

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, September 14, 2021
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

Pursuant to 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/84315527586>. 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: **843 1552 7586**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

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

Report from Closed Session

On September 14, 2021, the City Council met in closed session pursuant to Government Code section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an award of lifetime future medical care, as to a workers' compensation matter WCAB Case Number: # ADJ13215643.

Roll Call: 6:14 p.m.

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

Absent: None

Ceremonial Matters:

1. Pledge of Allegiance to the Flag
2. Presentation on SB 1383 Implementation from StopWaste
3. Adjourned the meeting in memory of Philip Kreycik, Berkeley Resident
4. Adjourned the meeting in memory of Vincent Kohler, Berkeley Resident
5. Adjourned the meeting in memory of Dorothy Snodgrass, Cultural Artist
6. Adjourned the meeting in memory of Carole Schimmerling, Local activist
7. Adjourned the meeting in memory of Roy Doolan, Local Attorney

City Auditor Comments:

The City Auditor noted Item 27 from the energy Commission regarding the City Fleet and the Commission's excellent work on the topic. The Auditor also highlighted Item 44 the Audit Plan and noted the planned upcoming audits for FY 2021-2022.

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment on Consent Calendar and Information Items Only: 25 speakers.

Consent Calendar

Action: M/S/C (Arreguin/Robinson) to accept revised materials from the City Manager on Item 35 (Baseline Zoning Ordinance)

Vote: All Ayes.

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

Vote: All Ayes.

Recess Items

- 1. Contract: Berkeley Convention and Visitor's Bureau, d.b.a. Visit Berkeley**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a sole source contract and any amendments with the Berkeley Convention and Visitors' Bureau, d.b.a. Visit Berkeley, to distribute one-twelfth of annual Berkeley Transient Occupancy Tax funds to support tourism marketing and promotion for the period from July 1, 2020 through June 30, 2023 for a not to exceed amount of \$700,000.
Financial Implications: Transient Occupancy Tax Fund - \$700,000
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 70,000–N.S.
- 2. Contract No. 32000240 Amendment: Berkeley Unified School District for Mental Health Services Act-Funded Programs**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute an amendment to Contract No. 32000240 with Berkeley Unified School District (BUSD) to provide Mental Health Services Act (MHSA) funded programs in local schools through June 30, 2022 increasing the contract by \$245,000 for a new total not to exceed amount of \$637,778.
Financial Implications: Mental Health Services Act Fund - \$245,000
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,001–N.S.
- 3. Revenue Grant Contract: Fiscal Year 2021-22 Alcoholic Beverage Control Grant**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a grant contract and any subsequent amendments with the State of California Department of Alcoholic Beverage Control (ABC) in the amount of \$72,440 for one fiscal year, July 1, 2021 through June 30, 2022.
Financial Implications: \$72,440 in revenue
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 70,002–N.S.

Recess Items

- 4. Contract: ERA Construction, Inc. for 1322 Glendale Avenue Retaining Wall Project**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to approve plans and specifications for the 1322 Glendale Avenue Retaining Wall Project, Specification No. 21-11448-C; accept the bid of ERA Construction, Inc. as the lowest responsive and responsible bidder; and execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$1,038,103, which includes a 10% contingency for unforeseen circumstances.
Financial Implications: Various Funds - \$1,038,103
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,003–N.S.
- 5. Contracts: TBWBH Props and Measures and V.W. Housen & Associates for Vision 2050 Implementation Services**
From: City Manager
Recommendation: Adopt two Resolutions ratifying the action taken by the City Manager during recess to execute contracts with:
1. TBWBH Props and Measures for one year in an amount not to exceed \$175,000; and
2. V.W. Housen & Associates for one year in an amount not to exceed \$175,000, for Vision 2050 Implementation Services.
Financial Implications: General Fund - \$350,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,004–N.S. (TBWBH) and Resolution No. 70,005–N.S. (V.W. Housen).
- 6. Contract: Elavon for Recreation Online Registration Payment Processing**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess, authorizing the City Manager to execute a contract with Elavon for online credit card payment processing transaction services for the Recreation Division’s online registration system, for an amount not to exceed \$220,000 for the term commencing on or about September 1, 2021 through May 31, 2023.
Financial Implications: Various Funds - \$220,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,006–N.S.

