

**ANNOTATED AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, December 15, 2020**  
**6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/81127849616>. 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: 811 2784 9616. 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](mailto: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:** Kesarwani, Taplin, 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 Sandoval v. City of Berkeley (Alameda Superior Court Case No. RG19016889) for \$300,000.

The City Council met in closed session and authorized the City Attorney to settle for \$140,000 in the case of Moore v. City of Berkeley, Alameda County Superior Court No. RG 17 863897, contingent on the plaintiff cooperating with the City Attorney in disclosing and resolving any Medicare lien for medical expenses.

### Ceremonial Matters:

1. Swearing in of newly elected officials
2. Recognition of Vice-Mayor Sophie Hahn
3. Adjourned in memory of Bob Hess, Sr., Berkeley Resident
4. Adjourned in memory of Sean McCabe, Berkeley Resident

### City Auditor Comments:

The City Auditor provided a presentation on her Streets Audit (Item 27)

### City Manager Comments:

The City Manager provided an update on the City's Reimagining Public Safety Process

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

### Consent Calendar

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

**Action:** M/S/C (Arreguin/Harrison) to accept revised materials from the Mayor (Item 32) and City Manager (Item 43).

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Hahn) to adopt the Consent Calendar in one motion except as indicated with amended by supplemental items and policy committees as noted.

**Vote:** All Ayes.

## Consent Calendar – Continued Business

- A. Updates to the COVID-19 Emergency Response Ordinance; Amending Berkeley Municipal Code Chapter 13.110** *(Continued from December 8, 2020.)*  
**From:** 4x4 Joint Task Force Committee on Housing  
**Recommendation:** Adopt second reading of Ordinance No. 7,743-N.S. (effective February 1) 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 representing marginalized groups.  
**First Reading Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – None; Abstain – Kesarwani, Wengraf, Droste.  
**Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120  
**Action:** Adopted second reading of Ordinance No. 7,743–N.S.
- B. Adoption of the Adeline Corridor Specific Plan and associated General Plan and Municipal Code (Zoning) Amendments and Certification of the Final Environmental Impact Report; Adding Berkeley Municipal Code Chapter 23E.70** *(Continued from December 8, 2020.)*  
**From:** City Manager  
**Recommendation:** Adopt second reading of Ordinance No. 7,744-N.S., as recommended by the Planning Commission, amending the Berkeley Municipal Code (BMC) to create the Commercial – Adeline Corridor District regulations and make conforming changes to other BMC sections, as well as adopt Zoning Map changes; adding Berkeley Municipal Code Chapter 23E.70.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Harrison.  
**Financial Implications:** No direct fiscal impacts  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,744–N.S.

## Consent Calendar

- 1. Amending Berkeley Municipal Code Chapter 11.28 – Food Establishments**  
**From:** City Manager  
**Recommendation:** Adopt second reading of Ordinance No. 7,739-N.S. 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).  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted second reading of Ordinance No. 7,739–N.S.

## Consent Calendar

- 2. Proposed Amendments to the Building Energy Saving Ordinance (BESO); Amending Berkeley Municipal Code Chapter 19.81**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,740-N.S. amending 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.  
**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. 7,740–N.S.
- 3. Lease Agreement: Berkeley Housing Authority at 1947 Center Street, Fifth Floor, Southwest Corner**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,741-N.S. 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.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted second reading of Ordinance No. 7,741–N.S.
- 4. Resolution Reviewing and Ratifying the Proclamation of Local 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, June 16, 2020, July 28, 2020, September 22, 2020 and November 17, 2020.  
**Financial Implications:** See report  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted Resolution No. 69,648–N.S.

## Consent Calendar

- 5. 1444 Fifth Street, LLC v. City of Berkeley, Case No. RG19032434**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the settlement of the action entitled 1444 Fifth Street, LLC v. City of Berkeley, Case No. RG19032434.  
**Financial Implications:** See report  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted Resolution No. 69,649–N.S.
- 6. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the council meetings of November 2, 2020 (closed), November 10, 2020 (closed and regular), November 16, 2020 (closed) and November 17, 2020 (closed and regular).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Approved the minutes as submitted.
- 7. Contract: National Institute for Criminal Justice Reform to Manage and Lead a Community Engagement Process to Develop a New Paradigm of Public Safety in Berkeley**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with the National Institute for Criminal Justice Reform in an amount not-to-exceed \$270,000 for the period beginning January 1, 2021 and ending June 30, 2022.  
**Financial Implications:** See report  
Contact: Dave White, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 69,650–N.S. as revised in Supplemental Communications Packet #2 by the City Manager.
- 8. Contract No. 31900009 Amendment: Building Opportunities for Self-Sufficiency (BOSS) for McKinley House (2111 McKinley Avenue, Berkeley, CA 94703)**  
**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) through November 1, 2021, adding \$120,000 for a total contract Not to Exceed (NTE) of \$370,000, to fund Mental Health clients living at 2111 McKinley Avenue in Berkeley. This will extend the contract by one year.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,651–N.S.

## Consent Calendar

- 9. Contract No. 32000232 Amendment: Worldwide Travel Staffing for Nurse Registry Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000232 with Worldwide Travel Staffing for nurse registry services. The total not to exceed limit will be \$1,272,580 and the contract end date will be extended to June 30, 2025. The contract will serve the needs of the Health, Housing and Community Services Department, providing fill-in nursing services as necessary at the Mental Health Clinic, Berkeley High School Health Center, COVID-19 Disease Containment Unit, the Public Health Emergency Preparedness' COVID-19 vaccine readiness planning, and the Berkeley Respite Program's nursing services.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,652–N.S.
- 10. Revenue: Federal COVID-19 Funding from HHS CARES Act Provider Relief Fund**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to accept payments from the Health and Human Services (HHS) CARES Act Provider Relief Fund and to execute any resultant revenue agreements and amendments; which enables City Departments to conduct and implement mitigation strategies in response to COVID-19 in the estimated amount of \$181,962 for FY 2021.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400, David Brannigan, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 69,653–N.S.
- 11. Kovarus, LLC: Using the California Department of General Services' (DGS) Software Licensing Program (SLP) for Software License Purchases**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to increase spending authority with Kovarus LLC ("Kovarus") for the purchase of Varonis software licenses, utilizing pricing and contracts, amendments, and extensions from the California Department of General Services (DGS) Software Licensing Program (SLP) for an amount not-to-exceed \$165,000, and the period beginning December 16, 2020 through June 30, 2021.  
**Financial Implications:** Cost Allocation Fund - \$165,000  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 69,654–N.S.

