

# AGENDA



## BERKELEY CITY COUNCIL MEETING

**Tuesday, September 15, 2020  
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

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

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

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

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

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/88436979283>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial **1-669-900-9128** and enter Meeting ID: **884 3697 9283**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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

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

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

## Preliminary Matters

### Roll Call:

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

1. Pledge of Allegiance to the Flag
2. Adjourn in memory of Dr. Elmer Grossman, Pediatrician and City Commissioner

**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.*

## Recess Items

- 1. Contract: Orsolya Kuti, DVM to Provide On-site Veterinary Services for Berkeley Animal Care Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract and any amendments with Orsolya Kuti, DVM for on-site veterinary services for Berkeley Animal Care Services (BACS) for FY2021-2023, which establishes a contract in an amount not to exceed \$180,000.  
**Financial Implications:** General Fund - \$180,000  
Contact: Erin Steffen, City Manager's Office, (510) 981-7000
- 2. Revenue Grants: California Office of Traffic Safety (OTS) for the 2021 “Selective Traffic Enforcement Program (STEP)” and “Traffic Records Improvement Project (TRIP) Grants**  
**From: City Manager**  
**Recommendation:** Ratify the action taken by the City Manager, or designee, during recess to accept both the “Selective Traffic Enforcement Program (STEP)” and “Traffic Records Improvement Project (TRIP) grants and enter into the resultant grant agreements and any amendments, with the California Office of Traffic Safety (OTS) to fund increased levels of impaired or distracted driving enforcement, nighttime seatbelt enforcement, motorcycle safety enforcement, and educational programs regarding bicycle and pedestrian safety along with traffic records improvement through automated collection and submission of collision data to the California Highway Patrol, Statewide Integrated Traffic Records System (SWITRS) database. These tentative OTS grants are for \$205,000 and \$40,000 respectively for the period of October 1, 2020 through September 30, 2021 which is Federal Fiscal Year 2021.  
**Financial Implications:** See report  
Contact: Andrew Greenwood, Police, (510) 981-5900
- 3. Contract No. 31900031 Amendment: Downtown Streets Team**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess amending Contract No. 31900031 with Downtown Streets Team to add additional scope of work to provide a low-barrier Volunteer Work Experience model in which unhoused participants beautify their community in exchange for case management, employment services and a non-cash basic needs support, increase the contract by \$225,000 for a new not to exceed amount of \$870,304 and extend the Contract term to June 30, 2022.  
**Financial Implications:** Measure P Fund - \$225,000  
Contact: Liam Garland, Public Works, (510) 981-6300

## Consent Calendar

**4. Authorization to Apply for CalRecycle Waste Reduction, Reuse, Recycling, and Composting Grants and Payment Programs**

**From: City Manager**

**Recommendation:** Adopt a Resolution ratifying the action of the City Manager to apply for Reuse Grant Program FY 2019-20, and authorizing the City Manager to submit grant applications, accept grant funds, and execute any resulting grant agreements, amendments and expenditure reports with the State of California Department of Resource Recycling and Recovery for any grant and payment programs related to waste reduction, reuse, recycling, and composting for which the City of Berkeley is eligible to apply.

**Financial Implications:** See report

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

## Consent Calendar

**5. Lease Agreement: 1001 University Avenue with The Berkeley Food Network**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,729-N.S. authorizing the City Manager to execute a retroactive lease agreement with The Berkeley Food Network (BFN) to use the City property at 1001 University Avenue for a three-year lease term with an option to extend for two additional one-year terms.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**6. Amendment of Urgency Ordinance for Outdoor Commerce on Private Property**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,730-N.S. amending the Urgency Ordinance (No. 7,725-N.S.) amending Berkeley's Zoning Ordinance, Chapter 23E.18 and Section 23B.20.045, to allow additional categories of commerce and establish additional operating criteria for outdoor activities on private property.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**7. General Plan Redesignation and Rezone of The Rose Garden Inn at 2740 Telegraph Avenue (APN 054-1716-002-00), 2744 Telegraph Avenue (APN 054-1716-003-00), and 2348 Ward Street (APN 054-1716-031-00)**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,731-N.S. amending the Zoning Map for the portion of parcels that comprise the Rose Garden Inn from Restricted Two-Family Residential District (R-2) to General Commercial District (C-1).

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

## Consent Calendar

**8. Measure T1 Loan**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to loan \$600,000 from the Parks Tax Fund and \$600,000 from the Measure BB – Local Streets & Roads Fund to the Measure T1 Fund for a total of \$1.2 million in FY 2021 to complete Phase 1 projects.

