorizing City Manager or her designee to determine the amount of funding to be awarded to each organization in subsequent years, FY22 to FY25, based on the amount of the City's annual allocation of Community Housing Development Organization (CHDO) HOME funds and availability of General Fund match; and 4. Authorizing the City Manager to execute all original or amended documents or agreements to effectuate this action.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,513–N.S.

Consent Calendar

- 12. California Mental Health Services Authority (CalMHSA) Participation Agreement for the Mental Health Services Act, Innovations, Help@Hand Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an agreement with the California Mental Health Services Authority (CalMHSA) to enable the City of Berkeley to participate in the Mental Health Services Act (MHSA) Innovations (INN) Help@Hand multi-county collaborative project, and to extend the project through June 30, 2024.
Financial Implications: See report.
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,514–N.S.
- 13. Contract Amendments: Contract No. 42000079 with Community Services Block Grant (CSBG) for Calendar Year 2020-21 and Contract No. 32000238 with Downtown Berkeley Association (DBA) for Double Helping Hand Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to:
1. Execute an amendment to Contract No. 42000079 with the State of California’s Department of Community Services and Development (CSD) for Community Services Block Grant (CSBG) Contract Number 20F-3001 to increase the amount to \$304,355 and extend the contract period to May 31, 2021, and to execute any resultant agreements and amendments to provide services to low-income people for the period January 1, 2020 to May 31, 2021; and
2. Execute an amendment to Contract No. 32000238 with the Downtown Berkeley Association (DBA) for the Double Helping Hand program for meals for the unhoused population by providing an additional \$37,492 in CSBG funding for a total amount not to exceed \$87,492.
Financial Implications: See report
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,515–N.S.
- 14. Contract No. 7167J Amendment: Superior, LLC for Upgrade and Support Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7167J with Superior, LLC for development of functionalities, installation and preparation for the software upgrade of the City’s FUND\$ system on the AS400 platform, increasing the contract amount by \$90,000 for a total not-to-exceed amount of \$3,565,765 from July 1, 2006 through June 30, 2021.
Financial Implications: Various Funds - \$90,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,516–N.S.

Consent Calendar

- 15. Contract No. 31900122-1 Amendment: Rolling Orange, Inc. for Website Redesign, Web Content Management System (CMS), and Support**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900122-1 with Rolling Orange, Inc. for the additional web application development, for an amount not-to-exceed \$72,000 and a total contract value not-to-exceed \$559,300 from March 1, 2019 to June 30, 2022.
Financial Implications: IT Cost Allocation Fund -\$72,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,517–N.S.
- 16. Contract No. 10549A Amendment: Tyler Technologies Enterprise Resource Planning System for software licensing, implementation and maintenance services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Tyler Technologies for software licensing, enhanced implementation services and maintenance services for the online Enterprise Resource Planning (ERP) system for the amount not to exceed \$650,000 and a total contract value not to exceed \$3,952,663 from April 1, 2017 to June 30, 2023.
Financial Implications: FUND\$ Replacement Fund - \$650,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,518–N.S.
- 17. Contract No. 10515A Amendment: Tyler Technologies, Inc. for New World Public Safety Computer Aided Dispatch (CAD 911) Software**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10515A with Tyler Technologies, Inc. for New World's Computer Aided Dispatch (CAD) for Police and Fire, Mobile messaging and field reporting modules, for license renewal, software support and maintenance services, increasing the amount by \$367,500, for a total not to exceed \$1,555,230 for the period March 30, 2017 to June 30, 2021.
Financial Implications: General Fund - \$367,500
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,519–N.S.
- 18. Contract: ePlus for Cohesity Backup Solution and Hosted Cloud Storage**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Contract with ePlus for the Cohesity backup solution and hosted cloud storage, for a total contract amount not to exceed \$608,400 for the term September 1, 2020 through August 31, 2025.
Financial Implications: IT Cost Allocation Fund - \$608,400
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,520–N.S.

