

**ANNOTATED AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, June 2, 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/82518774480>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial **1-669-900-9128** and enter Meeting ID: **825 1877 4480**. 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:** 6:04 p.m.

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

**Absent:** None

**Action:** M/S/C (Arreguin/Harrison) to accept temporary rules for the conduct of the meeting related to public comment, council discussion, and moving items off consent.

**Vote:** All Ayes.

### Ceremonial Matters:

1. Adjourned in memory of George Floyd and all those that are victims of police violence
2. Adjourned in memory of all victims of COVID-19
3. Adjourned in memory of Larry Kramer, LGBT Activist and Playwright

### City Auditor Comments:

The City Auditor provided comments on the protests and also the framework of the current budget situation and how the City can address the financial challenges.

### City Manager Comments:

The City Manager provided comments on the social situation and the importance of the Council's support of the community. Also provided an update on the EOC activities related to COVID-19 and the protests, with the top priority being protecting public safety and first amendment rights.

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

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 7 speakers.

**Action:** M/S/C (Arreguin/Kesarwani) to accept an urgency item from Councilmember Kesarwani pursuant to Government Code Section 54954.2(b)(2) related to the Great Plates meal program. Councilmember Harrison added as a co-sponsor.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Hahn) to accept an urgency item from the City Manager pursuant to Government Code Section 54954.2(b)(2) related to citywide curfew.

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

## Consent Calendar

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

**Vote:** All Ayes.

## Consent Calendar

### **Resolution in Support of Extending Governor Newsom’s Great Plates Delivered Food Assistance Program for Seniors and Expanding Eligibility to Low-Income Seniors**

**From:** Councilmembers Rashi Kesarwani (Author); Susan Wengraf (Co-Sponsor); Kate Harrison (Co-Sponsor)

**Recommendation:** 1) Adopt a resolution in support of (1) extending Governor Gavin Newsom’s Great Plates Delivered food assistance program that provides three meals per day from local restaurants to seniors and other adults who are COVID-19 positive or exposed, and (2) expanding eligibility rules so that low-income individuals with incomes less than 200 percent of the federal poverty level may participate in the program; 2) Send copies of the resolution to Governor Newsom, Congresswoman Barbara Lee, Senators Dianne Feinstein and Kamala Harris, State Senator Nancy Skinner, and Assemblywoman Buffy Wicks.

**Financial Implications:** Staff time.

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

**Action:** Adopted Resolution No. 69,422–N.S.

#### **1. Contract: Animal Care Services for the City of Albany**

**From:** City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract, with any amendments, with the City of Albany for animal care services for FY2021-FY2023, which increases the existing contract by up to \$37,046, with a total contract amount not to exceed \$249,653.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,423–N.S.

#### **2. Contract No. 10039 Amendment: Koefran Industries to Provide Pick Up and Disposal of Deceased Animals for Berkeley Animal Care Services**

**From:** City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to extend and increase Contract No. 10039 with Koefran Industries to provide pick up and disposal of deceased animals for Berkeley Animal Care Services (BACS). The increase will be for \$20,400 through June 30, 2021 for a total contract amount not to exceed \$121,600 and subject to the city’s annual appropriation process.

**Financial Implications:** General Fund - \$20,400

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

**Action:** Adopted Resolution No. 69,424–N.S.

## Consent Calendar

- 3. Ballot Measure Increasing the City's Appropriation Limit to Allow Expenditure of Tax Proceeds for Fiscal Years 2021 through 2024**  
**From: City Manager**  
**Recommendation:**  
1. Adopt a Resolution placing the attached measure to increase the City's appropriation limit on the ballot at the November 3, 2020 General Municipal Election.  
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** 1. Adopted Resolution No. 69,425–N.S. and 2. Designating Mayor Arreguin and Councilmember Harrison to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
- 4. Contract 10456 Amendment: Persimmony Electronic Case Management System for Software Licensing, Implementation and Maintenance Services for the Online Electronic Case Management System**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10456 with Persimmony International, Inc. for software licensing, implementation and maintenance services for the online Electronic Case Management system for the amount not to exceed \$127,947 and a total contract value not to exceed \$303,527 from July 12, 2016 to June 30, 2022.  
**Financial Implications:** Targeted Case Management Fund - \$127,947  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 69,426–N.S.
- 5. Contract No. 10789 Amendment: AMS.NET for Network Support and Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10789 with AMS.NET for network support and maintenance, for the amount not to exceed \$534,000 and a total contract value not to exceed \$989,335 from July 1, 2017 to June 30, 2025.  
**Financial Implications:** IT Cost Allocation - \$534,000  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 69,427–N.S.