**Financial Implications:** See report

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

**9. Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the council meetings of July 2, 2020 (closed), July 7, 2020 (special and special), July 14, 2020 (regular), July 21, 2020 (special and special), July 23, 2020 (closed, special and special), July 28, 2020 (closed and regular) and July 30, 2020 (special and special).

**Financial Implications:** None

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

**10. Voting Delegates – League of California Cities Annual Conference**

**From: City Manager**

**Recommendation:** Designate, by motion, a voting delegate and alternate for the business meeting of the Annual League of California Cities meeting to be held virtually on Friday, October 7, 2020.

**Financial Implications:** See report

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

**11. Renaming Shattuck Avenue ‘East’ to Kala Bagai Way** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*

**From: City Manager**

**Recommendation:** Adopt a Resolution renaming the two block portion of Shattuck Avenue ‘East’ from Center Street to University Avenue, including the eastern facing block faces of Shattuck Square and Berkeley Square to Kala Bagai Way as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy (FITES) Committee and affirming the western segment of Shattuck Avenue, including the western facing block faces of Shattuck Square and Berkeley Square will be known as Shattuck Avenue.

**Financial Implications:** See report

Contact: Dave White, City Manager's Office, (510) 981-7000

## Consent Calendar

- 12. Civil Enforcement of Face Covering Orders; Amending BMC Section 2.55.040**  
**From: City Manager**  
**Recommendation:** Adopt an urgency ordinance amending Berkeley Municipal Code Section 2.55.040 to authorize the City of Berkeley Public Health Officer or her designee to issue administrative citations for violation of a Health Officer order.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
- 13. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 15, 2020**  
**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:** Sanitary Sewer Operations Fund - \$4,100,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 14. Memorandum of Understanding with Alameda County Behavioral Health Care Services for Wellness Center operations**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to adopt a Memorandum of Understanding (MOU) between the City of Berkeley and Alameda County Behavioral Health Care Services (ACBHCS) for the term July 1, 2019 through June 30, 2021 for an expenditure of up to \$775,000 to fund the operational costs of a Mental Health Wellness Center (Wellness Center) located in the City of Berkeley.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

## Consent Calendar

**15. Revenue Contract: Community Services Block Grant (CSBG) Coronavirus Aid Relief and Economic Security (CARES) Act & Subsequent Community Agency Agreements for Calendar Years 2020-2022**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to: 1. Execute a revenue agreement, and any amendments that may increase the projected amount, with the State of California's Department of Community Services and Development (CSD) for Community Services Block Grant (CSBG) Coronavirus Aid Relief and Economic Security (CARES) Act funds (CSBG Contract No. 20F-3640) in the amount of \$373,097 to provide services in response to COVID-19; and 2. Execute an amendment to the existing revenue agreement totaling \$304,355 with CSD for COB annual CSBG allocation, adding \$2,751, bringing the total existing 2020 CSBG award to \$307,106; and 3. Execute an amendment to an existing contract in the amount of \$30,000 with WeHOPE (Contract No. 32000206) to provide shower services from August 1, 2020 through May 31, 2022, adding \$185,408 for a total not to exceed \$215,408; and 4. Execute additional new or amended agreements, for up to \$142,917 plus any amended amounts resulting in an increased contract amount, with various service providers using CSBG CARES Act funding to address the short-term and long-term impacts of COVID-19, such as mobile showers, meals for the unhoused, hygiene services such as porta-potties and handwashing stations, or other services for low-income persons as allowed under CSBG funds; and 5. Allocate the allowable 12% (\$44,772) of CSBG CARES Act funds to support City staff administering the funds.

**Financial Implications:** See report

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

**16. Contract No. 32000201 Amendment: The Eikenberg Institute for Relationships for Cultural Humility Training Consultant**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000201 with The Eikenberg Institute for Relationships through June 30, 2022, with a total contract NTE of \$90,000 to fund the Cultural Humility Training Consultant position with Dr. Kenneth Hardy. The contract term will not change.

