

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, December 1, 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/85819230242> If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 858 1923 0242. 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: 6:06 p.m.

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

Absent: None

Report from Closed Session

The City Council met in closed session and authorized the City Attorney to settle Chen v. City of Berkeley (Alameda Superior Court Case No.RG19019359) for \$37,000, and Herman v. City of Berkeley (Claim No. 0349BC2019-001) for \$75,000.

Ceremonial Matters:

1. Recognition of Pam Grossman, Berkeley Volunteer
2. Recognition of Carl C. Anthony and Dr. M. Paloma Pavel, Community Leaders and Activists
3. Recognition of Barbara Brust of Consider the Homeless!
4. Adjourn in memory of Dr. Stephen Rader, Berkeley Resident
5. Adjourn in Memory of Dennis Imoto, Berkeley Resident
6. Adjourn in Memory of Sincere Pierce and A.J. Crooms, victims of police shootings
7. Adjourn in Memory of J.C. Hendricks, Berkeley Resident
8. Adjourn in Memory of Diego Maradona, Soccer Legend
9. Adjourn in Memory of victims of the massacre in Mai Kadra, Ethiopia
10. Recognition of outgoing Councilmember Cheryl Davila

Recess 8:39pm – 8:49 p.m.

City Manager Comments:

The City Manager provided an update on the Reimagining Public Safety Process and the BerkDOT program.

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 14 speakers.

Action: M/S/C (Arreguin/Hahn) to add an item to the agenda related to CARES Act funding from Mayor Arreguin and Councilmember Bartlett pursuant to Government Code Section 54954.2(b)(2).

Vote: All Ayes.

Consent Calendar

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

Vote: All Ayes.

Urgent Item: Accept \$232,500 from East Bay Community Foundation and Allocate \$200,000 to County CARES Act Matching Grant Program and \$50,000 to Outdoor Dining Support Grant Program

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

Recommendation: Adopt a Resolution accepting a \$232,500 payment from the East Bay Community Foundation of funds raised by the Berkeley Relief Fund, and:

1) Allocate \$200,000 to finance grant payments for eligible Berkeley businesses through the Alameda County CARES Grant Program and authorize the City Manager, subject to the review and approval of the City Attorney, to enter into a Memorandum of Understanding or any other agreement necessary for the city to allocate \$200,000 from the Berkeley Relief Fund in order to participate in the grant matching program proposed by Alameda County as part of the Alameda County CARES Grant Program.

2) Allocate \$50,000 (\$32,500 from East Bay Community Foundation and \$17,500 from the prior phase of Berkeley Relief Fund) to provide grants to enable businesses to transition to outdoor commerce.

Financial Implications: See report

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

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

Adopted Resolution No. 69,619–N.S.

1. **Lease for 5385 Cazadero Hwy, Cazadero, CA 95421 – Cazadero Performing Arts Camp (CPAC)**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,737-N.S. authorizing the City Manager to execute a lease agreement and necessary amendments with Cazadero Performing Arts Camp, at 5385 Cazadero Hwy, Cazadero, CA 95421 for a term of twenty-five (25) years, with an option to renew for ten (10) years.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,737–N.S.

Consent Calendar

- 2. Closure of the crossing at Camelia Street/Union Pacific (UP) Railroad Corridor; Amending Berkeley Municipal Code Chapter 14.24**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,738-N.S. amending Berkeley Municipal Code Chapter 14.24, to close the existing Union Pacific (UP) railroad crossing at Camelia Street to all traffic.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,738–N.S.
- 3. Mental Health Services Act (MHSA) Fiscal Years 2020/2021 – 2022/2023 Three Year Program and Expenditure Plan**
From: City Manager
Recommendation: Adopt a Resolution approving the Mental Health Services Act (MHSA) Fiscal Years 2020/2021 – 2022/2023 Three Year Program and Expenditure Plan (MHSA Three Year Plan), which provides information on current and proposed uses of funds for mental health programming, and forwarding the MHSA Three Year Plan to appropriate state officials.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,620–N.S.
- 4. Contract: Resource Development Associates for Specialized Care Unit**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Resource Development Associates (RDA) to facilitate the design of a Specialized Care Unit (SCU) for a total contract limit of \$185,000 for the period beginning January 1, 2021 and ending June 30, 2022. The contract will serve the City of Berkeley by analyzing the current mental health crisis system, engaging community members in visioning an improved system, researching best practice models and gathering local data, and developing a program to re-assign non-criminal police service calls to a Specialized Care Unit (SCU) that will respond without law enforcement.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Moved to Action Calendar. M/S/C (Arreguin/Harrison) to adopt Resolution No. 69,621–N.S.
Vote: All Ayes.