## Consent Calendar

- 12. Donation: Friends of Berkeley Tuolumne Camp for Berkeley Tuolumne Camp Construction**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation from the Friends of Berkeley Tuolumne Camp up to the amount of \$700,000 for the Berkeley Tuolumne Camp construction.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,655–N.S.
- 13. Joint Use Agreement Between the City of Berkeley and Berkeley Unified School District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution executing a Joint Use Agreement between the City of Berkeley and the Berkeley Unified School District (BUSD) for use of BUSD playgrounds, pools and buildings and City park facilities.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,656–N.S.
- 14. Recommendations for Implementing Phase 2 of the Measure T1 Infrastructure Bond Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution to implement the City Manager, Parks and Waterfront Commission, and Public Works Commission Final List of Projects for phase 2 of the Measure T1 infrastructure bond program.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700;  
Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,657–N.S.
- 15. FEMA Hazard Mitigation Grant Application for Seismic Retrofit of the South Berkeley Senior Center**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a grant application to the Federal Emergency Management Agency for funds in the amount of \$1,875,000 for the seismic retrofit of the South Berkeley Senior Center; authorizing the City Manager to accept the grant; to execute any resultant revenue agreement and amendments; authorizing an amount of \$625,000 in local matching funds; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,658–N.S.

## Consent Calendar

- 16. Receipt of and Funding Agreement Authorization for the Bay Area Air Quality Management District West Oakland Zero-Emission Grant Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to accept \$100,914 in grant funds from the Bay Area Air Quality Management District West Oakland Zero-Emission Grant Program (Project #19RFG23) and to enter into a Funding Agreement in order to support the electrification of the City's fleet vehicles.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,659–N.S.
- 17. Grant Application: COVID-19 Rapid Response Bicycle and Pedestrian Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a grant application for up to \$52,000 to the Alameda County Transportation Commission COVID-19 Rapid Response Bicycle and Pedestrian Grant Program for the Berkeley Healthy Streets project, and accept the grant awarded, and execute any resultant agreements and amendments.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,660–N.S.
- 18. Extending the Community Workforce Agreement with Building & Construction Trades Council, et al, for Construction Projects Over \$500,000**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment to the Community Workforce Agreement with the Alameda County Building & Construction Trades Council, and twenty-two labor organizations on City capital improvement projects with an estimated value in excess of \$500,000 to extend the agreement through June 30, 2023.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,661–N.S.
- 19. Sole Source Contract Negotiations – Community Conservation Center, Inc. and Ecology Center, Inc.**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to continue sole source negotiations with Ecology Center, Inc. and Community Conservation Centers, Inc.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,662–N.S.



## Consent Calendar

**20. Contract: Alameda-Contra Costa County Transit District (AC Transit) for EasyPass Program 2021 to 2025**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Alameda-Contra Costa County Transit District (AC Transit) for the EasyPass bus transit pass program for City of Berkeley employees in an amount not to exceed \$774,453 for the five-year period commencing January 1, 2021 through December 31, 2025.

**Financial Implications:** Payroll Deduction Trust Fund - \$774,453

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

**Action:** Adopted Resolution No. 69,663–N.S.

**21. Contract: Benefit Resource, Inc. for Third-Party Administrator of the Employee Commute Benefit Program; Contract No. 8746A Amendment: Edenred USA**

**From: City Manager**

**Recommendation:** Adopt two Resolutions authorizing the City Manager to:

1. Execute a contract and any amendments with Benefit Resource, Inc., (BRI) to provide third-party administrator services for the City of Berkeley's Employee Commute Benefit Program for an amount not to exceed \$28,974 for the period of March 1, 2021 through February 28, 2023; and
2. Amend Contract No. 8746A with the City's current third-party administrator, Edenred Commuter Benefit Solutions, a subsidiary of Edenred USA, increasing the contract amount by \$6,000 for a total amount not to exceed \$276,000, and extending the contract period three months through March 31, 2021 to ensure a seamless transition to BRI, the new third-party administrator.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,664–N.S. (Benefit Resource, Inc.), and Resolution No. 69,665–N.S. (Edenred USA).

**22. Purchase Order: TYMCO, Inc. for three Model 600X Regenerative Air Sweeper**  
**From: City Manager**

**Recommendation:** Adopt a Resolution satisfying City Charter Article XI Section 67.2 requirements allowing the City to participate in Houston-Galveston Area Council contact bid procedures, and authorizing the City Manager to execute a purchase order with TYMCO, Inc. for three Model 600X Regenerative Air Sweeper in an amount not to exceed \$962,000.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,666–N.S.

## Consent Calendar

**23. Purchase Order: Arata Equipment Company for Eleven Side Loader Collection Trucks**

**From: City Manager**

**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell (previously NJPA) contract bid procedures, and authorizing the City Manager to execute a purchase order for eleven (11) Side Loader Collection Trucks with Arata Equipment Company in an amount not to exceed \$4,554,575.

**Financial Implications:** Equipment Replacement Fund - \$4,554,575

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

**Action:** Adopted Resolution No. 69,667–N.S.

**24. Purchase Order: Owen Equipment Sales for One Vactor Combination Sewer Cleaner Truck**

**From: City Manager**

**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell (formerly NJPA) contract # 122017-FSC and authorizing the City Manager to execute a purchase order for one Vactor Combination Sewer Cleaner with Owen Equipment Sales in an amount not to exceed \$327,000.

