AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, July 13, 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 <u>https://us02web.zoom.us/i/82181611485</u>. 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: **821 8161 1485**. 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 <u>council@cityofberkeley.info</u>.

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. FY 2022 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,772-N.S. setting the FY 2022 tax rate for funding the provision of emergency services for the disabled at \$0.01796 (1.796 cents) per square foot of improvements.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300

 FY 2022 Annual Appropriations Ordinance From: City Manager Recommendation: Adopt second reading of Ordinance 7,779-N.S. adopting the FY 2022 Annual Appropriations Ordinance (AAO) in the amount of \$673,601,287 (gross appropriations) and \$552,265,708 (net appropriations). First Reading Vote: All Ayes. Financial Implications: See report Contact: Rama Murty, Budget Office, (510) 981-7000

3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 13, 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 - \$663,976 Contact: Henry Oyekanmi, Finance, (510) 981-7300

4. Contract: ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project at the Berkeley Marina From: City Manager

Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the O&K Docks Electrical Upgrade Project (Bid Specification No. 21-11449-C); and 2. Rejecting the bid protest of Edward W. Scott Electric Co. Inc., the second-lowest bidder; and 3. Accepting the bid of ERA Construction, Inc. as the lowest responsive and responsible bidder on the Project; and 4. 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 O&K Docks Electrical Upgrade Project, in an amount not to exceed \$1,200,000, which includes a contract amount of \$1,117,980 and a 7.3% contingency in the amount of \$82,020.

Financial Implications: Various Funds - \$1,200,000

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

Consent Calendar

5. Contract No. 32000274 Amendment: Suarez and Munoz Construction, Inc. for San Pablo Park Playground and Tennis Court Renovation Project From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000274 with Suarez and Munoz Construction, Inc. for the San Pablo Park Playground and Tennis Court Renovation Project, increasing the amount by \$60,000 for an amended total amount not to exceed \$2,154,056. **Financial Implications:** Parks Tax Fund - \$60,000

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

6. Authorize the City Manager to Accept REAP and PDA Planning Grant Applications

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to accept three planning grant awards and to execute documents or amendments associated with each grant. The three applications awarded are: A competitive Regional Early Action Planning (REAP) grant in the amount of \$75,000; a non-competitive REAP grant in the amount of \$83,506; and a Priority Development Area (PDA) Planning Grant for the San Pablo Avenue PDA in the amount of \$750,000.

Financial Implications: See report

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

7. Accept Grant Funding from the California Highway Patrol (CHP) Cannabis Tax Fund Grant Program to Reduce Impaired Driving in the City of Berkeley From: City Manager

Recommendation: Adopt a Resolution to authorize the City Manager, or designee, to accept the "Cannabis Tax Fund Grant Program (CTFGP)" and enter into the resultant grant agreement and any amendments to fund impaired driving detection/investigation training for officers, community educational programs and supplemental impaired driving enforcement. The tentative grant allocation is \$135,462 for the period of July 1, 2021 through June 30, 2022. **Financial Implications:** See report

Contact: Jennifer Louis, Police, (510) 981-5900

8. Approval and Levy of 2018 Clean Stormwater Fee in FY 2022 From: City Manager

Recommendation: Adopt a Resolution approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2022. **Financial Implications:** See report

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

Consent Calendar

9. Contract: Rainbow Waterproofing & Restoration Co., Inc. for the Central Library Stucco Restoration Project From: City Manager

Recommendation: Adopt a Resolution: 1. Approving plans and specifications for Central Library Stucco Restoration Project, Specification No.20-11405-C; 2. Accepting the bid of Rainbow Waterproofing & Restoration Co., Inc. as the lowest responsive and responsible bidder; and 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 \$702,384, which includes a contingency of \$117,064.

Financial Implications: Library Tax Fund - \$702,384

Contact: Liam Garland, Public Works, (510) 981-6300, Tess Mayer, Library, (510) 981-6100

10. Contract No. 32000092 Amendment: New Image Landscape Company for On-Call Landscaping Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract 32000092 with New Image Landscape Company to increase the spending authority by \$150,000 for a total not to exceed \$200,000 and to extend the contract term an additional two year to November 30, 2023 for on-call landscaping services.