Consent Calendar

- 5. Contract Amendment: Fred Finch Youth Center for Turning Point Transitional Housing for Transition Age Youth**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend an existing contract with Fred Finch Youth Center (“Fred Finch”) for their Turning Point Transitional Housing Program (“Turning Point”), adding \$200,000 total for fiscal years 2021 and 2022, at a rate of \$100,000 per year, to enable Fred Finch to sustain the Turning Point program.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,622–N.S.
- 6. Amending Berkeley Municipal Code Chapter 11.28 – Food Establishments**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 11.28, Section 11.28.010 Statutory Provisions, Section 11.28.020 Definitions and adding Section 11.28.370 Microenterprise Home Kitchen Operation (MHKO).
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopt first reading of Ordinance No. 7,739–N.S. Second reading scheduled for December 15, 2020.
- 7. Grant Application: FEMA Hazard Mitigation Program for Seismic Retrofit of Martin Luther King (MLK) Jr. Youth Services Center/Young Adult Project (YAP)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant application to FEMA for funds in the amount not to exceed of \$1,237,500 for the seismic retrofit of the Martin Luther King (MLK) Jr. Youth Services Center/Young Adult Project (YAP); authorizing the City Manager to accept the grant; to execute any resultant revenue agreement and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: \$1,237,500 in revenue
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,623–N.S.

Consent Calendar

- 8. Grant Application: the San Francisco Restoration Authority Measure AA Grant Program for Technical Feasibility Studies of Potential Improvement Projects at Aquatic Park**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: submit a grant application in the amount of \$897,000 to the San Francisco Restoration Authority Measure AA Grant Program to conduct feasibility studies for improvements at Aquatic Park; accept any grants; 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. 69,624–N.S.
- 9. Grant Application: the California Proposition 68 Statewide Parks Program for new park development at selected Santa Fe Right-of-Way parcels**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: submit a grant application in the amount of up to \$8,000,000 to the California Proposition 68 Statewide Parks Program for new park development at selected Santa Fe Right-of-Way parcels; accept any grants; 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. 69,625–N.S.
- 10. Contract No. 31900040 Amendment: Freitas Landscaping and Maintenance for Hazardous Vegetation Reduction Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 31900040 with Freitas Landscaping and Maintenance for additional reduction of hazardous vegetation in high-risk areas of City-owned parks, pathways and landscaped areas during high-risk fire season, by increasing the contract by \$410,000 for a not-to-exceed amount of \$1,235,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,626–N.S.

Consent Calendar

11. Measure T1 Loan

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to loan \$198,400 from the Mental Health Realignment Fund balance to complete the Phase 1 Mental Health Adult Clinic renovation project and that authorizes the City Manager to repay the loan to the Mental Health Realignment Fund balance from the Phase 2 Measure T1 bond proceeds once they are available.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700; Teresa Berkeley-Simmons, City Manager's Office, (510) 981-7000; Liam Garland, Public Works, (510) 981-6300

Action: Adopted Resolution No. 69,627–N.S.

12. Donation: Regan Nursery Rose Bushes

From: City Manager

Recommendation: Adopt a Resolution accepting a donation of 44 potted roses from Regan Nursery, valued at \$1099.78, for replacement of roses stolen from the Berkeley Rose Garden.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,628–N.S.

13. Proposed Amendments to the Building Energy Saving Ordinance (BESO)

From: City Manager

Recommendation: Adopt first reading of amendments to the Building Energy Saving Ordinance (BESO), Chapter 19.81 of the Berkeley Municipal Code, to align with building electrification goals, leverage upcoming rebates and incentives, improve transparency in real estate sales process, and develop mandatory energy requirements to be phased in.