**Financial Implications:** Various Funds - \$327,000

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

**Action:** Adopted Resolution No. 69,668–N.S.

## Consent Calendar

25. **Prohibition on the Resale of Used Combustion Vehicles in 2040** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*

**From: Community Environmental Advisory Commission**

**Recommendation:** Review and refer to the City Attorney for finalization the attached ordinance prohibiting the resale of used, existing combustion-powered vehicles beginning in 2040.

*(On November 18, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to refer to the City Manager for review of the attached ordinance prohibiting the resale of used, existing combustion-powered vehicles beginning in 2040, to the extent legally possible.)*

**Financial Implications:** See report

Contact: Viviana Garcia, Commission Secretary, (510) 981-7460

**Action:** Approved the recommendation of the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee with the referral modified to provide two options of the ordinance: 1) as proposed by the policy committee, and 2) with the proposed additions below:

1. *Replace the word "vehicle" with "passenger vehicle" throughout the Resolution*
2. *Add a section that requires that all purchasers of combustion passenger vehicles in Berkeley be notified of this regulation at point of sale starting 60 days after the passage of this ordinance. (request that Legal craft the language to be used in the disclosure)*
3. *In 0.97.030 Definitions, include "Passenger Vehicle" shall be used as defined in California Vehicle Code 465*
4. *In Section, 9.97.040 Prohibition, clarify that exceptions shall include sales for trade-in and for sales as scrap metal.*

## Consent Calendar

- 26. Allocation of \$3 Million Over Two Years, FY22 and FY23, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs) From: Sugar Sweetened Beverage Product Panel of Experts**  
**Recommendation:** Adopt a Resolution allocating \$3 million from the General Fund in FY22 (July 1, 2021 through June 30, 2022) and FY23 (July 1, 2022 through June 30, 2023) that shall be invested in a grant program administered and coordinated by the Berkeley Public Health Division consistent with the SSBPPE's goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the effects of SSB consumption. The total of \$3 million will be distributed in two installments of \$1.5 million per year for FY22 and FY23. In each of these years, the funds will be distributed as follows: a. Direct the City Manager to award up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs. The BUSD funding process is separate from the RFP process for the general community-based organization funding process and shall be guided by the SSBPPE Commission's Criteria for BUSD Funding (Attachment 2 to the report). b. Direct the City Manager to award at least 42.5% of the allocated funds through an RFP process managed by the Public Health Division for grants to community-based organizations consistent with the SSBPPE's goals to reduce the consumption of SSBs and to address the effects of SSB consumption. The community-based organization funding RFP process is separate from the BUSD funding process and shall be guided by the SSBPPE Commission's Criteria for Community Agency Grants (Attachment 3 to the report). c. Direct the City Manager to utilize 15% of the allocated funds to support the Berkeley Public Health Division (BPHD) to coordinate and monitor the grant process, coordinate the overall program evaluation, and produce an annual report that disseminates process and outcome data from the epidemiologist resulting from the SSBPPE funding program.  
**Financial Implications:** See report  
Contact: Dechen Tsering, Commission Secretary, (510) 981-5300  
**Action:** Adopted Resolution No. 69,669–N.S. with the allocation set at total of \$2,662,506 for Fiscal Years 2022 and 2023 combined.
- 27. Rocky Road: Berkeley Streets at Risk and Significantly Underfunded From: Auditor**  
**Recommendation:** We recommend City Council request that the City Manager report back by June 15, 2021, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Public Works Department.  
**Financial Implications:** None  
Contact: Jenny Wong, Auditor, (510) 981-6750  
**Action:** Approved recommendation.

## Council Consent Items

**28. Tenth Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**

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

**Recommendation:**

1. Adopt a Resolution co-sponsoring the 10th Annual Martin Luther King Jr. Celebration on January 18, 2021.
2. Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Mayor Arreguin, to the Berkeley Rotary Endowment, the fiscal sponsor of the 10th Annual Martin Luther King Jr. celebration, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.

**Financial Implications:** Mayor's Discretionary Funds - \$250

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

**Action:** Adopted Resolution No. 69,670–N.S. (Co-Sponsor), and Resolution No. 69,671–N.S. (Relinquishment of Funds) revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$250; Councilmember Harrison - \$250; Councilmember Robinson - \$200; Vice-Mayor Droste - \$100; Councilmember Kesarwani - \$100; Mayor Arreguin - \$250.

**29. Appoint Alexandria Thomas-Rodriguez to the Berkeley Housing Authority Board**

**From: Mayor Arreguin (Author)**

**Recommendation:** Adopt a Resolution appointing Alexandria Thomas-Rodriguez to serve as a tenant Commissioner on the Berkeley Housing Authority Board of Commissioners for a two-year term.

**Financial Implications:** None

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

**Action:** Adopted Resolution No. 69,672–N.S.

**30. Establishment of Reimagining Public Safety Task Force**

**From: Mayor Arreguin (Author), Councilmember Hahn (Author), Councilmember Bartlett (Author), Councilmember Harrison (Author)**

**Recommendation:**

1. Establish a Reimagining Public Safety Task Force, comprised of: one representative appointed by each member of the City Council and Mayor, one representative appointed by the Mental Health, Police Review and Youth Commissions, one representative appointed by the Associated Students of the University of California (ASUC), one representative appointed by the Berkeley Community Safety Coalition (BCSC), and three additional members to be appointed "At Large" by the Task Force. The Task Force will be guided by a professional consultant, and will include the participation of City Staff from the City Manager's Office, Human Resources, Health, Housing and Community Services, Berkeley Fire Department, Berkeley Police Department, and Public Works Department. For visual,

## Council Consent Items

see Attachment 1.

2. Appointments to the Task Force should be made by January 31, 2021, and reflect a diverse range of experiences, knowledge, expertise and representation. To maintain the Council's July 14, 2020, commitment to centering the voices of those most impacted in our process of reimagining community safety appointments should be made with the goal of achieving a balance of the following criteria: a. Active Members of Berkeley Community (Required of All)\*, b. Representation from Impacted Communities - Formerly incarcerated individuals, - Victims/family members of violent crime - Immigrant community, - Communities impacted by high crime, over-policing and police violence, - Individuals experiencing homelessness, - Historically marginalized populations, c. Faith-Based Community Leaders, d.