Consent Calendar

- 19. Contract: Digital Hands for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract and subsequent amendments with Digital Hands, for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM), for a total not to exceed amount of \$405,000, from September 1, 2020 to August 31, 2023.
Financial Implications: IT Cost Allocation Fund - \$405,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,521–N.S.
- 20. MOU with “A Safe Place” Domestic Violence Shelter**
From: City Manager
Recommendation: Adopt a Resolution approving the Memorandum of Understanding (MOU) entitled “Memorandum of Understanding with A Safe Place, a domestic violence shelter provider, and authorize the Chief of Police to enter into this agreement and any amendments.
Financial Implications: See report
Contact: Andrew Greenwood, Police, (510) 981-5900
Action: Adopted Resolution No. 69,522–N.S.
- 21. MOU with California Department of Justice to Accept Grant for Submission and Testing of Sexual Assault Evidence**
From: City Manager
Recommendation: Adopt a Resolution approving the Memorandum of Understanding (MOU) entitled “Memorandum of Understanding with the California Department of Justice.” The Berkeley Police Department has been selected to receive a \$312,284 grant for testing untested Sexual Assault Evidence. Approving this MOU will allow reimbursement of testing expenses and related costs covered by the grant. Authorize the Chief of Police to enter into this agreement and any amendments.
Financial Implications: See report
Contact: Andrew Greenwood, Police, (510) 981-5900
Action: Adopted Resolution No. 69,523–N.S.
- 22. Lease Agreement: 1001 University Avenue with The Berkeley Food Network**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a retroactive lease agreement with The Berkeley Food Network (BFN) to use the City property at 1001 University Avenue for a three-year lease term with an option to extend for two additional one-year terms.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted first reading of Ordinance No. 7,729–N.S. Second reading scheduled for September 15, 2020.

Consent Calendar

- 23. Grant Applications: Highway Safety Improvement Program Cycle 10**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to submit grant applications to the California Highway Safety Improvement Program (HSIP) Cycle 10 for the following projects: Protected Left-Turn Signals at multiple signalized intersections for up to \$4 million and Sacramento Street Pedestrian Crossings for up to \$250,000.
Financial Implications: See Report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,524–N.S. (Protected Left-Turn Signals) and Resolution No. 69,525–N.S. (Sacramento Street).
- 24. Contract 9274A Amendment: Ascentis Corporation 9274A for Biometric Time Card Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9730A with Ascentis Corporation for biometric time card services to extend the contract term by one year to June 30, 2022, and increase the contract amount by \$25,000 for a total contract amount not to exceed \$75,000.
Financial Implications: Various Funds - \$25,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Item 24 continued to September 15, 2020.
- 25. Contract: McNabb Construction Inc. for the Codornices Creek Restoration at Kains Avenue Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Codornices Creek Restoration Kains Avenue Project, Specification No. 20-11368-C; accepting the bid of McNabb Construction Inc. as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$550,127.
Financial Implications: Various Funds - \$550,127
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,526–N.S.

Consent Calendar

- 26. Referral Response: An Action Plan for Greening the City of Berkeley Fleet of Vehicles**
From: City Manager
Recommendation: Receive the City of Berkeley Municipal Fleet Electrification Assessment, a plan to accelerate Berkeley's municipal fleet electrification by 2030, and refer to the City Manager to pursue grant and rebate opportunities through East Bay Community Energy and other entities to support its recommendations for transitioning fleet vehicles away from fossil fuels to electric vehicles, including charging infrastructure and associated distributed energy resource options.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Approved recommendation.
- 27. Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12 (Reviewed by the Agenda & Rules Committee) (Item contains supplemental material)**
From: Fair Campaign Practices Commission
Recommendation: Conduct a public hearing and upon conclusion, adopt first reading of an ordinance amending the Berkeley Election Reform Act, Berkeley Municipal Code Chapter 2.12, to prohibit Officeholder Accounts (See Section 18531.62. Elected State Officeholder Bank Accounts, Regulations of the Fair Political Practices Commission).
(On June 29, 2020, the Agenda and Rules Committee made a Positive Recommendation to the City Council that the item be referred to the Agenda & Rules Committee to be considered with other related referrals from the Fair Campaign Practices Commission.)
Financial Implications: None
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
Action: Approved recommendation to refer the item to the Agenda & Rules Committee for review.