Financial Implications: See report

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

Action: Adopt first reading of Ordinance No. 7,740–N.S. Second reading scheduled for December 15, 2020.

14. Revenue Grant: Reach Code support from East Bay Community Energy

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager, or her designee, to submit a grant agreement and accept a \$10,000 grant award from East Bay Community Energy (EBCE) for reach code support.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,629–N.S.

Consent Calendar

- 15. Lease Agreement: Berkeley Housing Authority at 1947 Center Street, Fifth Floor, Southwest Corner**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Berkeley Housing Authority to use and occupy the City property at 1947 Center Street, 5th floor Southwest Corner for a ten-year lease term with an option to extend for two additional ten-year terms.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopt first reading of Ordinance No. 7,741–N.S. Second reading scheduled for December 15, 2020.
- 16. Final Map of Tract 8533: 1500 San Pablo Avenue**
From: City Manager
Recommendation: Adopt a Resolution approving the final map of Tract Map 8533, a one hundred seventy-five (175) unit condominium project consisting of one hundred seventy (170) residential units and five (5) commercial units at 1500 San Pablo Avenue.
Financial Implications: None
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,630–N.S.
- 17. Contract: Andes Construction, Inc. for Sanitary Sewer Rehabilitation at Various Locations**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Ashby Avenue, MLK Jr. Way, Benvenue Avenue, Hillegass Avenue, Parker Street, Telegraph Avenue, Bowditch Street, College Avenue, Spruce Street, and Keith Avenue; accepting the bid of the lowest responsive and responsible bidder, Andes Construction, Inc.; and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$4,968,764, which includes a 10% contingency of \$451,706.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,631–N.S.

Consent Calendar

- 18. Contract: Glosage Engineering Inc. for Sanitary Sewer Rehabilitation at Walnut Street, Vine Street, Rose Street, Spruce Street, and Glen Avenue**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Rehabilitation at Walnut Street, Vine Street, Rose Street, Spruce Street, and Glen Avenue; accepting the bid of the lowest responsive and responsible bidder, Glosage Engineering, Inc. (Glosage) and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$2,711,556, which includes a 10% contingency of \$246,505.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,632–N.S.
- 19. Grant Applications: Highway Safety Improvement Program Cycle 10**
From: City Manager
Recommendation: Adopt Resolutions authorizing the City Manager to submit grant applications to the California Highway Safety Improvement Program Cycle 10 for the following projects: Protected Left-Turn Signals at multiple signalized intersections for up to \$6 million and Sacramento Street Pedestrian Crossings for up to \$250,000; accept the grants awarded; and execute any resultant agreements and amendments. This item updates resolutions previously approved by the Berkeley City Council on the July 28, 2020 Consent Calendar in order to increase the grant funds requested to improve more intersections and enhance the pedestrian safety treatments proposed.
Financial Implications: See Report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,633–N.S. (Protected Left-Turn Signals) and Resolution No. 69,634–N.S. (Sacramento Street).
- 20. Appointment of boona cheema and Margaret Fine to Mental Health Commission**
From: Mental Health Commission
Recommendation: Adopt a Resolution appointing: boona cheema as a representative of the Special Public Interest Category (family), to complete her second 3- year term beginning December 2, 2020 and ending December 1, 2023; and Margaret Fine as a representative of the General Public Interest Category, to complete her second 3-year term beginning December 2, 2020 and ending December 1, 2023.
Financial Implications: None
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400
Action: Adopted Resolution No. 69,635–N.S.

Council Consent Items

21. **State Alignment on the Treaty on the Prohibition of Nuclear Weapons**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)

Recommendation: Adopt a Resolution calling on the California State Legislature to introduce a bill to align the State with the UN Treaty on the Prohibition of Nuclear Weapons by creating a non-partisan, advisory Prohibition of Nuclear Weapons Citizens Commission. Copies of this resolution will be sent to Governor Gavin Newsom, Senator Nancy Skinner and Assemblymember Buffy Wicks.

Financial Implications: None

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

Action: Adopted Resolution No. 69,636–N.S.