Expertise/Leadership in Violence Prevention, Youth Services, Crisis Intervention, and Restorative or Transformative Justice, e. Health/ Public Health Expertise, f. City of Berkeley labor/union representation, g. Law Enforcement Operation Knowledge, h. City Budget Operations/Knowledge, i. Committed to the Goals and Success of The Taskforce (Required of All)

3. The charge of the Task Force is as outlined in the July 14, 2020, City Council Omnibus Action, and should include but is not limited to: I. Building on the work of the City Council, the City Manager, BPD, the PRC and other City commissions and other working groups addressing community health and safety. II. Research and engagement to define a holistic, anti-racist approach to community safety, including a review and analysis of emerging models, programs and practices that could be applied in Berkeley. III. Recommend a new, community-centered safety paradigm as a foundation for deep and lasting change, grounded in the principles of Reduce, Improve and Reinvest as proposed by the National Institute for Criminal Justice Reform considering, among other things: A. The social determinants of health and changes required to deliver a holistic approach to community-centered safety. B. The appropriate response to community calls for help including size, scope of operation and power and duties of a well-trained police force. C. Limiting militarized weaponry and equipment. D. Identifying alternatives to policing and enforcement to reduce conflict, harm, and institutionalization, introduce alternative and restorative justice models, and reduce or eliminate use of fines and incarceration. E. Options to reduce police contacts, stops, arrests, tickets, fines and incarceration and replace these, to the greatest extent possible, with educational, community serving, restorative and other positive programs, policies and systems. F. Reducing the Berkeley Police Department budget to reflect its revised mandates, with a goal of a 50% reduction, based on the results of requested analysis and achieved through programs such as the Specialized Care Unit.

4. Direct the City Manager to ensure that the working group of City Staff as outlined in her October 28th Off-Agenda Memo is coordinating with the Task Force.

The Task Force's goal/output will be a set of recommended programs, structures and initiatives to incorporate into upcoming budget processes for FY 2022-23 and, as a second phase, in the FY 2024-2025 budget processes to ensure that recommended changes will be achieved. The Task Force shall return to City Council an initial plan and timeline by April 1, 2021, to ensure the first phase of changes can be incorporated into the FY 2022-23 Budget Process.

## Council Consent Items

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,673–N.S. and approved recommendation as revised in Supplemental Communications #2 by Mayor Arreguin.

- 31. Adopt a Resolution Advocating for More Effective Methods of Traffic Enforcement**  
**From: Mayor Arreguin (Author), Councilmember Droste (Author), Councilmember Robinson (Author), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution supporting the California State Legislature to enact legislation that would give municipalities greater flexibility to enforce speeding and vehicle code enforcement laws and send copies of the resolution to Governor Gavin Newsom, Senator Nancy Skinner and Assemblymember Buffy Wicks  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 69,674–N.S.
- 32. Deferral of Remaining Permit Fees for 2009 Addison Street**  
**From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor),**  
**Recommendation:** Approve the deferral of \$720,000 in remaining permit and inspection fees for Berkeley Repertory Theater’s housing project at 2009 Addison Street for a period of ten years, after which point the fees will be repaid to the City of Berkeley. Authorize the City Manager to execute a written agreement to memorialize this deferral and repayment requirements.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Approved recommendation as revised in supplemental materials from Mayor Arreguin accepted at the meeting to read as follows:
- Refer to the City Manager to conduct a feasibility analysis and develop an MOU with the Berkeley Repertory Theater to defer \$720,000 in remaining permit and inspection fees for Berkeley Repertory Theater’s housing project at 2009 Addison Street (leaving flexibility for timing, setting of interest, schedule of payments, and fund sources).*
- 33. Support the Installation of a Plaque recognizing United States Vice President-Elect Kamala Harris in front of her childhood home in District 2**  
**From: Councilmember Davila (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution supporting the installation of a plaque recognizing United States Vice President-Elect Kamala Harris in front of her childhood home in District 2, and refer to the City Manager to start the process.  
**Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120  
**Action:** Adopted Resolution No. 69,675–N.S.

## Council Consent Items

- 34. Support calling upon food companies within Berkeley to implement the requirements of Proposition 12 as soon as possible by only selling eggs and meat from cage-free facilities**  
**From: Councilmember Davila (Author), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution calling upon supermarkets, restaurant companies, and other food corporations with locations in Berkeley, CA to implement the requirements of Proposition 12 as soon as possible by only selling eggs and meat from cage-free facilities.  
**Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120  
**Action:** Item 34 continued to January 19, 2021.
- 35. Potential Bonding and Funding Opportunities for Improving the PCI of Residential Streets, and Creating a Paving Master Plan** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*  
**From: Councilmember Harrison (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Refer to the to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee (FITES) to continue working with the Public Works Department and the Commission to explore potential bonding and funding opportunities for improving the PCI of residential streets, create a paving master plan, and consider the Public Works Commission Paving Policy, once complete. *(On November 18, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to the City Council requesting that the item be referred back to the Facilities committee for further consideration and to request that Council refer the Paving Plan from the Public Works Commission to the committee when the item comes before Council in January.)*  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Approved the recommendation as adopted by the policy committee.
- 36. Reserving \$2.5M in Housing Trust Funds for the Small Sites Program**  
**From: Councilmember Hahn (Author), Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution reserving \$2.5 million in Housing Trust Funds for the Small Sites Program.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Councilmember Wengraf added as a co-sponsor. Adopted Resolution No. 69,676 –N.S. as revised in Supplemental Communications Packet #1 by Councilmember Hahn to add a request for the City Manager to provide a status report on the Small Sites Program in six months so that Council can decide on future funding allocations, and adds Councilmember Wengraf as a co-author.  
**Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Kesarwani, Droste.