Council Consent Items

- 28. Opposition to Nuclear Warfare**
From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution marking the 75th anniversary of the atomic bombings of Hiroshima and Nagasaki with a call to prevent nuclear war.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 69,527–N.S.

Action Calendar

- 29. Support Berkeley Humane Society's Nonprofit Bark (& Meow) for the Around the Block Adoption Event and Family Street Fair in West Berkeley on August 29, 2020, organized by Berkeley Humane Society: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Davila (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Councilmember Cheryl Davila, to Berkeley Humane Society's Nonprofit Bark (& Meow) for the Around the Block Adoption Event and Family Street Fair in West Berkeley on August 29, 2020, organized by Berkeley Humane Society, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila, the Mayor and any other Councilmembers who would like to contribute. (COVID-19 Update: If it is not safe to hold the one-day event a month-long virtual adopt-a-thon will be held instead to find homes for over 100 shelter pets).
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Adopted Resolution No. 69,528–N.S. revised to include a contribution from Councilmember Wengraf for up to \$100.
- 30. Providing our Unhoused Community in the City of Berkeley with Menstrual Products** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*
From: Councilmember Davila (Author)
Recommendation:
1. Adopt a Resolution to create an allocation of the budget towards annual purchasing of menstrual products and dispensers that will be distributed in three ways: A. Regularly scheduled replenishment of dispensers across public restrooms; B. Provide supplies to the City supported shelters, mental health offices, shower programs, and navigation centers; C. Homeless Outreach to include distribution to encampments and RV dwellers.
2. Resolution will allocate \$10,000 of the budget for the first year, and \$8,000 for every consecutive year.
3. Direct the City Manager to use existing homeless services funding to develop and deploy a program to provide a broad spectrum of menstrual products, including but not limited to, feminine hygiene, pads, tampons, underwear, and other related products, both through the City's outreach direct services, as well as through the community based homeless services providers. Additionally, require some elements of this program be deployed immediately, with a full program deployment within six months.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Councilmembers Bartlett and Droste added as co-sponsors. Adopted revised item in Supplemental Communications Packet #2 to adopt recommendation #3 only.

Action Calendar

31. Resolution in Support of 1921 Walnut Street

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

Recommendation: Adopt A Resolution In Support of The Preservation of 1921 Walnut Street, Currently Under The Threat of Being Purchased and Demolished by the University of California at Berkeley.

Financial Implications: None

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

Action: Councilmember Robinson and Mayor Arreguin added as co-sponsors.

Adopted Resolution No. 69,530–N.S. as amended at the meeting by Councilmember Harrison.

32. Adopt a Resolution Implementing Core Police Accountability Board and Director of Police Accountability functions by July 1, 2021

From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)

Recommendation: 1. Adopt a Resolution, contingent upon voter approval of the Charter Amendment contained in Resolution No. 69,363-N.S., implementing the following core Police Accountability Board and Director of Police Accountability functions and policy changes by July 1, 2021: a. Establish and convene the Police Accountability Board with all investigatory, policy and other authorities, and; b. To assist in an orderly transition between the Police Review Commission and the Police Accountability Board established by this Article, Police Review Commission staff shall serve as interim Police Accountability Board staff until the City hires a Director of Police Accountability.

Financial Implications: Staff time

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

Action: Adopted Resolution No. 69,531–N.S.

33. Resolution in Support of AB 310 to Convert The California Infrastructure Bank (IBank) to a Public Bank

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

Recommendation: Adopt A Resolution In Support of AB 310 converting the California Infrastructure Bank (IBank) to a depository institution serving as a public bank for the State of California, its counties, municipalities and regional authorities.

Financial Implications: None

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

Action: Mayor Arreguin and Councilmember Wengraf added as co-sponsors.