22. **Urgency Ordinance Amending Berkeley Municipal Code 13.111.020(a) (Ordinance No. 7,727-N.S.) to Further Limit Third-Party Food Delivery Service Fees**

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

Recommendation: Adopt an Urgency Ordinance amending Berkeley Municipal Code Section 13.111.020(a) (Ordinance No. 7,727-N.S.)—which establishes a temporary limit on the charges imposed by third-party delivery services on retail food establishments for the duration of the declared COVID-19 local state of emergency—by reducing the delivery fee cap from 15 percent to 10 percent, while maintaining the limit on other fees, commissions, or costs at 5 percent.

Financial Implications: See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Action: Councilmember Harrison added as a co-sponsor. Adopt Urgency Ordinance No. 7,742–N.S.

Council Consent Items

- 23. Budget Referral to Prioritize Enhanced Lighting in Areas of Elevated Violent Crime**
From: Councilmember Kesarwani (Author), Mayor Arreguin (Co-Sponsor), and Councilmember Bartlett (Co-Sponsor)
Recommendation: In an effort to immediately address safety concerns in blocks where elevated levels of violent crime--including robbery, aggravated assault (including shootings), rape, and homicide--have occurred during the COVID-19 pandemic, adopt the recommendations listed below:
1. Refer to the City Manager to prioritize resident requests for enhanced lighting when such requests come from blocks where elevated violent crime has occurred during the COVID-19 pandemic.
 2. Refer to the City Manager to perform an environmental safety assessment of areas where gun violence has been concentrated specifically in South and West Berkeley, including but not limited to:
 - a) Tenth, Ninth, Eighth, and Seventh Streets between Bancroft Way and Dwight Way; b) Residential streets in the area from Russell Street to Carrison/Tyler Streets between San Pablo Avenue and California Street; c) Other blocks where elevated violent crime is found to have occurred during the period from March to November 2020 based on Berkeley Police data.
 3. Refer costs for additional lighting and environmental safety assessments to the mid-year budget process for FY 2020-21.
- Financial Implications:** None
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Councilmember Wengraf added as a co-sponsor. Approved recommendation as revised in Supplemental Communications Packet #1 from Councilmember Kesarwani.
- 24. Striking Racially Restrictive Covenants in Certain Property Deeds**
From: Councilmember Davila (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a Resolution and send a letter to the Alameda County Board of Supervisors and the Governor of California with the following actions:
1. The City calls upon the County of Alameda to determine which parcels of real property have deeds that have racially restrictive covenants associated with them and to proactively strike from those covenants the racially restrictive language, thereby relieving homeowners of the burden of removing such language.
 2. The City urges the California legislature and governor to pass legislation requiring the same actions in every California county.
- Financial Implications:** See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Adopted Resolution No. 69,637–N.S.

Council Consent Items

- 25. Personal Liability Protection for Small Businesses**
From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor)
Recommendation: 1. Direct the City Manager and City Attorney to draft and submit to the City Council for consideration an emergency ordinance to prohibit the enforcement of personal liability provisions in commercial leases and commercial rental agreements in the City of Berkeley for lessees/renters who have experienced financial impacts related to the Covid-19 pandemic.
2. Direct the City Manager to conduct outreach to all commercial tenants regarding any protections enacted by the City Council, with a particular focus on businesses that were required to stop serving food or beverages (e.g., restaurants, bars); close to the public (e.g., hair salons, barbershops, tattoo parlors); cease operations (e.g., gyms, fitness centers); or sharply limit operations (e.g., schools, retail shops, nurseries) due to the COVID-19 crisis.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Mayor Arreguin and Councilmember Bartlett added as co-sponsors. Approved recommendation revised to strike “lessees/renters” and add “when failure to pay rent results from COVID-19 pandemic.”
- 26. Resolution calling on the BUSD Board and Superintendent to Consider Renaming Thousand Oaks Elementary to Kamala Harris Elementary School**
From: Councilmember Hahn (Author)
Recommendation: Adopt a Resolution calling on the Berkeley Unified School District (BUSD) Board and Superintendent to consider initiating a process, pursuant to BUSD Board Policy and Administrative Regulation 7310, to rename Thousand Oaks Elementary School to Kamala Harris Elementary School in honor of Vice President-Elect Kamala Harris.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Councilmembers Davila and Bartlett added as co-sponsors. Adopted Resolution No. 69,638–N.S.
Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Kesarwani.
- 27. California Recycling and Plastic Pollution Reduction Act: Endorsement of the 2022 Ballot Initiative**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-sponsor)
Recommendation: Approve the Resolution endorsing the "California Recycling and Plastic Pollution Reduction Act of 2020", also referred to as “Plastics Free California” so the Ballot Measure campaign can include the City of Berkeley in its list of supporters in campaign literature from now until the 2022 election.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Councilmember Davila added as a co-sponsor. Adopted Resolution No. 69,639–N.S.