Financial Implications: Various Funds - \$150,000 Contact: Liam Garland, Public Works, (510) 981-6300

Council Consent Items

 Resolution in Support of Ending Qualified Immunity Act From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor) Recommendation: Adopt a Resolution in Support of the Ending Qualified Immunity Act by Rep. Ayanna Pressley (D-Mass.) and Sen. Ed Markey (D-Mass) and send copy of resolution to the office of Rep. Barbara Lee (CA-13). Financial Implications: None Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

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

12. Endorse All Home CA Regional Action Plan on Homelessness From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor) Recommendation:

1. Receive a presentation from All Home CA, a regional collective impact partnership, on their Regional Action Plan on homelessness.

2. Endorse the All Home CA Regional Action Plan and the 1-2-4 framework to support ending homelessness in the San Francisco Bay Area, with a goal of a 75% reduction by 2024.

3. Refer to the City Manager to utilize the assistance of All Home to analyze the City of Berkeley's current homelessness expenditures and programs and explore recalibrating and prioritizing investments to align with the 1-2-4 RAP framework. The City Manager should return to the City Council and the Homeless Services Panel of Experts with a report on the findings of this analysis.

Financial Implications: See report

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

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.

13. Referral Response: General Plan Re-Designation and Zoning Map Amendment of Parcels Located at 1709 Alcatraz Avenue, 3404 King Street, 3244 Ellis Street, 1717 Alcatraz Avenue, and 2024 Ashby Avenue

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion:

1. Adopt first reading of an Ordinance rezoning five parcels located at 1709 Alcatraz Avenue (APN 052-1533-001-03), 3404 King Street (APN 052-1435-001-02), 3244 Ellis Street (APN 052-1533-005-00), 1717 Alcatraz Avenue (APN 052-1533-006-00) and 2024 Ashby Avenue (APN 053-1592-022-00) to Commercial – Adeline Corridor District (C-AC), and

2. Adopt a Resolution changing the General Plan designation of the five parcels to Adeline Corridor Mixed Use and to revise the boundaries of the Adeline Corridor Specific Plan Area to include the five parcels.

Financial Implications: None

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

Action Calendar – Public Hearings

14. Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23C.24] and amendments to relevant Definitions [BMC Chapter 23F.04] in the Zoning Ordinance.

Financial Implications: None

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

Action Calendar

15. Adopt a Resolution Updating City of Berkeley Street Maintenance and

Rehabilitation Policy (*Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee*) (Continued from the June 1, 2021 meeting) (Item contains Supplemental Material)

From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor) Recommendation:

1. Adopt a Resolution updating the City's Street Maintenance and Rehabilitation Policy dated June 1, 2021.

2. Refer the exploration of potential bonding and funding opportunities for improving the Paving Condition Index (PCI) of streets and creating a Paving Master Plan back to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Committee for further review.

Policy Committee Recommendation: To move the Public Works supplemental item "City of Berkeley Street Maintenance and Rehabilitation Policy to Council" with a positive recommendation including amendments made during the meeting today, and ask Council to refer the exploration of potential bonding and funding opportunities for improving the PCI of streets and creating a Paving Master Plan back to the FITES Committee for further review.

Financial Implications: Staff time

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

16. General Plan and Housing Element Annual Progress Report (APR) From: City Manager

Recommendation: Review and accept the 2020 General Plan Annual Progress Report (APR) and 2020 Housing Element APR, which were submitted to the State of California's Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR) on April 1, 2021.