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- 37. The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**  
**From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$125 per Councilmember, including \$125 from Councilmember Wengraf, to support the Berkeley Baby Book Project, a non-profit, with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Wengraf and all other Councilmembers who would like to contribute, will provide books to Berkeley children aged 0-5 years. The books are delivered by USPS and addressed to the child who owns them at no cost to their family. \$125 covers 5 years of monthly delivery costs.  
**Financial Implications:** See report  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Councilmember Bartlett added as a co-sponsor. Adopted Resolution No. 69,677–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Kesarwani - \$125; Councilmember Robinson - \$125; Councilmember Harrison - \$125; Councilmember Bartlett - \$125; Vice-Mayor Droste - \$100; Mayor Arreguin \$125.
- 38. Resolution: Support of S. 4571 - 2020 Census Deadline Extensions Act**  
**From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution supporting S. 4571, the 2020 Census Deadline Extensions Act, which would extend the Census Bureau's statutory deadlines for delivering apportionment and redistricting data to April and July 2021, respectively.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Adopted Resolution No. 69,678–N.S.
- 39. Path to Permanence for Outdoor Dining and Commerce Permits Granted Under COVID-19 Public Health Emergency Declaration** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*  
**From: Councilmember Droste (Author), Mayor Arreguin (Author), Councilmember Robinson (Author), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Refer to the City Manager to develop a program, and if necessary, ordinance language to facilitate the transition of temporary outdoor dining and commerce permits that were obtained under the City's declaration of emergency to permanent status. Consider criteria for transitioning spaces for public vs. private outdoor use: - Consider the structural, materials, safety and other criteria for temporary vs. permanent outdoor spaces - Consider costs and benefits of private outdoor spaces adjacent to specific businesses on customer access, parking availability, parking revenues, and all other factors. - Consider merchant opt-out vs. opt-in: To encourage and support the use of outdoor commerce, upon the conclusion of the City declaration of emergency, outdoor commerce permit holders might

## Council Consent Items

automatically be transitioned to permanent permit status unless the permit holder chooses to remove the installation, or the city might reach out to temporary permit holders and offer an opt-in or quick transition program. - Consider fees and potential fee waivers for temporary spaces transitioning to permanent status: Fees associated with the minor encroachment permits or sidewalk seating typically necessary for outdoor dining and commerce permits could be waived for all transitioning permits. - Consider and bring forward any and all suggestions to help transition temporary spaces to permanent with as few hurdles and costs possible. - Request the Agenda Committee consider sharing this item on Berkeley Considers. - Consider removing the prohibition of parklets on State Highways (Ashby Ave, San Pablo Ave., for example)

*(On November 2, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to the City Council with the recommendation language as amended by the committee. The revised recommendation language includes: Refer to the City Manager to develop a program and, if necessary, ordinance language to facilitate the transition of temporary outdoor dining and commerce permits that were obtained under the City's declaration of emergency to permanent status. - Consider criteria for transitioning spaces for Public vs. Private outdoor use. - Consider the structural, materials, safety and other criteria for temporary vs. permanent outdoor spaces. - Consider costs and benefits of private outdoor spaces adjacent to specific businesses on customer access, parking availability, parking revenues, and all other factors. - Consider Merchant opt-out vs. opt-in: To encourage and support the use of outdoor commerce, upon the conclusion of the City declaration of emergency, outdoor commerce permit holders might automatically be transitioned to permanent permit status unless the permit holder chooses to remove the installation, or the City might reach out to temporary permit holders and offer an opt-in or quick transition program. - Consider Fees and potential Fee waivers for temporary spaces transitioning to permanent status: Fees associated with the minor encroachment permits or sidewalk seating typically necessary for outdoor dining and commerce permits could be waived for all transitioning permits. - Consider Protocols for transfer of private use parklets if businesses change, turn over, etc. - Consider and bring forward any and all suggestions to help transition temporary spaces to permanent with as few hurdles and costs possible. - Request the Agenda Committee consider sharing this item on Berkeley Considers.)*

**Financial Implications:** See report

Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

**Action:** Approved the recommendation as adopted by the policy committee.

Recess 9:06 p.m. – 9:16 p.m.

## Action Calendar – Public Hearings

- 40. Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23**  
*(Continued from December 1, 2020. Item contains revised material.)*

**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:** The Mayor opened the public hearing. M/S/C (Arreguin/Wengraf) to continue the public hearing to a special meeting on January 26, 2021 at 4:00 p.m. including supplemental material submitted in Supplemental Communications Packet #2 from Councilmember Hahn.

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

Councilmember Bartlett absent 9:16 p.m. – 9:19 p.m.

- 41. Referral Response: Amendments to the Home Occupations Ordinance; Amending BMC Sub-Titles 23C, 23D, 23E, and 23F**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance amending the Zoning Ordinance to streamline the permitting process for Home Occupations and amending Berkeley Municipal Code Chapter 23C.16 Home Occupations, Chapter 23E.84 MU-R Mixed Use-Residential District Provisions, Chapter 23F.04 Definitions, and Use Tables in Applicable Zoning Districts.

**Financial Implications:** See report

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

**Action:** The Mayor opened the public hearing. M/S/C (Arreguin/Wengraf) to continue the public hearing to February 9, 2021.

**Vote:** All Ayes.

## Action Calendar

- 42. FY 2020 Year-End Results and FY 2021 First Quarter Budget Update** *(Continued from November 17, 2020. Item contains revised material.)*

**From: City Manager**

Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

**Action:** See Item 43.

- 43. Amendment: FY 2021 Annual Appropriations Ordinance** *(Continued from November 17, 2020. Item contains revised material.)*

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance amending FY 2021 Annual Appropriations Ordinance No. 7,724 - N.S. for fiscal year 2021 based upon recommended re-appropriation of committed FY 2020 funding and other adjustments since July 1, 2020 in the amount of \$184,267,388 (gross) and \$179,848,051 (net).

