

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, January 26, 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/87354849181>. 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: 873 5484 9181. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

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

Preliminary Matters

Roll Call:

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

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.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

- 1. Contract No. 32000129 Amendment: Resource Development Associates for Planning and Project Coordination Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000129 with Resource Development Associates through January 31, 2022, adding \$49,000 for a total not to exceed amount of \$97,850, to fund Mental Health Services Act (MHSA) Innovations (INN) Planning and “Help@Hand” Technology Suite Project Coordination services.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 2. Contract No. 32000106 Amendment: Easy Does It for Provision of Wheelchair Van Service for Seniors & Disabled**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000106 with Easy Does It with a new NTE (not to exceed) total amount of \$150,000 for the period April 1, 2021 through June 30, 2023 for the provision of accessible wheelchair van services to clients of the Aging Services Division’s Berkeley Rides for Seniors & the Disabled program.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 3. Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code**
(Continued from November 10, 2020)
From: City Manager
Recommendation: Adopt a Resolution accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code
Financial Implications: None
Contact: Andrew Greenwood, Police, (510) 981-5900, Savita Chaudhary, Director of Information Technology (510) 981-6541, Dave White, City Manager's Office, (510) 981-7000

Consent Calendar

4. Contract: Sposeto Engineering Inc. for Central Berkeley Transportation & Infrastructure Improvements Project

From: City Manager

Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Central Berkeley Transportation & Infrastructure Improvements Project, (“Project”), Specification Nos. 21-11411-C, 21-11416-C, and 21-11417-C; 2. Accepting the bid of Sposeto Engineering Inc., the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract with Sposeto Engineering Inc. and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$3,477,475, which includes a contingency of fourteen percent for unforeseen circumstances.

Financial Implications: See report

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

5. Contract: Cratus, Inc. for Sanitary Sewer Rehabilitation at Various Locations
From: City Manager

Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Cedar Street, Virginia Gardens, Sacramento Street, Lincoln Street, Spaulding Avenue Backline, Roosevelt Avenue Backline, Martin Luther King Jr. Way and Backline, Walker Street Backline, Telegraph Avenue Backline, Atherton Street, Fulton Street, Bancroft Way, Shattuck Avenue, and Kittredge Street; accepting the bid of the lowest responsive and responsible bidder, Cratus, Inc.; and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$2,074,469, which includes a 10% contingency of \$188,588.

Financial Implications: See report

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

6. Contract: Toole Design Group for Planning, Design, and Engineering of the Southside Complete Streets Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Toole Design Group for Planning, Design, and Engineering of the Southside Complete Streets Project, for a not-to-exceed amount of \$979,349 for the period February 1, 2021 through March 31, 2024.

Financial Implications: See report

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

Consent Calendar

7. **Approval of Berkeley Strategic Transportation Plan Second Addendum**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the Berkeley Strategic Transportation Plan Second Addendum. 2. Authorizing the City Manager to submit unfunded Five-Year Priority Projects from the Berkeley Strategic Transportation Plan Second Addendum to the Alameda County Transportation Commission for inclusion and funding in the County's Fiscal Year (FY) 2022 – FY 2026 Comprehensive Investment Plan. 3. Authorizing the City Manager to execute agreements as needed for accepting the awarded grant funds.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 8a. **A People's First Sanctuary Encampment** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*
From: Homeless Commission
Recommendation: The City Council to adopt the People's First Sanctuary Encampment Model incorporating all text in this report, urging best practices for Sanctuary Homeless Encampments with an oversight agency to be named by members of the encampment community and refer to the City Manager to fund liability insurance for the agency chosen by the encampment community.
(On December 14, 2020, the Health, Life Enrichment, Equity & Community Committee moved the Companion Report with a qualified positive recommendation to the City Council to take the following action: 1. Direct the City Manager to incorporate parts of the Commission's recommendations, including: providing clean water, sanitation, accessible toilets and trash removal services; and requiring that homeless services providers obtain input from clients when developing rules and ensure that the privacy and security of clients is respected and maintained at all times; 2. In addition, the City Manager shall receive the Homeless Commission's recommendations and retain them for future guidance when developing homeless services programs and models; and 3. That the City Council reaffirms its commitment to dignified and client-centered homeless services.)
Financial Implications: See report
Contact: Brittany Carnegie, Commission Secretary, (510) 981-5400

Consent Calendar

- 8b. Companion Report: A People's First Sanctuary Encampment** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

From: City Manager

Recommendation: As part of the referral adopted by City Council on January 21, 2020, the City Manager will direct staff to incorporate parts of the Commission's recommendations which do not conflict with guidance already approved by City Council including: providing clean water, sanitation, accessible toilets and trash removal services for the sanctioned encampment, requiring that a future provider of services for the encampment obtain input from residents of the encampment when developing rules for the outdoor shelter and ensure that the privacy and security of residents is respected and maintained.

(On December 14, 2020, the Health, Life Enrichment, Equity & Community Committee moved the Companion Report with a qualified positive recommendation to the City Council to take the following action: 1. Direct the City Manager to incorporate parts of the Commission's recommendations, including: providing clean water, sanitation, accessible toilets and trash removal services; and requiring that homeless services providers obtain input from clients when developing rules and ensure that the privacy and security of clients is respected and maintained at all times; 2. In addition, the City Manager shall receive the Homeless Commission's recommendations and retain them for future guidance when developing homeless services programs and models; and 3. That the City Council reaffirms its commitment to dignified and client-centered homeless services.)