Adopted Resolution No. 69,532–N.S. as revised in Supplemental Communications Packet #2.

Action Calendar

34. Oppose AB 2167 & SB 292

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

Recommendation: Approve a letter opposing AB 2167 (Daly & Cooley) Insurance Action Market Plan and SB 292 (Rubio & Jones) Wildfire Risk Modeling and Mitigation, and send to Assembly Members Tom Daly and Ken Cooley and Senators Susan Rubio and Brian Jones, with copies to Senator Nancy Skinner, Assemblymember Buffy Wicks, and Governor Gavin Newsom.

Financial Implications: None

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

Action: Approved recommendation.

35. Support for SB 288: Sustainable Transportation COVID-19 Recovery Act
From: Councilmember Robinson (Author), Councilmember Bartlett (Co-Sponsor)

Recommendation: Send a letter to Senator Scott Wiener, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Senate Bill 288, which would exempt specified transportation projects from environmental review under CEQA, including bus rapid transit projects, pedestrian and bicycle facilities, and zero-emission charging stations

Financial Implications: None

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

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

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

36. Support for SB 902: Authorizing Cities to Rezone for Density

From: Councilmember Robinson (Author)

Recommendation: Send a letter to Senator Scott Wiener, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Senate Bill 902, which would authorize local governments to upzone urban infill sites and parcels in transit- or jobs-rich areas for up to 10 units of residential density.

Financial Implications: None

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

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

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

Action Calendar

- 37. Support for AB 2542: The California Racial Justice Act**
From: Councilmember Robinson (Author) , Councilmember Bartlett (Co-Sponsor) , Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Ash Kalra, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 2542, which would prohibit the state from seeking or obtaining a criminal conviction, or from imposing a sentence, based on race, ethnicity, or national origin.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Councilmember Harrison added as a co-sponsor. Approved recommendation.
- 38. Support for AB 2345 (CA Density Bonus)**
From: Councilmember Droste (Author)
Recommendation: That the Berkeley City Council send a letter supporting AB 2345, authored by Assemblymember Lorena Gonzalez and Assemblymember David Chiu which will help address California's housing crisis by expanding the state density bonus for housing developers who commit to building additional affordable units.
Financial Implications: None
Contact: Lori Droste, Councilmember, District 8, (510) 981-7180
Action: Councilmember Robinson added as a co-sponsor. Approved recommendation.
Vote: Ayes – Kesarwani, Bartlett, Wengraf, Robinson, Droste, Arreguin; Noes – Harrison; Abstain – Davila, Hahn.

Action Calendar – Public Hearings

- 39. Amendment of Urgency Ordinance for Outdoor Commerce on Private Property**
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt amendments to the Urgency Ordinance (Number 7,725-N.S.) amending Berkeley's Zoning Ordinance, Chapter 23E.18 and Section 23B.20.045, to allow additional categories of commerce and establish additional operating criteria for outdoor activities on private property.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- Public Testimony:** The Mayor opened the public hearing. 5 speakers. M/S/C (Arreguin/Wengraf) to close the public hearing.
Vote: All Ayes.
- Action:** M/S/C (Hahn/Harrison) to adopt first reading of Ordinance No. 7,730–N.S. as written in Supplemental Communications Packet #1. Second reading scheduled for September 15, 2020.
Vote: All Ayes.

Recess 8:35 p.m. – 8:47 p.m.

Action Calendar – Public Hearing

- 40. General Plan Redesignation and Rezone of The Rose Garden Inn at 2740 Telegraph Avenue (APN 054-1716-002-00), 2744 Telegraph Avenue (APN 054-1716-003-00), and 2348 Ward Street (APN 054-1716-031-00)**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

1. Adopt a Resolution amending the General Plan land use designations of portions of parcels that comprise The Rose Garden Inn from Low Medium Density Residential to Avenue Commercial;
2. Adopt first reading of an Ordinance amending the Zoning Map for the portion of parcels that comprise the Rose Garden Inn from Restricted Two-Family Residential District (R-2) to General Commercial District (C-1); and
3. Certify that the reclassification of General Plan land use designations and rezoning are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Classes 1, 3, 5, and 31.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 0 speakers.