**Financial Implications:** See report

Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

**Action:** M/S/C (Arreguin/Hahn) to adopt a temporary rule limiting public comment to one minute per speaker.

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

**Action:** 19 speakers. M/S/C (Arreguin/Harrison) to adopt first reading of Ordinance No. 7,748-N.S. with re-appropriations in the amount of \$198,706,198 (gross) and \$194,286,861 (net) and as amended at the meeting based on revised materials submitted by the City Manager. Second reading scheduled for January 19, 2021.

**Vote:** All Ayes.

- 44. Support Loan Forgiveness to Berkeley Youth Alternatives**

**From: Councilmember Davila (Author)**

**Recommendation:** Adopt a Resolution supporting the forgiveness of the City's \$100,000 loan to Berkeley Youth Alternatives (BYA), and direct the City Manager or her designee to process the loan forgiveness to BYA and release the deed of trust.

**Financial Implications:** \$100,000

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

**Action:** Moved to Consent Calendar. Adopted Resolution No. 69,679–N.S.

## Action Calendar

### 45. Amendments to Berkeley Police Department Policy 300, Use of Force

**From: City Manager**

**Recommendation:**

A) Adopt the proposed amendments to Policy 300 as proposed by the City Manager, in order to comply with state law, and to provide additional definitions, and to clarify existing language within Policy 300, including the Department's recommendation for section 300.1.2;

-OR-

B) Adopt the proposed amendments to Policy 300 as proposed by the Police Review Commission, in order to comply with state law, and to provide additional definitions, and to clarify existing language within Policy 300, including the Police Review Commission's recommendation for Sections 300.1.2 and 300.1.3.

**Financial Implications:** See report

Contact: Andrew Greenwood, Police, (510) 981-5900

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

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:30 a.m.

**Vote:** All Ayes.

**Action:** 17 speakers. M/S/C (Harrison/Hahn) to adopt Policy 300 as written by the Police Review Commission with the amendments noted below.

#### **300.1.2 USE OF FORCE STANDARD**

In dealing with suspects, officers shall ~~strive to~~ use alternatives to physical force whenever reasonably possible. In all cases where physical force is used, officers shall ~~strive to use the~~ a minimum amount of force that is objectively reasonable, objectively necessary, and proportional to effectively and safely resolve a conflict.

#### **300.1.2 USE OF FORCE STANDARD**

First, it imposes a higher duty upon officers to ~~strive to use the~~ a minimal amount of force objectively necessary to safely achieve their legitimate law enforcement objective.

#### **300.1.3 CORE PRINCIPLES**

A. DE-ESCALATION AND FORCE MINIMIZATION. Every officer's goal, throughout an encounter with a member of the public, shall be to de-escalate wherever possible and resolve the encounter without resorting to the use of force. Wherever possible, officers shall employ de-escalation techniques to increase the likelihood of voluntary compliance with law enforcement requests or directives and, thereby, decrease the likelihood that a use of force will become necessary during an incident. Further, in any encounters that do call for applying force, officers must always ~~strive to use the~~ a minimal amount of force that is objectively reasonable and objectively necessary to safely achieve their legitimate law enforcement objective.

#### **300.1.4 DEFINITIONS**

Minimal amount necessary – The least amount of force within a range that is objectively reasonable and objectively necessary to safely effect an arrest or achieve some other legitimate law enforcement purpose.

**Vote:** All Ayes.

## Action Calendar – Continued Business

**C. Urgency Item: Resolution Establishing Local Law Enforcement Policy Pursuant to the November 19, 2020 California Department of Public Health Limited Stay At Home Order and the December 3, 2020 Regional Stay At Home Order**

*(Continued from December 8, 2020.)*

**From: Councilmember Harrison (Author)**

**Recommendation:** State Health officials have recently issued two vaguely worded Stay At Home Orders that closely resemble curfews. The State's Orders lack critical specificity regarding enforcement procedures and mechanisms. The Orders, if enforced vigorously, could disproportionately impact low-income people, unhoused people, and people of color, and have the potential to increase the frequency of interactions between law enforcement and marginalized and vulnerable communities.

The December 3, 2020 order was issued after the deadline for Council items and has the potential to immediately impact community members. In addition, the November 19, 2020 Order is currently in effect and warrants immediate Council action.

Data analyses suggest that the June 2020 curfew correlated with significant increases law enforcement racial disparities within Berkeley. Across the Bay Area, certain law enforcement leaders, including police chiefs and sheriffs, have stated they do not intend to indiscriminately and unconstitutionally stop people encountered away from home merely on suspicion of violating the State's curfew orders. It is in the public interest for the Council and City to adopt a similar policy.

**Financial Implications:** See report

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

**Action:** Moved to Consent Calendar. Adopted Resolution No. 69,680–N.S. with resolved clauses to read as follows:

*NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that City of Berkeley police will not stop individuals driving, or biking, walking or otherwise circulating outside of their homes during curfew hours solely on suspicion of violating curfew terms, November 19, 2020 Limited Stay At Home Order, or the State's December 3, 2020 Regional Stay at Home Order, and the Department will not dispatch or stop or question for these purposes unless there is reasonable suspicion of criminal behavior separate and apart from a curfew violation. Nothing in this resolution shall preclude City enforcement of unpermitted gatherings of groups of individuals of multiple households, or any other provisions of any local Health Order or State Health Order.*

*BE IT FURTHER RESOLVED that members of the public reporting alleged violations of the State's November 19, 2020 Limited Stay At Home Order or the State's December 3, 2020 Regional Stay at Home Order to the City of Berkeley will be advised to call or email 3-1-1 or Police Non-Emergency number after business hours to report their observations and concerns, and such reports shall be routed to the City Manager's office or appropriate city personnel for consideration of appropriate enforcement.*

**Public Comment – Items Not Listed on the Agenda - 2 speakers.**

## Adjournment

Adjourned at 12:30 a.m.