Consent Calendar

- 7. 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) and Determining the Immediate Need for and Adopting a City Employee Vaccination Policy**
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, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, and July 20, 2021, and reviewing the need to adopt an employee vaccination policy immediately and ratifying adoption of such policy in advance of completion of the meet-and-confer process regarding the policy's potential bargainable impacts pursuant to Government Code section 3504.5
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6950, Dee Williams-Ridley, City Manager, (510) 981-7000
Action: Adopted Resolution No. 70,007–N.S. as revised Supplemental Communications Packet #2 from the City Attorney.
- 8. Establish 2022 City Council Meeting Schedule**
From: City Manager
Recommendation: Adopt a Resolution establishing the City Council regular meeting schedule for 2022, with starting times of 6:00 p.m.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 70,008–N.S.
- 9. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the council meetings of July 1, 2021 (closed), July 13, 2021 (closed and regular), July 14, 2021 (closed), July 20, 2021 (special-4pm and special-6pm), July 27, 2021 (closed, special and regular) and July 29, 2021 (special).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved minutes as submitted.

Consent Calendar

- 10. Contract No. 108410-1 Amendment: Paw Fund for Spay and Neuter Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 108410-1 with Paw Fund to provide no cost spay and neuter surgeries to eligible pet owners, to increase the amount by \$9,812 for a total contract amount not to exceed \$116,966 and subject to the City's annual appropriation process, and to extend the contract through September 14, 2022.
Financial Implications: General Fund - \$9,812
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 70,009–N.S.
- 11. Adopt a Resolution Authorizing MuniServices, LLC to Examine the Local Sales or Transactions and Use Tax Records on Behalf of the City of Berkeley**
From: City Manager
Recommendation: Adopt a Resolution authorizing MuniServices, LLC to perform examination of the local sales or transactions and use tax records. MuniServices provides City of Berkeley sales tax audit services which includes examination of the Local Sales or Transactions and Use Tax records pertaining to the Bradley-Burns Local Sales and Use Tax Law which is part of the Revenue and Taxation Code in California.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 70,010–N.S.
- 12. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 14, 2021**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - \$4,075,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

Consent Calendar

- 13. Amendments to Berkeley Municipal Code Section 19.44.020 (Housing Advisory Commission)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 19.44.020 to include oversight of Measure O bond-funded housing initiatives as established by Resolution No. 68,703-N.S. and future voter-approved bonds and measures dedicated to affordable housing.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted first reading of Ordinance No. 7,782–N.S. Second reading scheduled for September 28, 2021.
- 14. Contract No. 10209E Amendment: Bay Area Hearing Voices Network**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 10209 with Bay Area Hearing Voices Network for hearing voices support groups for adults and youth who hear voices and have visions, to increase the amount by \$34,736 for a total contract amount not to exceed \$137,914, and to extend the contract through June 30, 2022.
Financial Implications: Mental Health Services Act Fund - \$34,736
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,011–N.S.
- 15. Mental Health Services Act Fiscal Year 2021-2022 Annual Update**
From: City Manager
Recommendation: Adopt a Resolution approving the Mental Health Services Act Fiscal Year 2021-2022 Annual Update, which provides information on current and proposed uses of funds for mental health programming, and forwarding the Update to appropriate state officials.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,012–N.S.