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

Vote: All Ayes.

Action: M/S/C (Robinson/Wengraf) to:

1. Adopt Resolution No. 69,533–N.S.
2. Adopt first reading of Ordinance No. 7,731–N.S. Second reading scheduled for September 15, 2020.
3. Approve recommendation.

Vote: All Ayes.

Action Calendar – New Business

- 41. Placing a Measure on the November 3, 2020 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)**

From: Rent Stabilization Board

Recommendation:

1. Adopt a Resolution placing the proposed amendments to the Rent Stabilization and Eviction for Good Cause Ordinance on the ballot of the November 3, 2020 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

Contact: Matt Brown, Rent Stabilization Board, (510) 981-7368

Recess 10:07 p.m. – 10:16 p.m.

Action: 6 speakers. No action taken.

Council Action Items

- 42. Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals**
From: Councilmember Harrison (Author)
Recommendation: Amend Berkeley Municipal Code 23C.22: Short Term Rentals to clarify the ordinance and insure adequate host responsibilities, tenant protections and remedies for violating the ordinance.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Moved to Consent Calendar. Approved recommendation as revised below:
1. Refer to the City Manager to come up with a program to clarify existing short term rental regulations in areas that have proven confusing to hosts, guests and tenants.
2. Refer ordinance considering Short Term Rental regulations including host platform responsibilities and possible remedies for violating the ordinance simultaneously to the Land Use, Housing and Economic Development Committee and the Planning Commission.
- 43. Urgency Ordinance: Updates to the COVID-19 Emergency Response Ordinance; Resolution: Request UC Berkeley Voluntarily Comply with Local Ordinances Restricting Evictions, Delaying Rent Payments, and Empowering Tenants to Terminate their Leases Without Penalty**
From: Councilmember Davila (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation:
1. Adopt an urgency ordinance amending Berkeley Municipal Code 13.110, Title 13, "The COVID-19 Emergency Response Ordinance," to enhance emergency tenant protections consistent with recently adopted Alameda County laws, action in other jurisdictions, and consultation with community stakeholders.
2. Adopt a resolution requesting the University of California at Berkeley voluntarily comply with local eviction moratoriums, rent suspension ordinances, and ordinances empowering tenants to terminate their leases without penalty.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Item 43 continued to September 15, 2020.

Action Calendar – Continued Business

A. Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews

(Continued from July 23, 2020)

From: Councilmember Hahn (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Mayor Arreguin (Co-Sponsor)

Recommendation:

1. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify the following with respect to the declaration of a Local Emergency:
 - a. A Local Emergency can only be declared by the Director of Emergency Services if a regular or special meeting and session of the City Council cannot be called due to physical impossibility of holding a meeting, because a quorum cannot be established, or because the urgency of the Local Emergency is such that waiting 24 hours for the City Council to convene a session and/or Special Meeting would endanger the community;
 - b. Should the Director declare a Local Emergency without action of the City Council (due to one of the reasons stated at (a), above), Council ratification of such action occurs at the first possible opportunity, even if it requires calling a Special Meeting and/or session of the Council; and
 - c. The applicable statutory and legal standards (Federal, State and Local) for calling a Local Emergency shall be presented to the City Council when seeking declaration or ratification of a Local Emergency, along with facts to support meeting those standards, so that the City Council, likely acting under rushed and exigent circumstances, is able to make a carefully considered and fact-based determination that declaration of such Local Emergency conforms with the legal standards and is supported by facts.
2. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify policies, terms and procedures for the order, scope, terms, duration, and all other elements and conditions of curfews called in response to, or likely to have the effect of limiting or banning, planned, expected or reasonably foreseeable first amendment activity, including rallies, marches, demonstrations and assemblies of all kinds (“First Amendment Curfews”), as enumerated (1-8) under the “Background” section of this item, below.
3. Advise the City Manager and/or Director of Emergency Services that approval of this item represents the will and direction of the City Council with respect to declarations of Local Emergencies and imposition of First Amendment Curfews, and should the occasion to declare a Local Emergency or impose a First Amendment curfew arise prior to formal Council adoption of the requested amendments and policies, the City Manager and/or Director of Emergency Services shall, to the greatest extent possible under existing law, strive to encompass actionable elements, and meet spirit, of this item.