Financial Implications: None

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

Action Calendar

- 17. Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Tenth Street, Ninth Street, Eighth Street, and Seventh Street From: Councilmember Taplin (Author) Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 14.56.070 to add 3-ton commercial truck weight limits on Tenth Street between University Avenue and Dwight Way, Ninth Street between University Avenue and Dwight Way, Eighth Street between University Avenue and Dwight Way, and Seventh Street between University Avenue and Dwight Way. Financial Implications: See report Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- **18.** Police Accountability Board Appointment of Members (Continued from June 29, 2021)

From: City Manager

Recommendation: Adopt a Resolution appointing nine members to the Police Accountability Board nominated by the Mayor and City Councilmembers, and appointing one alternate member. (*Note: Appointment of the alternate member is continued from the June 1, 2021 meeting.*) **Financial Implications:** See report

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

Information Reports

- 19. Animal Care Commission 2021/2022 Work Plan From: City Manager Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
- 20. Commission on Disability Fiscal Year 2021-2022 Work Plan From: Commission on Disability Contact: Dominika Bednarska, Commission Secretary, (510) 981-6300
- 21. Fiscal Year 2022 Sugar-Sweetened Beverage Product Panel of Experts Commission Work Plan From: Sugar Sweetened Beverage Product Panel of Experts Contact: Dechen Tsering, Commission Secretary, (510) 981-5300

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 <u>http://www.cityofberkeley.info/citycouncil</u>. 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 <u>http://www.cityofberkeley.info</u>.

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

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.

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 July 1, 2021.

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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 <u>Records Online</u>.

TOD (Transit-Orientated Development)

- 1. Vicki Sommer (3)
- 2. Toni Casal
- 3. David Brandon
- 4. taptango@ (2)
- 5. Michai Freeman
- 6. Eileen Hughes

TOPA (Tenants Opportunity to Purchase Act)

- 7. Andrea Altschuler
- 8. William Goodwin
- 9. Chimey Lee
- 10. River Bradley
- 11. Katharine Bierce
- 12. Larisa Cummings
- 13. Steven Tupper
- 14. Jeannie Llewellyn

Homelessness – Encampments - Outreach

- 15. Eric Friedman
- 16. Homeless Action Coalition
- 17. David Lerman
- 18. Geoff Lomax
- 19. Wende Micco

Support Housing as a Human Right

20. Sam Warren 21. Julia Cato

Berkeley Marina - Pier

22. Nicholas Waton, on behalf of the Cal Sailing Club 23. Todd Jersey

Street Intersection of Dwight Way and California Street

24. Joann Brumfield

Step-Up Housing on University Avenue

25. Patrick Kennedy

Police Accountability Board & Police Related

26. Racial and Criminal Justice Reform Group 27. Eric Friedman

Rent Board

28. Jerry Berkman 29. Barbara Gilbert

Berkeley Asphalt

30. Christopher Kroll

Re-Opening Berkeley

31. Mark Chekal

Commission Reorganization

32. Councilmember Harrison

SB 9 – Housing Development

33. Mary Rose34. Christopher Kroll35. Joel Millar

Skate Park

36. Tine Munson, Sean O'Loughlin, Mara Mahmood, Lorenzo Lewis and Dandy Harris 37. Tony Benado, City Clerk's Office

SCA 5 – Voting Rights of Student Members of the University of California 38. Emily Pekar

Everyday is Black Event 39. Eileen Joyce

Backpack Donation for BUSD Students 40. Nabatah Ahmed, on behalf of the Office of Family Engagement and Equity

Measure P – Transfer Tax 41. Barbara Gilbert

Star Alliance 42. Peter DuMont (2)

Juneteenth Closures in Berkeley 43. Sabina McMurty

FAA Proposal Reroute Commercial Air Traffic Reply

44. Raquel Girvin, Regional Administrator for the FAA

Heroine Needle Van at Hearst and San Pablo

45. Erin Mahoney

EBCE (East Bay Community Energy) Renewable

46. Jane Stromberg

Fix Your Walkways and Roads

47. Dave Mandel

City of Mountain View's Plant-Based Eating Series 48. Nilang Gor

UC Berkeley's 2036-2037 Proposed Long Range Development Plan

49. Law Offices of Veneruso & Moncharsh 50. Harald Leventhal

1921 Walnut Street Tenants 51. Natalie Logusch (2)

Mental Health and Addiction Resources 52. Linda Press Wulf

Public Safety in Parks and Schools 53. Joanna Petrone

Volunteering at Grayson 54. Eric Friedman

URL's Only 55. Russbumper (8)

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.