Consent Calendar

- 16. Revenue Contract: Department of Health Care Services Performance Contract for City of Berkeley**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with the California Department of Health Care Services (DHCS) from July 1, 2021 through June 30, 2024, for the Mental Health Services Act (MHSA), Lanterman-Petris-Short (LPS) Act, Projects for Assistance in Transition from Homelessness (PATH), Community Mental Health Services Block Grant (MHBG), and Crisis Counseling Assistance and Training Program (CCP) programs and county provision of community mental health services pursuant to the Bronzan-McCorquodale Act. For the purposes of this contract, DHCS considers the City of Berkeley a small County.
Financial Implications: Approximately \$26,035,194 (revenue)
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,013–N.S.
- 17. Revenue Contracts: FY 2022 Aging Services Programs**
From: City Manager
Recommendation: Adopt five Resolutions authorizing the City Manager or her designee to execute any resultant revenue agreements and amendments with Alameda County to provide congregate and home-delivered meals, family caregiver support, senior center activities, and information and assistance services to seniors for the following programs for Fiscal Year 2022:
1. Congregate Meals in the amount of \$47,000;
 2. Home Delivered Meals in the amount of \$57,527;
 3. Family Caregiver Support Program in the amount of \$41,195;
 4. Senior Center Activities in the amount of \$28,350; and
 5. Information and Assistance Services in the amount of \$61,500.
- Financial Implications:** See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,014–N.S. (Congregate), Resolution No. 70,015–N.S. (Home), Resolution No. 70,016–N.S. (Family), Resolution No. 70,017–N.S. (Senior), and Resolution No. 70,018–N.S. (Information), including revisions in Supplemental Communications Packet #2 from HHCS.
- 18. Classification and Salary Range: Communications Specialist**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 69,998-N.S. Classification and Salary Resolution for Unrepresented Manual to add to Unit Z-2 (Confidential Professional Employees) the classification Communications Specialist with an hourly salary range of \$47.33 - \$56.18 effective September 14, 2021.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,019–N.S.

Consent Calendar

- 19. Contract 104583-1 Amendment: Government Finance Officers Association for System Design Document Review to Support Enterprise Resource Planning Implementation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with the Government Finance Officers Association for business process review services, increasing the amount by \$40,000 for a total contract value not to exceed \$194,285 from March 16, 2015 to December 30, 2021.
Financial Implications: FUNDS\$ Replacement Fund - \$40,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,020–N.S.
- 20. Contract No. 32100060 Amendment: RevolutionCyber, LLC for Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100060 with RevolutionCyber, LLC for additional professional services for the implementation of the City’s Data Safety program, for an amount not to exceed \$19,250 and a total contract value not to exceed \$121,275 from November 13, 2020 through June 30, 2022.
Financial Implications: General Fund - \$19,250
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,021–N.S.
- 21. Contract No. 10785 Amendment: West Coast Arborist, Inc. for Tree Removal and Pruning Service**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend contract No. 10785 with West Coast Arborist, Inc. for tree removal and pruning service by increasing the contract amount by \$250,000 for a not-to-exceed amount of \$1,190,000 and extending the term to November 24, 2023.
Financial Implications: Parks Tax Fund - \$250,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,022–N.S.
- 22. Contract No. 31900137 Amendment: ELS Architecture and Urban Design for On-Call Architectural Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900137 for on-call architectural services with ELS Architecture and Urban Design by increasing the contract amount by \$900,000 for a total not-to-exceed amount of \$2,600,000.
Financial Implications: Measure T1 Fund - \$900,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,023–N.S.

Consent Calendar

- 23. Contract No. 31900202 Amendment: Bay Area Tree Specialists for As-needed Tree Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend contract No. 31900202 with Bay Area Tree Specialists for as-needed tree services, increasing the amount by \$300,000 for a total contract amount not-to-exceed \$800,000 and extend the term to May 28, 2023.
Financial Implications: Various Funds - \$300,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,024–N.S.
- 24. Contract No. 31900218 Amendment: West Coast Arborists, Inc. for As-needed Tree Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend contract No. 31900218 with West Coast Arborists Inc. for as-needed tree services, increasing the amount by \$300,000 for a total-amount-not to exceed amount of \$500,000 and extend the term to May 28, 2023.
Financial Implications: Various Funds - \$300,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,025–N.S.
- 25. Purchase Orders Extension: Diesel Direct West, Inc. for Fuel for City Vehicles and Equipment**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the multi-year purchase orders with Diesel Direct West, Inc. for fuel for City vehicles and equipment, increasing the combined amount by \$1,400,000 for a total amount not to exceed \$8,844,000, and extending the term through June 30, 2022 or until authorized funds are exhausted.
Financial Implications: Various Funds - \$1,400,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,026–N.S.