Financial Implications: See report

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

Action Calendar – Continued Business

Action: 12 speakers. M/S/C (Hahn/Arreguin) to adopt the item as revised in Supplemental Communications Packet #2 and further amended to allow the City Manager and City Attorney to consider the item more broadly than the technical definition of a “curfew.”

Vote: All Ayes.

Information Reports

- 44. Voluntary Time Off Program For FY 2021**
From: City Manager
Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000
Action: Received and filed.
- 45. Annual Housing Pipeline Report**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Referred to September 15, 2020.
- 46. LPC NOD: 1120 Second Street/#LMSAP2019-0007**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
- 47. LPC NOD: 1120 Second Street/#LMSAP2019-0008**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
- 48. LPC NOD: 41 San Diego Road/#LMSAP2020-0002**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

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

Adjournment

Adjourned at 11:00 p.m.

Communications

Item #41: Placing a Measure on the November 3, 2020 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

1. Sara Hartley
2. Greg San Martin

3. Toni Mester
4. Erica Cleary
5. Rena Meyer
6. William Rosen
7. Labi Rabi
8. Susan Payne
9. Colette Ford
10. Marilyn Garcia
11. Jelani Nelson
12. Matt Heafey
13. Joann Sullivan
14. Yoni Mayeri
15. Ana Perches Perez
16. David Hermele

Regenerative Economy to Address the Climate Emergency

17. Ingrid Good
18. Marcelo Garzo Montalvo

Covid-19 Related and/or Masks

19. Nina Lyons
20. Isaac Pastor-Chermak
21. Howard Goldberg
22. City of Berkeley Covid-19 Information
23. Vivian Warkentin
24. Joel Libove
25. Celeste Kidd
26. Anne Herrick (2)
27. Genevieve Nonet
28. Thomas Lord (2)
29. Russbumper (2)
30. David Lerman (5)

Telcom/5G/Cell Antennas

31. Vivian Warkentin
32. Mark Weiman
33. KO
34. Isis Feral
35. Blair Beekman
36. Pollock & James, Law Firm

Harriet Tubman Terrace

37. Darinxoso Oyamasela (4)
38. Ashley Rementer, Property Manager

Graffiti

- 39. Elana Nafalin-Kelman (2)
- 40. Customer Service, City of Berkeley (2)

Homeowners Assessment Complaint – Property Taxes

- 41. Finance Department, City of Berkeley

Lorin and Rosewood Support

- 42. Landon Williams

Cedar Properties

- 43. Laiming Huang
- 44. Tony Benado, City Clerk's Office

Civic Arts Grants

- 45. Sharon Dolan, Freight & Salvage

Smoking Violation

- 46. Carol Denney

Urban Dwellers Fleeing

- 47. Barbara Gilbert

Parking Enforcement

- 48. Suneel Jain

Small Landlord Needs Help

- 49. Grace Chi

Tilting Power Pole

- 50. Gar Smith

Pay Equity – City of Berkeley Employees

- 51. Jeff Apkarian, Union Representative

SB 82 Grant/OAC Priorities

- 52. Carole Marasovic

Supplemental Communications and Reports 1

Item #31: Resolution in Support of 1921 Walnut Street

- 53. Ivar Diehl & Siobhan Lettow

Item #35: Support for SB 288: Sustainable Transportation COVID-19 Recovery Act

Item #36: Support for SB 902: Authorizing Cities to Rezone for Density

Item #38: Support for AB 2345 (CA Density Bonus)