## Communications

### **Item #27: Rocky Road: Berkeley Streets at Risk and Significantly Underfunded**

1. Steve Kromer

### **Item #34: Support calling upon food companies within Berkeley to implement the requirements of Proposition 12 as soon as possible by only selling eggs and meat from cage-free facilities**

2. Sabrina Ashjian, on behalf of the California Humane Society

### **Item #37: The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**

3. Seena Hawley, on behalf of The Berkeley Baby Book Project

### **Berkeley Firefighters Staffing**

4. Colin Arnold, on behalf of the Berkeley Firefighters Association

### **COVID-19 Concerns**

5. Vivian Warkentin
6. Steven Schuyler
7. Nathan Francis

### **Needle Disposal Boxes**

8. Maxina Ventura
9. 11 form-letters

### **Pickleball Courts**

10. Elaine
11. Matt Ruby
12. Neil Collier
13. Christy Shepard
14. Fran Wickner
15. Lisa Vogel
16. Mike Hines
17. Gillie Tillson
18. Carmen Figueras
19. Kirk McCarthy
20. Carol Maga
21. Sean O'Doherty
22. Nancy Kaspar
23. Pat Kaspar

24. Nancy Ellis
25. Tess Eisley
26. Soleil Taylor
27. Frank Gilbert
28. Duston Richards
29. David Johnson
30. Holly Coates-Bash
31. Phyllis Mace
32. Chip Wasson
33. R'Sue Caron
34. Paul Kramer
35. Mary Reed Johnson
36. Gina Rieger
37. Naomi Torres
38. Shasta Phillips
39. Gregory Becker
40. Rosie Cohan
41. Jan Stafford
42. Monica Rohrer
43. Catherine Cassel
44. Nancy Cosentino
45. Dana Tillson

#### **Gun Violence**

46. Moni Law

#### **Racial Disparities and Curfews**

47. Racial and Criminal Justice Reform Group (2)
48. Sheila Jordan
49. Moni Law
50. Mansour Id-Dean
51. Janice Schroeder
52. Jane Martin

#### **Pool Problems**

53. Cris Barrere

#### **Berkeley's Financial Status per State Auditor**

54. Barbara Gilbert

#### **African American Holistic Resource Center**

55. Dr. M. Angelica Garcia, President, Berkeley City College

#### **Kayla Moore**

56. Gemma Medlam-Cooke



### **Horse Fatalities at Golden Gate Fields**

- 57. Heather Wilson
- 58. Latinos Unidos de Berkeley

### **Surveillance Cameras**

- 59. Vivian Warkentin

### **5G**

- 60. Elana Levy
- 61. Vivian Warkentin (2)
- 62. Protect Berkeley Consortium
- 63. Stephanie Thomas

### **Vision 2025**

- 64. Nilang

### **BUSD Reopening**

- 65. Summi Kaipa
- 66. Maxine Skaggs Kennedy

### **Actions Unbecoming of Elected Officials**

- 67. Margo Smtih
- 68. Russbumper

### **North Berkeley Crime**

- 69. Vicki Sommer

### **Second Hand Smoke**

- 70. Carol Denny

### **Construction Site Fire Safety**

- 71. David Lerman
- 72. Dianne Maddox

### **N. Berkeley BART**

- 73. David Brandon

### **Letter from Girl Scout Troop 33984**

- 74. Annabelle, Eliana, Zella, Siena, Nina and Annika

## **Supplemental Communications and Reports 1**

### **Item #26: Allocation of \$3 Million Over Two Years, FY22 and FY23, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs)**

- 75. Revised material, submitted by HHCS
- 76. Holly Scheider, Chair, Sugar-Sweetened Beverage Products Panel of Experts Commission (SSBPPE)

- 77. Pauline Bondonno
- 78. Eric Friedman

**Item #36: Reserving \$2.5M in Housing Trust Funds for the Small Sites Program**

- 79. Supplemental material, submitted by Councilmember Hahn

**Item #37: The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**

- 80. Kristin Chew
- 81. Namita Dodeja
- 82. Elizabeth
- 83. Del Parker
- 84. Pablo Diaz-Gutierrez
- 85. Ashely Dorsett
- 86. Matthew Percival
- 87. Caitlin Collins
- 88. Maura Fitzgerald
- 89. Nirmala Ramalingam
- 90. Liza Young
- 91. Christine Mattsson
- 92. Cecile Bastide
- 93. Tom Buoye
- 94. Lizzie Hager-Barnard
- 95. Zoe Corocran

**Item #39: Path to Permanence for Outdoor Dining and Commerce Permits Granted Under COVID-19 Public Health Emergency Declaration**

- 96. Carol Denney

**Item #40: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23**

- 97. Robert Smith
- 98. Denise Carlson
- 99. Jonathan Bailey
- 100. Mary Ruth Quinn
- 101. Lisa and Tim Goodman
- 102. Steven Segal
- 103. Bob Flasher
- 104. Susan Scherer
- 105. Laura Graham
- 106. Chuck and Mary Ann Wenger
- 107. Nicholas
- 108. Guy and Karen Benveniste
- 109. Joel Huff
- 110. Victoria Kahn

- 111. Ethan Karp
- 112. Rebecca Trumbull

**Item #41: Referral Response: Amendments to the Home Occupations Ordinance; Amending BMC Sub-Titles 23C, 23D, 23E and 23F**

- 113. Juliana Kramer

**Item #45: Amendments to Berkeley Police Department Policy 300, Use of Force**

- 114. Supplemental material, submitted by Councilmember Harrison
- 115. Supplemental material, submitted by the Police Review Commission

## **Supplemental Communications and Reports 2**

**Item A: Updates to the COVID-19 Emergency Response Ordinance; Amending Berkeley Municipal Code Chapter 13.110**

- 116. Rain Sussman
- 117. Diana Bohn

**Item B: Adoption of the Adeline Corridor Specific Plan and associated General Plan and Municipal Code (Zoning) Amendments and Certification of the Final Environmental Impact Report; Adding Berkeley Municipal Code Chapter 23E.70**