Council Consent Items

28. Referral: Commission Low-Income Stipend Reform

From: Councilmember Robinson (Author)

Recommendation: Refer to the City Manager to develop and return to Council with a plan to improve equity, accessibility, and representation in City of Berkeley commissions by modernizing the low-income stipend program, and in doing so consider:

1. Increasing the annual household income cap for stipend eligibility from \$20,000 to align with the 50% Area Median Income (AMI) guidelines for Alameda County and reflect household size, and updating it annually with the latest HUD data.
2. Increasing the low-income stipend from \$40 to \$78 per meeting, and updating it annually with the City of Berkeley minimum wage to correspond to compensation for 2.5 hours of work.

Financial Implications: See report

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

Action: Approved recommendation as revised in Supplemental Communications Packet #1 from Councilmember Robinson.

Action Calendar – Public Hearings

29. Correction to Fee Increases for Traffic Engineering Hourly Rates

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 68,939-N.S. to include the rates discussed in the accompanying report in Chapter E of Attachment A that was inadvertently omitted during production of the agenda item.

Financial Implications: See report

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

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

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

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

Councilmember Bartlett absent 10:38- p.m. – 10:39 p.m.

Action: M/S/C (Arreguin/Hahn) to adopt Resolution No. 69,640–N.S.

Vote: All Ayes.

Action Calendar – Public Hearings

- 30. Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion select among proposed ordinance language options and take the following action:
Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Title 14 and Title 23 which would:
1. Modify Minimum Residential Off-street Parking Requirements
 2. Impose Residential Parking Maximums in Transit-rich Areas
 3. Amend the Residential Preferential Parking (RPP) Permit Program
 4. Institute Transportation Demand Management (TDM) Requirements
- Financial Implications:** See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- Action:** M/S/C (Arreguin/Harrison) to continue Item 30 to December 15, 2020 as the first item on the Action Calendar.
Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Kesarwani.

Information Reports

- 31. City Council Short Term Referral Process – Quarterly Update**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Received and filed.
- 32. LPO NOD: 2136-2154 San Pablo Avenue/#LMIN2020-0004**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 6 speakers.

Adjournment

Action: M/S/C (Robinson/Droste) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 10:47 p.m.

Communications

Item #4: Contract: Resource Development Associates for Specialized Care Unit

1. Cindy Shamban

Item #14: Revenue Grant: Reach Code Support from East Bay Community Energy

2. Tom Kelly, on behalf of Kyoto USA (2)

Dumpster at University and Frontage Road

3. Janet Cobb
4. Helen and Paul Canin

North Berkeley BART Development

5. Melissa and Michael Fitzgerald
6. Junko and Robert Kenmotsu

T-1 Phase 2

7. John Caner, on behalf of Citizens for a Cultural Civic Center (2)
8. Ben, Liza, Chuck and Karen, on behalf of Walk Bike Berkeley
9. Kelly Hammargren

UC Berkeley's Policing

10. Russbumper

Constructive Fraud in Berkeley

11. Arthur Stopes III (2)

Agenda Deficiency – Financial Implications

12. Barbara Gilbert

Meth in Encampments

13. Eric Friedman

Council Meeting Concerns

14. Holly Marlin
15. Michai Freeman

5G

16. Vivian Warkentin (2)

Another Horse Fatality at the Golden Gate Fields

17. Joe Kaplan

Homeless Pooping in Front of Commercial Kitchen – Need Porta Potties

18. Marie and Tom Banis, owners of Certified Kitchens (2)
19. Councilmember Harrison (3)

Support the African-American Holistic Resource Center

- 20. C.W. Devers
- 21. Carol Perez

PG&E's Misdeeds

- 22. Sheila Goldmacher

Police Budget/Reimagining Community Safety

- 23. Tryn Brown
- 24. Elana Auerbach

OpenGov/Berkeley Considers

- 25. Jack Litewka

Supplemental Communications and Reports 1

Item #1: Lease for 5385 Cazadero Hwy, Cazadero, CA 95421 – Cazadero Performing Arts Camp (CPAC)