54. Irene Rice
55. Michael Katz
56. Eileen Hughes
57. Laura Klein
58. Zelda Bronstein
59. Gloria Pass
60. Eileen Hughes
61. Lynne Stevens
62. Kevin Rayhill

Item #39: Amendment of Urgency Ordinance for Outdoor Commerce on Private Property

63. Supplemental material, submitted by Planning

Item #41: Placing a Measure on the November 3, 2020 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

64. Supplemental material, submitted by Mayor Arreguin
65. Deirdre Arima Duhan
66. Tony Warwick
67. Susan Payne (2)
68. Wendy Bauman
69. Roger Hallsten
70. Kat Verani
71. Katherine Keleman
72. Margret Leventhal
73. Julia Chambers
74. Lauren Taylor
75. Linda Burden
76. John Wotkyns
77. Will Flynn
78. David Barr
79. Melvyn Wright
80. Bojana Miloradovic
81. Ira Ellman
82. Ann Whyte
83. Ron and Joy Ragon
84. Anna Bellomo
85. Kathleen Crandall
86. Polly Rosenthal
87. Bonnie & Keith Johnston
88. Sylvie Lu
89. Olga Shalygin
90. Janis Ballard
91. Monika Mann
92. Judy Hunt
93. Mark Tarses

Supplemental Communications and Reports 2

Item #1: Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Excavations for Video and Telecommunications Systems)

- 94. Ariel Strauss
- 95. Wisteria
- 96. Blair Beckman
- 97. Jenny Miller

Item #25: Contract: McNabb Construction Inc. for the Codornices Creek Restoration at Kains Avenue Project

- 98. Friends of Five Creeks

Item #30: Providing our Unhoused Community in the City of Berkeley with Menstrual Products

- 99. Revised material, submitted by Councilmember Davila

Item #32: Adopt a Resolution Implementing Core Police Accountability Board and Director of Police Accountability functions by July 1, 2021

- 100. Kitty Calavita, Chairperson, Police Review Commission

Item #33: Resolution in Support of AB 310 to Convert The California Infrastructure Bank (IBank) to a Public Bank

- 101. Revised material, submitted by Councilmember Harrison

Item #35: Support for SB 288: Sustainable Transportation COVID-19 Recovery Act

Item #36: Support for SB 902: Authorizing Cities to Rezone for Density

Item #38: Support for AB 2345 (CA Density Bonus)

- 102. Phil Allen
- 103. Miranda Ewell

Item #41: Placing a Measure on the November 3, 2020 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

- 104. 18 identical form letters
- 105. Thomas Brown
- 106. Nicole Chabot
- 107. Jay Tharp
- 108. Angela Xu
- 109. John Coleman
- 110. Rick Maisel
- 111. Roshni Kasad
- 112. Ajith Mascarenhas
- 113. Tenise Young
- 114. Deborah Finch
- 115. Gail Martin
- 116. Jenny Johnson
- 117. Matthew Brown
- 118. Joey Cosnos

119. Moriel Vandsburger
120. Robert Johnson
121. Ethel Mussen
122. Berkeley Homeowners
123. Councilmember Harrison
124. Erin Chalmers
125. Adam Cash
126. Nancy Noman
127. Tracy Davis
128. Guy Albert
129. Janice Schroeder
130. Linda Lonay
131. Susanna Belokamen
132. Netta Schwartz
133. Erica Cleary
134. Judi Sui
135. J. Thomas
136. Daniel Moore
137. Alfred Twu
138. Emese Foss
139. MK
140. Nick Vaughn
141. Carol Denney
142. Lance & Krystyna Montauk
143. Linda Burden
144. Gilberto Arriaza & Naomi Roht-Arriaza
145. Gail Machlis
146. Betsy Strode
147. Denise Resnikoff
148. Margot Rederer & Guillermo Prado
149. Jeff Frey
150. Emily Benner
151. Diana Bohn