## Consent Calendar

**6. Contracts: On-Call Waterfront Engineering, Design, Environmental Permitting and Construction Administration Services for Capital Improvement Projects at the Berkeley Waterfront**

**From: City Manager**

**Recommendation:** Adopt four Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call waterfront engineering, design, environmental permitting and construction administration services for capital improvement projects at the Berkeley Waterfront, for contract periods of June 15, 2020 through June 30, 2023:

1. Anchor QEA, LLC, for an amount not to exceed \$1,000,000.
2. COWI North America, Inc., for an amount not to exceed \$1,000,000.
3. Moffatt & Nichol, for an amount not to exceed \$1,000,000.
4. Transsystems Corporation, for an amount not to exceed \$1,000,000.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,428–N.S. (Anchor), Resolution No. 69,429–N.S. (COWI), Resolution No. 69,430–N.S. (Moffatt), and Resolution No. 69,431–N.S. (Transystems).

**7. Reject All Bids and Negotiate in the Open Market for the Grove Park Field Renovation and Park Improvements Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Rejecting all bids for the work associated with the Grove Park Field Renovation and Park Improvements Project, Specification No. 20-11383-C. 2. Authorizing the City Manager to direct staff to negotiate in the open market in accordance with Article XI, Public Works and Supplies, Section 67(a) of the City Charter. 3. If negotiations are not successful, authorizing the City Manager to direct staff to re-scope and re-bid the work associated with the Grove Park Field Renovation and Park Improvements Project.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,432–N.S.

## Consent Calendar

**8. Amendment and Assignment of Capital Contribution Agreement: 200 Marina Blvd, LLC for the Doubletree Hotel**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance approving an Amendment and Assignment of the City's Capital Contribution Agreement with 200 Marina Boulevard, Berkeley, LLC (200 Marina LLC) for the Doubletree Hotel, which would assign the agreement by 200 Marina LLC to its parent company, Apollo Bright, LLC (Apollo LLC), and change the payment schedule for the capital contribution from \$3M due in June 2020 to \$375,000 due in October 2020 and \$2,675,000 due upon Council approval of the Marina streets construction contract, estimated to be in January 2021. Apollo LLC's obligation to make the two capital contribution payments totaling \$3 million will be backed by an irrevocable standby letter of credit, which will be provided to the City upon execution of the amendment and assignment.

**Financial Implications:** See report

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

**Action:** Adopted first reading of Ordinance No. 7,705–N.S. Second reading scheduled for June 16, 2020.

**9. Contract: Alta Group, Inc. for the T1 Corporation Yard Maintenance Building Upgrade Project at 1326 Allston Way, and the T1 Marina Corporation Yard Maintenance Building Upgrade Project at 201 University Avenue**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the T1 Corporation Yard Maintenance Building Upgrade Project and the T1 Marina Corporation Yard Maintenance Building Upgrade Project, Specification No.19-1 1302 -C; 2. Accepting the bid plus bid alternate of Alta Group, Inc. as the lowest responsive and responsible bidder; 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, for an amount not to exceed \$1,011,006 which includes a contingency of \$131,871.

**Financial Implications:** T1 Fund - \$1,011,006

Contact: Phillip Harrington, Public Works, (510) 981-6300

**Action:** Adopted Resolution No. 69,433–N.S.

**10. Contract: Urban Ore, Inc. for Salvage Operations at the City of Berkeley Transfer Station**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Urban Ore, Inc. for salvage operations of reusable materials at the City's Transfer Station for a three (3) year term commencing July 1, 2020 through June 30, 2023, for a total amount not to exceed \$114,576.