Consent Calendar

- 26. Transfer of Two Property Parcels to the State of California for the Ashby-San Pablo Intersection Improvements Project**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute the attached Grant Deed for Parcel No. 63719 and Quitclaim Deed for easement on Parcel No. 63720-1 with the State of California, Department of Transportation (“Caltrans”) and any associated documents as necessary for the transfer of the property interests in these two parcels of property to Caltrans, for the Ashby-San Pablo Intersection Improvements Project (“Project”), Specification No. 18-11182-C.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted first reading of Ordinance No. 7,783–N.S. Second reading scheduled for September 28, 2021.
- 27. Recommendations for Fleet Electrification Policy and Financing**
From: Energy Commission
Recommendation: Refer to the City Manager to update the Municipal Fleet Electrification Assessment and electric vehicle (EV) charging funding priorities to respond to the City Auditor’s Report “Fleet Replacement Fund Short Millions” and to align with the objectives stated in the City’s Electric Mobility Roadmap to Prioritize Municipal Fleet Modal Shift to Electric Bicycles and Other Forms of Zero-Emissions Mobility Where Feasible.
Financial Implications: See report
Contact: Billi Romain, Commission Secretary, (510) 981-7400
Action: Adopted recommendation.
- 28. Letter of Support for SB-459 Political Reform Act of 1974: Lobbying**
From: Open Government Commission
Recommendation: Send a letter of support to Senator Nancy Skinner in support of SB-459 Political Reform Act of 1974: Lobbying.
Financial Implications: None
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
Action: Adopted recommendation.

Consent Calendar

29. Referral Response: Recommendation to Retain Current Structure of Zero Waste Commission

From: Zero Waste Commission

Recommendation: The Zero Waste Commission recommends that its current structure remain intact, and with an updated charter that reflects historic goals, and both current and future developments in the City of Berkeley's Zero Waste programs, facilities, services, policies, and state- and county-imposed mandates.

Financial Implications: See report

Contact: Heidi Obermeit, Commission Secretary, (510) 981-6300

Action: To take no action on the Commission recommendation pursuant to Council's previous direction on June 15, 2021.

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

30. 2022 UC Berkeley Chicanx Latinx Legacy Event

From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember including \$1,000 from Mayor Arreguin, to the UC Berkeley Chicanx Latinx Alumni Association, the fiscal sponsor of the 2022 UC Berkeley Chicanx Latinx Legacy Events, 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 - \$1,000

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

Action: Adopted Resolution No. 70,027–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Bartlett \$250; Councilmember Hahn - \$200; Councilmember Harrison - \$200.

31. Annual Appropriations Ordinance (AAO) Referral: Supply Bank

From: Mayor Arreguin (Author)

Recommendation: Refer to the November 2021 Annual Appropriations Ordinance process \$25,000 for Supply Bank to support their services in providing essential school supplies to Berkeley families.

Financial Implications: \$25,000

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

Action: Councilmember Bartlett added as a co-sponsor. Recommendation approved.

Council Consent Items

32. **Expansion of the Berkeley Fair Elections Program**
From: Mayor Arreguin (Author), Councilmember Droste (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Refer to the Fair Campaign Practices Commission (FCPC) to develop an ordinance to expand the Berkeley Fair Elections Program to include School Board Director, Rent Board Commissioner and City Auditor among the offices eligible to participate in the public financing program.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Recommendation approved.
33. **Resolution in Support of Observance of August 30, the International Day of the Victims of Enforced Disappearances in El Salvador**
From: Councilmember Kesarwani (Author), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a Resolution in support of retroactively enacting August 30 as a day of observance in recognition of the International Day of the Victims of Enforced Disappearances in El Salvador.
Financial Implications: None
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Mayor Arreguin added as a co-sponsor. Adopted Resolution No. 70,028–N.S.
34. **Resolution Expressing Conceptual Support for an East Bay Wildfire Prevention and Vegetation Management Joint Powers Agency**
From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Droste (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Adopt a Resolution in favor of Conceptual Support for an East Bay Wildfire Prevention and Vegetation Management Joint Powers Agency.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 70,029–N.S. as revised in Supplemental Communications Packet #1 from Councilmember Wengraf.