Item #42: Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals

152. Revised material, submitted by Councilmember Harrison

Item #A: Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews

153. Revised material, submitted by Councilmember Hahn

Supplemental Communications and Reports 3

Item #1: Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Excavations for Video and Telecommunications Systems)

154. Mariya
155. Bryce Nesbitt

- 156. Steve Jackson and Kori Kody
- 157. Connie Anderson
- 158. Blair Beekman
- 159. Siobhan Lettow and Ivar Diehl

Item #22: Lease Agreement: 1001 University Avenue with The Berkeley Food Network

- 160. Kate Campbell King, on behalf of the Berkeley Food Network

Item #28: Opposition to Nuclear Warfare

- 161. Beth Jerde
- 162. Bob Meola

Item 31: Resolution in Support of 1921 Walnut Street

- 163. Natalie Logusch (2)
- 164. Paul Wallace (2)

Item #35: Support for SB 288: Sustainable Transportation COVID-19 Recovery Act

Item #36: Support for SB 902: Authorizing Cities to Rezone for Density

Item #38: Support for AB 2345 (CA Density Bonus)

- 165. Vicki Sommer
- 166. Barbara Gilbert

Item #40: General Plan Redesignation and Rezone of The Rose Garden Inn at 2740 Telegraph Avenue (APN 054-1716-002-00), 2744 Telegraph Avenue (APN 054-1716-003-00), and 2348 Ward Street (APN 054-1716-031-00)

- 167. Presentation, submitted by Planning

Item #41: Placing a Measure on the November 3, 2020 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

- 168. 34 identical form letters (Conflict of Interest)
- 169. 19 similar form letters (Entirety)
- 170. 4 form letters (Cal)
- 171. Morton Cohn
- 172. Jo Ann Driscoll
- 173. John Caner
- 174. Davina Srioudom
- 175. Kathryn Snowden
- 176. Craig Baum
- 177. Pat Kennedy
- 178. Michael O'Heaney
- 179. Leon Mayeri
- 180. Hugh Baras
- 181. Summer Brenner
- 182. Anne-Lise Francois
- 183. Angie Sijun Lou
- 184. Kellie Stoddart
- 185. Dawn Thomas

186. Caitlin Romtvedt
187. George Fay
188. Samantha Warren
189. John Parman
190. Laurie Capitelli
191. Wendy Hood
192. John Coleman
193. South Berkeley94703@
194. Celia Karian
195. Mary Canavan
196. Igor Tregub, on behalf of the Sierra Club
197. Councilmember Harrison
198. Michael Farrell
199. Associated Students of University California
200. Geoff Lomax
201. William Rosen
202. Margaret Copeland
203. Lucy Smallsreed
204. Daren Fields
205. Jesus Nazario
206. Julie Durkee
207. Steven Svoboda
208. Fatima Woods
209. Katharine Vidt (2)
210. Sierra Boyd
211. Jonathan Ball and Savlan Hauser
212. Emina Musanovic
213. Loni Gray (2)
214. Isabelle Gaston
215. Kenneth Berland
216. Kathryn Dobel and David Weitzman
217. Christine Schwartz
218. Peter Liederman
219. Sarjan Holt
220. Adam Cash
221. Dawn Thomas
222. Cary Sweeney
223. Celia Karian
224. Rolf Bell
225. Elizabeth Geno
226. Judy Junt
227. Elaine Lee
228. Caroline Mejia
229. Judy Hunt (2)
230. Eleni Sotos
231. Jeanne Lengsfelder

- 232. Greg San Martin
- 233. Wendy Hood
- 234. Nik Kurtz
- 235. Narendar Dev
- 236. Thomas Lord
- 237. Barbara Gilbert (3)
- 238. Romeena Ghaziani
- 239. Augustine Martinez

Item #42: Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals

- 240. Richard de Sam Lazaro, on behalf of expediagroup.com
- 241. Anita Medal

Miscellaneous Communications

Laiming Huang and Cedar Properties

- 242. Jonathan Weldon of Cedar Properties

Berkeley's SMART Roadmap

- 243. Presentation, submitted by the City Manager