**Financial Implications:** Zero Waste Fund - \$114,576

Contact: Phillip Harrington, Public Works, (510) 981-6300

**Action:** Adopted Resolution No. 69,434–N.S.

## Council Consent Items

### 11. Berkeley Safe Open Air Dining

**From: Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Rigel Robinson (Co-Sponsor), Councilmember Kate Harrison (Co-Sponsor)**

**Recommendation:**

1. Direct the City Manager to explore and, if and when safe and feasible, identify locations throughout Berkeley, including but not limited to wide sidewalks, street medians, building curtilages, surface lots, public parking areas, and parks, for the placement of tables and chairs to be used for open air dining to support restaurants, cafes, food shops, and other small businesses impacted by the COVID-19 emergency. The City Manager is recommended to consider pursuing the procurement of such tables and chairs via public grants and/or philanthropic sources. The City Manager is further recommended to partner with the Berkeley Chamber, Downtown Berkeley Association, and local business improvement districts (BIDs) to develop protocols related to sanitation, upkeep, and storage.
2. Direct the City Manager to return to Council with recommendations for an ordinance that anticipates future revisions of Berkeley health guidelines to provide local businesses, particularly restaurants, cafes, and food shops, to access public space and private adjacent property for open air operations, with the following considerations:
  - a. Allow businesses and BIDs to apply for temporary use of streets, surface lots, public parking spaces, public recreation space, and adjacent parcels for outdoor dining that will enable compliance with public health dictates for physical separation.
    - i. To eliminate financial burden and fees on small businesses, consider:
      1. use of federal reimbursement or funding to cover application costs, or
      2. “by right” permit in designated geographic locations that will not require additional processing.
    - ii. Waive any sidewalk cafe permits/fees to allow restaurants and other appropriate businesses to operate outside seating and service for customers who comply with Berkeley health guidelines.
    - iii. Work with the Berkeley Chamber, Downtown Berkeley Association, and Berkeley’s BIDs to identify ideal geographic locations for use of streets, surface lots, public parking spaces, public recreation space, and adjacent parcels for outdoor food business activities, including outdoor restaurants and cafes.

**Financial Implications:** See report

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

**Action:** Approved recommendation as revised in Supplemental Communications Packet #2. With further revisions in 2.e to add access for AC Transit and add a new #6. Coordinate with AC Transit and any and all other potentially impacted agencies and stakeholders.

Recess 8:30 p.m. – 8:40 p.m.

**A. Establishing a COVID-19 Business Damage Mitigation Fund** *(Continued from May 26, 2020)*

**From: Mayor Arreguin (Author), Councilmember Harrison (Author), Councilmember Robinson (Author)**

**Recommendation:** Refer to the City Manager to establish a COVID-19 Business Damage Mitigation Fund in an amount up to \$100,000 to provide one-time grants to small businesses who experience property damage due to vandalism and other problematic behavior during this COVID-19 local State of Emergency

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

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

**Action:** Moved to the Consent Calendar and amended to be a referral to the budget process with further amendments as follows: 1) grants limited per incident to the amount of the affected party's deductible or \$3,000 whichever is greater; 2) limit to two grants per business; 3) prioritize repair of exterior damage; and 4) prioritize small independent businesses in need.

## **Action Calendar**

### **Resolution Ratifying And Extending Emergency Curfew Order**

**From:** City Manager

**Recommendation:** Adopt a Resolution (a) ratifying the Emergency Proclamation issued on June 1, 2020, and (b) extending the curfew to 5:00 a.m. on June 5 to align with other cities in the County to protect the lives and property of residents and businesses in Berkeley.

**Financial Implications:** To be determined

Contact: Dee Williams-Ridley, City Manager, City Manager's Office (510) 981-7000; Andrew Greenwood, Police Chief (510) 981-7500; Farimah Brown, City Attorney, City Attorney's Office (510) 981-6998

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:30 p.m.

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

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

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

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

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

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

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



**Action:** M/S/C (Arreguin/Kesarwani) to suspend the rules and extend the meeting to 12:20 a.m.

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

**Action:** M/S/C (Arreguin/Kesarwani) to adopt Resolution No. 69,435–N.S. (a) ratifying the Emergency Proclamation issued on June 1, 2020, and (b) extending the curfew to 5:00 a.m. on June 5 to align with other cities in the County to protect the lives and property of residents and businesses in Berkeley as written below.