Recess 8:57 p.m. – 9:08 p.m.

Action Calendar

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

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

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

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak use the "raise hand" function to be recognized and to determine the number of persons interested in speaking at that time.

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

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

35. Adoption of the Baseline Zoning Ordinance (BZO)

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance rescinding the current Berkeley Municipal Code (BMC) Title 23 and adopting the new Baseline Zoning Ordinance (BZO) as BMC Title 23 with an effective date of December 1, 2021.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 2 speakers. M/S/C (Arreguin/Robinson) to continue the public hearing to September 28, 2021.

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

Action Calendar – Old Business

- 36. Objective Standards Recommendations for Density, Design and Shadows From: Joint Subcommittee for the Implementation of State Housing Laws** *(Continued from July 27, 2021) (Item contains supplemental material)*
Recommendation: Refer to the Planning Commission and Design Review Committee to review the recommendations from the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) for objective standards for density, design and shadows and draft Zoning Ordinance amendments for City Council consideration.
Financial Implications: See report
Contact: Alene Pearson, Commission Secretary, (510) 981-7400
Action: Item 36 continued to September 28, 2021.
- 37. Amending the Berkeley Election Reform Act (BERA) Relating to Officeholder Accounts** *(Reviewed by the Agenda & Rules Committee) (Continued from May 25, 2021)*
From: Agenda & Rules Committee: Mayor Arreguin, Councilmembers Hahn and Wengraf
Recommendation: Take one of the following actions:
1. Refer a proposal to the Fair Campaign Practices Commission (FCPC) amending the Berkeley Election Reform Act (BERA), BMC Chapter 2.12, and Lobbyist Registration Act, BMC Chapter 2.09, to enact “a reasonable set of limitations and rules” to regulate the maintenance of officeholder accounts, as developed and referred for consideration by the Agenda and Rules Committee; or
2. Refer a proposal to the FCPC amending BERA, BMC Chapter 2.12, to prohibit Officeholder Accounts, as originally proposed by the Fair Campaign Practices Commission.
Policy Committee Recommendation: Send the item to Council with two proposed alternatives: 1) Councilmember Hahn’s proposal to regulate officeholder accounts, and 2) the Fair Campaign Practices Commission proposal to prohibit officeholder accounts; and to include the Commission’s analysis of regulating officeholder accounts in the item that goes to the full Council.
Financial Implications: See report
Contact: Agenda & Rules Committee members: Jesse Arreguin, Committee Chair, (510) 981-7100, Sophie Hahn, Councilmember, District 5, (510) 981-7150, Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: M/S/C (Arreguin/Robinson) to schedule Item 37 for the October 12, 2021 meeting.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

Councilmember Harrison absent at 8:57 p.m.

Action Calendar – New Business

- 38. Referral to the Zero Waste and Energy Commission (or Successor Commission) to Hold Joint Meetings to Conduct Community Outreach and Education Events with Regard to the Proposed Ordinance Regulating the Use of Carryout and Pre-checkout Bags and to Make Recommendations to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Committee** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Harrison (Author)
Recommendation: Refer to Berkeley’s Zero Waste and Energy Commissions (or successor Commission) to hold joint meetings regarding the proposed Ordinance regulating the use of carryout and pre-checkout bags and promoting the use of reusable bags by December 31, 2021.
As part of the series of meetings, the Commissions should: 1. strive to conduct community/business outreach and education events to include, but not limited to the following entities: a. all stores and events that provide pre-checkout bags (e.g., grocery stores, convenience stores, food marts, and food vendors); b. all restaurants, take-out food stores, food trucks, permitted events, and any other commercial establishment not regulated by the state that provide carryout bags; and 2. make any recommendations with respect to any amendments and appropriate phasing to the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee.
Policy Committee Recommendation: Make a positive recommendation to the City Council that the Council direct the Zero Waste and Energy Commission (or successor Commission) to hold joint meetings to conduct community outreach and education events and recommend proposed changes and appropriate phasing to the FITES Committee.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Item 38 continued to October 12, 2021.
- 39. Open Government Commission Recommendations to City Council Regarding Teleconferenced Meetings**
From: Open Government Commission
Recommendation: Establish City Council practices for holding public meetings via teleconference technologies: (1) clearly define how the order of public speakers is determined and maintain a speaker’s queue visible to members of the public; (2) clearly outline the process by which a speaker may cede time to another speaker; and (3) require that addendums to agenda items be made accessible to the public on the City Website as soon as they are made available to members of City Council.
Financial Implications: None
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
Action: Moved to Consent Calendar and adopted the recommendation from the Mayor in Supplemental Communications Packet #2.