- 118. Jane Scantlebury
- 119. Phyllis Orrick
- 120. Elliott Schwimmer
- 121. Mikayla Fussman
- 122. Paul Bickmore
- 123. Thomas Luce
- 124. Daniel Tacci
- 125. Forest Kaser
- 126. Friends of Adeline

**Item #5: 1444 Fifth Street, LLC v. City of Berkeley, Case No. RG19032434**

- 127. David Kellogg

**Item #7: Contract: National Institute for Criminal Justice Reform to Manage and Lead a Community Engagement Process to Develop a New Paradigm of Public Safety in Berkeley**

- 128. Revised material, submitted the by the City Manager's Office

**Item #14: Recommendations for Implementing Phase 2 of the Measure T1 Infrastructure Bond Program**

- 129. Kate Obenour
- 130. Corrina Gould
- 131. Deborah Durant

**Item #27: Rocky Road: Berkeley Streets at Risk and Significantly Underfunded**

132. Supplemental material, submitted by the Auditor

**Item #30: Establishment of Reimagining Public Safety Task Force**

133. Supplemental material, submitted by Mayor Arreguin

**Item #37: The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**

- 134. Helen Marcus
- 135. Ana Maria Mahiri
- 136. Lauren Pappone
- 137. Dora Lopez
- 138. Jan Volz-Kelly
- 139. Seena Hawley (2)
- 140. Marsala Williams

**Item #40: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23**

- 141. Supplemental material, submitted by Councilmember Hahn
- 142. Maris1000@
- 143. Frank Hirtz
- 144. George Porter
- 145. Steven Segal

**Item #42: FY 2020 Year-End Results and FY 2021 First Quarter Budget Update**

- 146. Revised material, submitted by the Budget Manager
- 147. Moni Law
- 148. Diana Bohn
- 149. russbumper

**Item #43: Amendment: FY 2021 Annual Appropriations Ordinance**

150. Supplemental material, submitted by Councilmember Hahn

**Item #45: Amendments to Berkeley Police Department Policy 300, Use of Force**

151. russbumper (5)

**Item #C: Urgency Item: Resolution Establishing Local Law Enforcement Policy Pursuant to the November 19, 2020 California Department of Public Health Limited Stay At Home Order and the December 3, 2020 Regional Stay At Home Order**

152. Revised material, submitted by Councilmember Harrison

**Item #39: Path to Permanence for Outdoor Dining and Commerce Permits Granted Under COVID-19 Public Health Emergency Declaration**

153. 243 Communications submitted via Berkeley Considers, includes summary information

## Supplemental Communications and Reports 3

### **Item B: Adoption of the Adeline Corridor Specific Plan and associated General Plan and Municipal Code (Zoning) Amendments and Certification of the Final Environmental Impact Report; Adding Berkeley Municipal Code Chapter 23E.70**

- 154. Diana Bohn
- 155. Janis Ching

### **Item #14: Recommendations for Implementing Phase 2 of the Measure T1 Infrastructure Bond Program**

- 156. Kristin Leimkuhler
- 157. Bernard Marszalek

### **Item #17: Grant Application: COVID-19 Rapid Response Bicycle and Pedestrian Program**

- 158. Lisa Lutzker, on behalf of Walk Bike Berkeley

### **Item #25: Prohibition on the Resale of Used Combustion Vehicles in 2040**

- 159. Kathy Dervin
- 160. Todd Andrews

### **Item #27: Rocky Road: Berkeley Streets at Risk and Significantly Underfunded**

- 161. Chimey Lee
- 162. Charles Clarke

### **Item #32: Deferral of Remaining Permit Fees for 2009 Addison Street**

- 163. Revised material, submitted by Mayor Arreguin

### **Item #37: The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**

- 164. Seena Hawley (2)
- 165. Daria Evans-Walker

### **Item #39: Path to Permanence for Outdoor Dining and Commerce Permits Granted Under COVID-19 Public Health Emergency Declaration**

- 166. Ben Gerhardstein, on behalf of Walk Bike Berkeley

### **Item #40: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23**

- 167. Mindy Hou
- 168. George Porter (2)
- 169. Gradiva Couzin, Chair, Disaster and Fire Safety Commission
- 170. Nina Torcoletti
- 171. Norman McKnight
- 172. Robert Johnson

- 173. Erica Buhrmann & Ron Drucker
- 174. Mary Rose

**Item #42: FY 2020 Year-End Results and FY 2021 First Quarter Budget Update**

- 175. Lindsey Yamane
- 176. Laura Nguyen
- 177. Elana Auerbach
- 178. Sally Sommer
- 179. Adrienne Lemberger
- 180. Kennedy Vega
- 181. Maxina Ventura
- 182. Yael Platt
- 183. Sivian Orr
- 184. Sheila Jordan
- 185. Gloria Park
- 186. Alison Lafferty

**Item #43: Amendment: FY 2021 Annual Appropriations Ordinance**

- 187. Revised material, submitted by the City Manager
- 188. Janice Schroeder
- 189. Amy Gorman
- 190. Linda Worthman
- 191. Una Elias
- 192. Josie Gerst
- 193. Kenneth Higa
- 194. Councilmember Harrison
- 195. Patricia Williams
- 196. Phoebe Tanner
- 197. Jessica Ching
- 198. Rina Margolin
- 199. Erica Buhrmann
- 200. Eric Arens
- 201. Raquel Pinderhughes
- 202. Caroline Todd
- 203. Igor Tregub, Chair, Sierra Club Northern Alameda County Group
- 204. Ana Rasquiza
- 205. Tom Kelly
- 206. David Lerman

**Item #45: Amendments to Berkeley Police Department Policy 300, Use of Force**

- 207. Er Elliot
- 208. Maxina Ventura
- 209. Sivian Orr
- 210. Yael Platt
- 211. Elisa Mikiten

**Item #C: Urgency Item: Resolution Establishing Local Law Enforcement Policy Pursuant to the November 19, 2020 California Department of Public Health Limited Stay At Home Order and the December 3, 2020 Regional Stay At Home Order**

- 212. Diana Bohn
- 213. Sivian Orr
- 214. Yael Platt