*RESOLUTION RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY AND EXTENDING THE EMERGENCY CURFEW ORDER THROUGH AND UNTIL JUNE 5, 2020*

*WHEREAS, peaceful protesters have gathered throughout this country and region in response to the death of George Floyd as a result of the use of force by police officers in Minneapolis, Minnesota and the City of Berkeley stands with those peaceful protesters; and*

*WHEREAS, the City of Berkeley fully supports the people’s First Amendment rights to assemble and protest against this injustice that Mr. Floyd and many others have experienced throughout the years; and*

*WHEREAS, the City of Berkeley has a long and proud tradition of supporting peaceful protest; and*

*WHEREAS, however, some people have alternatively chosen to use these peaceful protests as cover to commit coordinated, criminal acts resulting in injuries to persons and/or destruction of property during nightly rioting and/or widespread looting over the last several days in cities throughout the region, including in Oakland, San Francisco, Vallejo, Walnut Creek, Pleasant Hill, Emeryville, and here in Berkeley; and*

*WHEREAS, the Emergency Services Act, Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of extreme peril to the safety of persons and property within the territorial limits of a city exist; and*

*WHEREAS, pursuant to Government Code section 8630 such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and*

*WHEREAS, Berkeley Municipal Code section 2.88.040 provides that the City Manager, serving as the Director of Emergency Services, may request that the City Council proclaim the existence of a local emergency; and*

*WHEREAS, under provision of local law, if the City Council cannot be convened and, in the judgment of the Director of Emergency Services, the circumstances warrant it, a proclamation of local emergency may be issued which must be ratified or nullified by the City Council within seven days of issuance; and*

*WHEREAS, in accordance with authority granted under the above provisions of state and local law, the Director of Emergency Services beginning on June 1, 2020 proclaimed the existence of a local emergency caused by three consecutive nights of looting in Berkeley, and nightly rioting and looting in the surrounding areas, which rioting and looting was likely to continue; and*

*WHEREAS, the City Council does find that the aforesaid conditions of extreme peril existed on June 1, 2020, thereby warranting the proclamation of a local emergency.*

*NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the Director of Emergency Services' Proclamation of Local Emergency and accompanying Order instituting a curfew from June 1 to June 2, 2020 is hereby ratified by the City Council; and*

*BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the Proclamation of Local Emergency and accompanying Order instituting the curfew is hereby extended through and until 5:00 a.m. on June 5, 2020, unless the Director of Emergency Services in consultation with the Police Chief decides the emergency has abated and the curfew can be lifted before that date and time, and with the following amendments and conditions:*

*1. No persons shall be upon any public street, sidewalk, park, or in any other outdoor public place in the City of Berkeley between the hours of 9:00 p.m. and 5:00 a.m. from June 2, 2020 through June 5, 2020, with the following exceptions: Law enforcement personnel, firefighting personnel, emergency health care providers, for the sole purpose of traveling to home or a workplace or to obtain medical assistance, unsheltered persons, and representatives of the news media, and person engaging in non-violent First Amendment activity before 9:00 p.m. in the evening, but which must reasonably end after the curfew commences.*

*2. Law enforcement personnel of this City, and any other peace officers cooperating with this City's police department, are hereby authorized to enforce this order, including making arrests and/or issuing citations to any person who violates this curfew order after the person has been warned they are in violation of this order and if the person does not immediately leave the area after said warning.*

*3. Any violation of this order shall be subject to criminal enforcement, including but not limited to a misdemeanor under Berkeley Municipal Code section 2.88.070.*

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

## **Action Calendar – Public Hearings**

### **12. Fiscal Year 2021 Proposed Budget Update Public Hearing #2**

**From:** City Manager

**Recommendation:** Conduct a public hearing regarding the FY 2021 Proposed Budget Update.

**Financial Implications:** See report

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

**Action:** M/S/C (Arreguin/Robinson) to continue Items 12, B, 13, 14, 15, and 18 to a special meeting called by Mayor Arreguin for June 9, 2020 at 4:00 p.m.