Financial Implications: Staff time

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

Council Consent Items

- 9. Confirming Community Appointments to Reimagining Public Safety Task Force**

From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution: 1. Confirming the appointment of by the Associated Students of the University of California (ASUC) External Affairs Vice President to the Reimagining Public Safety Task Force. 2. Confirming the appointment of by the Steering Committee of the Berkeley Community Safety Coalition (BCSC) to the Reimagining Public Safety Task Force

Financial Implications: No direct fiscal impacts

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

Council Consent Items

10. **Budget Referral to Reinstate Partial Funding for the Gun Buyback Program Previously Authorized by City Council** *(Continued from November 10, 2020)*
From: Councilmember Kesarwani (Author), Mayor Arreguin (Co-Sponsor), Councilmember Davila (Co-Sponsor)
Recommendation: Refer to the FY 2020-21 November Amendment to the Annual Appropriations Ordinance (AAO #1) \$40,000 to reinstate partial funding for the Gun Buyback Program—originally proposed by Councilmember Cheryl Davila and authorized by the City Council on Nov. 27, 2018.
Financial Implications: \$40,000
Contact: Rashi Kesarwani, Councilmember, District 1 (510) 981-7110
11. **Short Term Referral to City Manager, Disaster and Fire Safety Commission and Planning Commission to Amend Local Accessory Dwelling Unit (ADU) Zoning Ordinance and Berkeley's Fire Code**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer to the City Manager, the Disaster and Fire Safety Commission and the Planning Commission to evaluate and recommend to Council within 90 days, a set of ordinance amendments and implementation programs to address emergency access and egress, parking and objective development standards to address the constraints presented by high fire hazard conditions and narrow and curving roadways in Fire Zones 2 and 3. (Attachment 1 to the report). Recommendations to Additional Objective Development Standards in Zones 2 and 3:
-Zone 2 and 3 - limit the base maximum size of newly constructed, detached ADUs to 850 sq. feet. -Zone 2 and 3 – require compliance with front yard, side yard and open space and coverage requirements of the applicable zoning district.
Recommendations to amend the Fire Code: -Prohibit parking on streets where egress and ingress will be adversely impacted by additional vehicles and increased population. -Require sprinklers in new construction, consistent with local Fire Code. - Explore their authority under California Health and Safety Code Sec. 13869.7 to mitigate the adverse impacts of ADU creation in requiring safe and adequate ingress and egress routes and sufficient off-street parking.
Financial Implications: Staff time
Contact: Susan Wengraf, Councilmember, District 6 (510) 981-7160

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. 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. 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.

- 12a. ***Item Removed by City Manager*** Public Hearing: ZAB Appeal: 1850 Arch Street, Use Permit #ZP2019-0212
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400**
- 12b. ***Item Removed by City Manager*** Public Hearing: ZAB Appeal: 1862 Arch Street, Use Permits #ZP2019-0213
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400**
- 12c. ***Item Removed by City Manager*** ZAB Appeals: 1850 and 1862 Arch Street, Use Permits #ZP2019-0212 and ZP2019-0213
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400**

Action Calendar

- 13. Berkeley 2020 Pedestrian Plan
From: City Manager
Recommendation:** Adopt a Resolution approving the Berkeley 2020 Pedestrian Plan, and directing the City Manager to pursue implementation of the Plan as funding and staffing permit.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 14. Public Works Commission Recommendation for the Five-Year Paving Plan
From: Public Works Commission
Recommendation:** Adopt a resolution that recommends approval of the first three years of the Five-Year Paving Plan, for FY2021 to FY2025, as proposed by Staff, with special advisories regarding prioritization of permeable paving on select streets.
Financial Implications: See report.
Contact: Joe Enke, Commission Secretary, (510) 981-6300

Action Calendar – Public Hearings

15. Amend BMC Chapter 14.52 Authorizing goBerkeley Parking Program at All Parking Meters

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 14.52 to add all parking meter areas to the goBerkeley parking program, thereby authorizing the use of demand-responsive parking management citywide under the existing goBerkeley fee structure and program guidelines.

Financial Implications: See report

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

Action Calendar

16. Support Community Refrigerators *(Continued from November 10, 2020)*

From: Councilmember Davila (Author)

Recommendation:

1. Adopt a Resolution to create an allocation of the homeless budget towards the purchasing of community refrigerators to be distributed in Council districts to provide access to food for those who have no refrigeration or may be food insecure.
2. Allocate \$8,000 of the budget for the purchasing of the refrigerators.

Financial Implications: See report.

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

17. Declare Juneteenth as a City Holiday for the City of Berkeley *(Reviewed by the Budget & Finance Policy Committee)*

From: Councilmember Davila (Author)

Recommendation:

1. Adopt a resolution declaring Juneteenth as a City Holiday for the City of Berkeley
 2. Send copies of this resolution to State Assemblywoman Buffy Wicks, State Senator Nancy Skinner, and United States Congresswoman Barbara Lee.
- (This item expired on December 14, 2020, and is returning to Council with no action taken by the Budget and Finance Policy Committee.)*

Financial Implications: See report

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

Information Reports

18. Report for Phase 3 Study to Underground Utility Wires in Berkeley

From: Public Works Commission, Disaster and Fire Safety Commission, Transportation Commission

Contact: Joe Enke, Commission Secretary, (510) 981-6300

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil>

COMMUNICATION ACCESS INFORMATION:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.



Captioning services are provided at the meeting, on B-TV, and on the Internet.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on January 14, 2021.***

A handwritten signature in black ink that reads "Mark Numainville".

Mark Numainville, City Clerk

## Communications

*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. Copies of individual communications are available for viewing through [Records Online](#).*

### **Eviction Moratorium**

1. Virginia Browning
2. Councilmember Hahn

### **25 Cent Disposable Cup Fee**

3. Carla Woodworth
4. Michael Katz

### **North Berkeley BART Development**

5. Franklin Lei

### **URL's Only**

6. Russbumper (4)

### **Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.