Information Reports

- 40. Implementation of California Senate Bill 1383 Short-Lived Climate Pollutants**
From: City Manager
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Received and filed.
- 41. Mental Health Services Center Renovation Project Wins American Public Works Association (APWA) National Award**
From: City Manager
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Received and filed.
- 42. Fair Campaign Practices Commission FY2021-2022 Work Plan**
From: Fair Campaign Practices Commission
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
Action: Received and filed.
- 43. Open Government Commission FY2021-2022 Work Plan**
From: Open Government Commission
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
Action: Received and filed.
- 44. City Auditor Fiscal Year 2022 Audit Plan**
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750
Action: Received and filed.

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

Adjournment

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

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

Adjourned at 10:07 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council meeting held on September 14, 2021.

Mark Numainville
City Clerk

Communications – September 14, 2021

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.

Homelessness + RV's + Tent Encampments + Harassing Business Customers + City of Reno Outreach and Enforcement Solution, Etc.

1. John Caner on behalf of Downtown Berkeley Association
2. Councilmember Harrison
3. Todd Andrew (2)
4. Margot Smith
5. Eric Friedman
6. Jan Nakamura
7. Nathan Scullion
8. Diana Bohn (4)
9. Russbumper
10. Daisy Reynado, owner of University Haircare
11. Wini Williams
12. Steve Martinot
13. Kenneth Berland
14. Elana Auerbach
15. Alex Sharenko
16. Brent Mishler
17. Kathleen Curran
18. Shmuel Weissman
19. Hillary Kilmnik
20. Ben Buettner
21. Tim Southwick, on behalf of Toyota of Berkeley

Housing (Infill + Affordable + BART + ADU)

22. Avram Gur Arye (3)
23. Councilmember Harrison
24. Andreas Clover, on behalf of the Building & Construction Trades Council of Alameda County
25. Tony Corman
26. Marica Poole
27. Chris Paizis

SB 9

28. Berkeley Neighborhoods Council
29. Madeleine Shearer

Berkeley Marina and Ferry

30. Camille Antinori

Dangerous Intersection of Ashby & MLK

- 31. Thuan Tran
- 32. Farid Javandel, on behalf of the City of Berkeley
- 33. Tarik Adnan Moon

UC Berkeley Agreement + 1921 Walnut + LRDP

- 34. Sas Colby
- 35. Peter Smalley
- 36. Doug Jackson
- 37. Zee Hakimoglu
- 38. Shirley Dean
- 39. Christine Schwartz
- 40. Diana Bohn
- 41. Marcia Poole
- 42. Margot Smith
- 43. Nazli Parvizi
- 44. Natalie Logusch
- 45. Greysonne Coomes

Berkeley Mutual Aid

- 46. David Peattie, on behalf of Berkeley Disaster Prep Neighborhood Network (2)

Ghost Guns

- 47. Eric Friedman

Consolidating Human Welfare & Peace and Justice Commissions

- 48. Praveen Sood, Chair of Human Welfare and Community Action Commission

Francisco Street Danger

- 49. David Lerman
- 50. Public Works, City of Berkeley

Easy Does It Emergency Services – Abuse of Clients and Staff

- 51. HolLynn
- 52. Omowale Fowles

Frances Albrier Community Center Funding

- 53. Mikko Jokela

Berkeley Labor Commission

- 54. Andrea Mullarkey

Eden I&R Newsletter

- 55. Eden I&R (2)