**Vote:** All Ayes.

## **Action Calendar – Continued Business**

### **B. FY 2020 Mid-Year Budget Update (Continued from May 26, 2020)**

**From:** City Manager

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

**Action:** Item B continued to June 9, 2020 special meeting.

## Action Calendar

- 13. Presentation and Discussion of Community Survey Results and Direction About Next Steps for Possible Ballot Measure Development**  
**From: City Manager**  
**Recommendation:** Discuss results of the community survey and provide direction to the City Manager about the drafting of possible measures for inclusion on the November 2020 ballot.  
**Financial Implications:** See report  
Contact: David White, City Manager's Office, 981-7000  
**Action:** Item 13 continued to June 9, 2020 special meeting, including supplemental materials.
- 14. Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers** *(Continued from April 28, 2020)*  
**From: City Manager**  
**Recommendation:**  
1. Adopt a Resolution submitting an Amendment to Article V of the City Charter regarding the full-time status and salaries for the Mayor and City Council to a vote of the electors at the November 3, 2020 General Municipal Election.  
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Item 14 continued to June 9, 2020 special meeting.
- 15. Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in Response to the Fossil Fuel Free Berkeley Referral** *(Continued from April 28, 2020)*  
**From: Energy Commission**  
**Recommendation:** The Commission recommends that the City Council develop a referendum and seek approval for it on the 2020 ballot to create a Climate Action Fund, which would support actions to achieve the Berkeley Climate Action Plan, to become Fossil Fuel free, and to respond to the Climate Emergency.  
**Financial Implications:** See report.  
Contact: Billi Romain, Commission Secretary, (510) 981-7400  
**Action:** Item 15 continued to June 9, 2020 special meeting.

**16. Contract No. 32000094 Amendment: Youth Spirit Artworks for Transition Age Youth Case Management and Linkage Services and Tiny House Case Management** *(Continued from April 28, 2020)*

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with vendor Youth Spirit Artworks (YSA) to provide Transition Age Youth (TAY) case management and linkage services through June 30, 2021 in an amount not to exceed \$217,000. This will extend the existing contract by one year and add in \$117,000 for case management services at the Tiny Homes Village.

**Financial Implications:** See report

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

**Action:** M/S/C (Hahn/Davila) to call for the previous question on Item 16.

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

**Action:** 19 speakers. M/S/C (Harrison/Davila) to adopt Resolution No. 69,436–N.S.

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

**17. Contract: ERA Construction, Inc. for Strawberry Creek Park Play Area and Restroom Renovation Project** *(Continued from May 12, 2020)*

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Strawberry Creek Park Play Area and Restroom Renovation Project, Specification No. 20-11382-C; and 2. Accepting the correction of the sum of bid items for ERA Construction, Inc.'s bid; and 3. Accepting the bid of the lowest responsive and responsible bidder, ERA Construction, Inc.; and 4. Rejecting the bid protest of Suarez and Munoz Construction, Inc., the second lowest bidder; and 5. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with ERA Construction, Inc., for the Strawberry Creek Park Play Area and Restroom Renovation Project at 1260 West Street, Berkeley, CA 94702, in an amount not to exceed \$900,122, which includes a contract amount of \$782,715 and a 15% contingency in the amount of \$117,407.

**Financial Implications:** Various Funds - \$900,122

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

**Action:** Moved to Consent Calendar. Adopted Resolution No. 69,437–N.S.

## Action Calendar

**18. Proposed Amendment to Berkeley's Minimum Wage Ordinance: Berkeley Municipal Code Chapter 13.99**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 13.99, revising Section 13.99.040 to reinstate the exemption for youth job training programs, and freezing the youth wages at \$14.50 per hour for FY21, then increase the wage annually according to the Consumer Price Index as will occur with the Berkeley Minimum wage.

**Financial Implications:** See report

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

**Action:** Item 18 continued to June 9, 2020 special meeting.

## Information Reports

**19. City Council Short Term Referral Process – Quarterly Update**

**From: City Manager**

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

**Action:** Received and filed.

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

## Adjournment

Adjourned at 12:20 a.m.