- 26. Al Bergstein
- 27. Ellen Jean Winograd

Item #21: State Alignment on the Treaty on the Prohibition of Nuclear Weapons

- 28. Diana Bohn

Item #23: Budget Referral to Prioritize Lighting in Areas of Elevated Violent Crime

- 29. Supplemental material, submitted by Councilmember Kesarwani

Item #28: Commission Low-Income Stipend Reform

- 30. Revised material, submitted by Councilmember Robinson

Item #30: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23

- 31. Cheryl White
- 32. Jordan Burns
- 33. Charles Siegel, on behalf of Walk Bike Berkeley

Supplemental Communications and Reports 2

Item #1: Lease for 5385 Cazadero Hwy, Cazadero, CA 95421 – Cazadero Performing Arts Camp (CPAC)

- 34. Carol Belcher
- 35. Natalie Couch

Item #30: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23

- 36. Jean Hohl
- 37. Vicki Sommer

38. Tommaso Sciortino
39. Gary Miguel
40. Teresa Clarke
41. Pablo Diaz-Gutierrez
42. Mathew Lewis
43. Jane Scantlebury
44. Carol Hirth
45. Libby Lee-Egan
46. Kevin Burke
47. Maud Engel
48. Laura Graham
49. Ariella Granett
50. Scott Peterson
51. Matthew Solomon
52. Michael Katz
53. David Kellogg
54. Ben Grant
55. Theo Posselt
56. David Campbell

Supplemental Communications and Reports 3

Recognition of Outgoing City Councilmember(s)

57. Alex Mabanta
58. Mary Nash
59. Peter Woiwode
60. Kelly Hammargren
61. Moni Law
62. Donna Mickleson
63. Danielle Epifani
64. Andrea Mullarkey
65. Eduardo Martinez
66. Martin Nicolaus
67. Michael Smith
68. Sheila Jordan
69. Connie Anderson (2)
70. Stephanie Thomas
71. Jovi Tseng

Item #1: Lease for 5385 Cazadero Hwy, Cazadero, CA 95421 – Cazadero Performing Arts Camp (CPAC)

72. Barbara Fairweather
73. Ricki Blau
74. Karen Wells
75. Andrew Grishaw
76. Melanie Green

Item #4: Contract: Resource Development Associates for Specialized Care Unit

77. Carole Marasovic

78. Gene Turitz

Item #13: Proposed Amendments to the Building Energy Saving Ordinance (BESO)

79. Stan Momtchev

80. Helene Barkin

81. Sandi Porter

82. Stephanie Christmas

83. Fran Haselsteiner

84. Helen Nicholas

85. Marion Henon

Item #25: Personal Liability Protection for Small Businesses

86. Randdep Rekhi (2)

87. Unknown

Item #30: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 & Title 23

88. Elizabeth Baker

89. Jonathan Singh

90. Liza Lutzker

91. Vicki Sommer

92. Jeffrey Wescott

93. Scott MacDougall

94. George Porter

95. Marjory Keenan

96. David Brandon

97. Marjorie Alvord

98. Igor Tregub

99. Lee Bishop

100. Laura Klein

101. Tony Corman

102. Dorothy Walker

103. Savlan Hauser

Accept \$232,500 from East Bay Community Foundation and Allocate \$200,000 to County CARES Act Matching Grant Program and \$50,000 to Outdoor Dining Support Grant Program

104. Urgent Item Agenda Material, submitted by Councilmember Bartlett and Mayor Arreguin

Plant-Based Food and Climate Crisis

105. Matthew Mckeefry

106. Victoria Gu

107. Rasa Petrauskaite

108. Rocky Chau

Tonight's Meeting a Disaster

109. Barbara Gilbert