Palestinian Action

- 56. Linda Franklin

Pet Parade in Downtown Berkeley

- 57. John Caner
- 58. Amy Murray

Vaccinations

- 59. Vivian Warkentin

August 8th as Burma Day

- 60. Jeremiah Pinguelo

5G

- 61. Carol Hirth
- 62. Stephanie Thomas

Police Use of Military Equipment

- 63. Carol Denney

Skate Park

- 64. Beth Mora

FAA Flight Pattern Change

- 65. Steven Miyake

Unusual Problems in the Supreme Court

- 66. Christopher Johnson

Afghanistan Crisis

- 67. Crystal Ngo

Disposition of Council Referral PRJ 0019733 and PRJ 0012451

- 68. Katherine Lee, Interim Director of Police Accountability

Requiring Vaccinations for Police Department Employees

- 69. Izzy Ramsey, on behalf of the Police Accountability Board
- 70. LaTanya Bellows, Human Resources Director

Defective Induction Cooktops

- 71. Ben Hubbell

Demise of Milvia Street, near Civic Center

- 72. Michael Katz

Downtown Berkeley Association Staff Incident

- 73. Moni Law

Abusive Noise from 2734 College Avenue

74. Anne Whyte

California's Drought

75. Wende Williams Micco

76. Berkeley's Mayor Office

Community Gardens and Open Space

77. Bonnie Borucki

URL's Only

78. Russbumper (6)

Supplemental Communications and Reports 1

Item #34: Resolution Expressing Conceptual Support for an East Bay Wildfire Prevention and Vegetation Management Joint Power Agency

79. Revised material, submitted by Councilmember Wengraf

Item #35: Adoption of the Baseline Zoning Ordinance (BZO)

80. David Kellogg

Item #38: Referral to the Zero Waste and Energy Commission (or Successor Commission) to Hold Joint Meetings to Conduct Community Outreach and Education Events with Regard to the Proposed Ordinance Regulating the Use of Carryout and Pre-checkout Bags and to Make Recommendations to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Committee

81. Revised material, submitted by Councilmember Harrison

Supplemental Communications and Reports 2

Item #7: 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) and Determining the Immediate Need for and Adopting a City Employee Vaccination Policy

82. Supplemental material, submitted by the Attorney's Office

Item #17: Revenue Contracts: FY 2022 Aging Services Program

83. Revised material, submitted by HHCS

Item #32: Expansion of the Berkeley Fair Elections Program

84. ACLU of Northern California

Item #35: Adoption of the Baseline Zoning Ordinance (BZO)

85. Revised material, submitted by Councilmember Hahn

86. Tom Lent, on behalf of Walk Bike Berkeley

Item #39: Open Government Commission Recommendations to City Council Regarding Teleconferenced Meetings.

87. Supplemental material, submitted by Mayor Arreguin

Supplemental Communications and Reports 3

Presentation on SB 1383 Implementation from Stop Waste

88. Presentation submitted by Public Works, Zero Waste Division

Item #7: 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) and Determining the Immediate Need for and Adopting a City Employee Vaccination Policy

89. Patrick McCullough

Item 29: Referral Response: Recommendation to Retain Current Structure of Zero Waste Commission

90. Martin Bourque, on behalf of the Ecology Center

Item #30: 2022 UC Berkeley Chicax Latinx Legacy Event

91. David Denton

Item #35: Adoption of the Baseline Zoning Ordinance (BZO)

92. Revised material, submitted by Planning

93. Presentation, submitted by Planning

94. George Porter

Item #38: Referral to the Zero Waste and Energy Commission (or Successor Commission) to Hold Joint Meetings to Conduct Community Outreach and Education Events with Regard to the Proposed Ordinance Regulating the Use of Carryout and Pre-checkout Bags and to Make Recommendations to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Committee

95. Alfred Twu and Igor Tregub, on behalf of the Sierra Club (2)

96. Elnora Williams