## Communications

**Item #11: Berkeley Safe Open Air Dining**

1. Thomas Lord (2)

**Item #12: Fiscal Year 2021 Proposed Budget Update Public Hearing #2**

2. Michael Katz

**Safe Streets**

3. MaryAnn Furda

**Sanctuary Contracting Ordinance – Right to cure violation**

4. Brian Hoffer

**Salary of City of Berkeley Employees**

5. Genevieve Wilson (2)

**Pride Month**

6. Brian Brunett

7. Marjo
8. Adrienne Penney

### **Zoom Meetings**

9. Thomas Lord

### **Sewer Service Fees**

10. Barbara Gilbert

### **Preparing for a Wildfire Disaster**

11. Jurgen Aust

### **Riots Will Be Starting Soon**

12. Wanda Warkentin

### **Berkeley Manufacturing**

13. Sam Johnson
14. Dee Williams-Ridley, City Manager

### **African American Resource Center**

15. Derethia DuVal
16. Michael McBride
17. Akilah Shaheed

### **Fall Semester UCB – Berkeley Businesses Affected**

18. John Caner, on half of Downtown Berkeley Association, et al

### **Homelessness**

19. Charles Durrett

### **Homeless Are Harassing Kids**

20. Nicoletta Karam

### **Green Energy**

21. Ethan Young

### **COVID-19 – General**

22. David Lerman (4)
23. Thomas Lord
24. Holly Scheider
25. Russbumper
26. Councilmember Harrison

## **Supplemental Communications and Reports 1**

### **Item #11: Berkeley Safe Open Air Dining**

27. Harry Brill

**Item #13: Discussion and Direction Regarding Potential Ballot Measures for the November 3, 2020 General Municipal Election**

28. Supplemental material, submitted by the City Manager's Office

**Supplemental Communications and Reports 2**

**Item #10: Contract: Urban Ore, Inc. for Salvage Operation at the City of Berkeley Transfer Station**

29. Max Weehsler, on behalf of Urban Ore, Inc.

**Item #11: Berkeley Safe Open Air Dining**

30. Revised material, submitted by Councilmember Hahn

31. Carol Denney (2)

**Item #15: Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in Response to the Fossil Fuel Free Berkeley Referral**

32. Kathy Dervin, on behalf of the 350 East Bay and Berkeley Hub

33. Marjorie Alvord

**Item #16: Contract No. 32000094 Amendment: Youth Spirit Artworks for Transition Age Youth Case Management and Linkage Services and Tiny House Case**

34. 26 identical form letters

35. Barbara McHugh

36. Lisa Carey

37. Anna Maria Irion

38. Lynn Gitomer

39. Anne Rowe

40. Jonathan Walden

**Supplemental Communications and Reports 3**

**Time Sensitive: Resolution in Support of Extending Governor Newsom's Great Plates Delivered Food Assistance Program for Seniors and Expanding Eligibility to Low-Income Seniors**

41. Time Sensitive Item, submitted by Councilmember Kesarwani and Wengraf

**Item #11: Berkeley Safe Open Air Dining**

42. Presentation, submitted by Councilmember Hahn

43. Ben Gerhardstein, on behalf of Walk Bike Berkeley

44. Maris Arnold

45. Igor Tregub, on behalf of the Sierra Club Northern Alameda County Group

46. Alex Know, on behalf of the Telegraph Business Improvement District

**Urgency Item: Resolution Ratifying and Extending Emergency Curfew Order**

47. Urgency Item, submitted by the City Manager

48. Liz Ruhland (2)

49. Nick Guerette

50. Lisa Juachon

51. Julia Zuckerman

- 52. Dallas Morgan
- 53. Bruce Leininger
- 54. Tess Clabby
- 55. Cindy Shamban

**Item #15: Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in Response to the Fossil Fuel Free Berkeley Referral**

- 56. Ben Gerhardstein, on behalf of Walk Bike Berkeley
- 57. Tom Kelly

**Item #16: Contract No. 32000094 Amendment: Youth Spirit Artworks for Transition Age Youth Case Management and Linkage Services and Tiny House Case**

- 58. 46 similarly-worded form letters
- 59. Gregory Lemieux
- 60. Ben Burch
- 61. Ardys LeLu
- 62. Mary Jacobs
- 63. Molly Baskette
- 64. Libby Trumbull
- 65. Michael Austin
- 66. Maggie Geddes

**Miscellaneous Communications**

**Police Funding/Justice Now/Black Lives Matter**

- 67. Ilaria Stewart
- 68. Ines Robo
- 69. Elena Cavender
- 70. Somya Mohindra
- 71. Danielle Craig
- 72. Isabel Lichtman
- 73. Virginia Lyon
- 74. Daniel Contreras
- 75. Sheriff Gregory Ahern
- 76. Varsha Madapoosi
- 77. Jacob Woodall
- 78. Elizabeth Ferguson

**1921 Walnut Street Apartment Building**

- 79. Kim Romero

**Covid Testing**

- 80. Bryce Nesbitt

**Police Review Commission**

- 81. Moni Law
- 82. Kitty Calavita