**Financial Implications:** Short Doyle Fund - \$15,000

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

## Consent Calendar

- 17. Contract No. 122411-2 Amendment: Communication Strategies for Consulting Services for Voice over IP (VoIP) 911 Compliance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 122411-2 with Communication Strategies for Consulting Services for Voice over IP (VoIP) Support and Maintenance, increasing the contract amount by \$6,000 for a total not-to-exceed amount of \$82,811 from July 1, 2017 to June 30, 2021.  
**Financial Implications:** IT Cost Allocation Fund - \$6,000  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 18. Contract No. 114382-1 Amendment: MC Dean Inc. for Uninterrupted Power Supplies (UPS) Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9747 (ERMA Contract No. 114382-1) with MC Dean, Inc. for Uninterrupted Power Supplies (UPS) Maintenance, increasing the amount by \$51,698 for a total not to exceed \$146,906 from July 1, 2014 to June 30, 2023.  
**Financial Implications:** IT Cost Allocation Fund - \$51,698  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 19. Contract No. 32000082 Amendment: Mar Con Builders, Inc. for Live Oak Community Center Seismic Upgrade Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000082 with Mar Con Builders, Inc. for the Live Oak Community Center Seismic Upgrade Project, increasing the contract amount by \$200,000 for a total amount not to exceed of \$5,905,668.  
**Financial Implications:** Parks Tax Fund - \$200,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 20. Memorandum of Agreement: Construction of Gilman Street Sanitary Sewer Line Extension as part of the I-80 Gilman Street Interchange Improvements Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a Memorandum of Agreement (MOA) with the Alameda County Transportation Commission (Alameda CTC) to provide an initial \$290,000 in Measure T1 Infrastructure Bond funding for the construction of a new sanitary sewer line extension on Gilman Street to serve the future fieldhouse restroom at the Tom Bates Regional Sports Complex (TBRSC).  
**Financial Implications:** Measure T1 Fund - \$290,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700



## Consent Calendar

21. **Purchase Order: TYMCO, Inc. For One (1) Model 435 Regenerative Air Sweeper**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in HGACBuy contract bid procedures, and authorizing the City Manager to execute a purchase order for one (1) TYMCO model 435 Regenerative Air Sweeper in an amount not to exceed \$165,000.  
**Financial Implications:** Zero Waste Fund - \$165,000  
Contact: Liam Garland, Public Works, (510) 981-6300
22. **100% Sustainable Trips by 2040** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*  
**From: Community Environmental Advisory Commission**  
**Recommendation:** Adopt the attached Resolution, setting a goal of achieving 50% of trips taken by sustainable modes by 2030 and 100% by 2040, and refer to the Community Environmental Advisory Commission, the Energy Commission, and the Transportation Commission to develop relevant proposals and recommendations for accomplishing that goal.  
**Financial Implications:** See report  
Contact: Viviana Garcia, Commission Secretary, (510) 981-7460

## Council Consent Items

23. **Amending Ordinance No. 7,692-N.S. extending the grace period for Fair Chance Housing Ordinance**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt an ordinance amending Ordinance No. 7,692-N.S. (Fair Chance Housing Ordinance) to extend the grace period for landlords to be held liable to January 1, 2021 so that staff has adequate time to complete the intended outreach prior to the ordinance going into full effect.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
24. **Letter to East Bay Regional Park District supporting renaming Vollmer Peak**  
**From: Councilmember Davila (Author)**  
**Recommendation:** Send the attached letter to the East Bay Regional Park District Board of Directors supporting renaming Vollmer Peak.  
**Financial Implications:** None  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

## Council Consent Items

25. **Centennial Proclamation Honoring the Passage of the United States 19th Amendment and the National Women's Suffrage Movement**  
**From: Councilmember Harrison (Author); Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a resolution honoring 2020 as the centennial of the winning of women's suffrage at the federal level in the United States.  
**Financial Implications:** None  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
26. **Resolution Congratulating Kamala D. Harris on her Nomination for Vice President of the United States**  
**From: Councilmember Hahn (Author), Councilmember Davila (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Mayor Arreguin (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution congratulating Kamala Harris on her nomination for Vice President of the United States.  
**Financial Implications:** None  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
27. **Outreach and Technical Assistance for Berkeley Small Businesses Eligible to Participate in the California Rebuilding Fund**  
**From: Councilmember Hahn (Author)**  
**Recommendation:** Refer to the City Manager to engage in robust outreach to small businesses and organizations in Berkeley that may be eligible to participate in the California Rebuilding Fund, a new public-private partnership based on the SOS Small Business Loan model Berkeley passed in April 2020, that will leverage government backed capital to support small enterprises in California. It is our understanding that loans will be made in part on a first come, first served basis, so time is of the essence for staff to do outreach.  
The City Manager is requested to focus outreach in particular on underserved small businesses and nonprofits, entrepreneurs in historically disenfranchised communities, and enterprises serving children, including childcare providers, preschools, and camps.  
The City Manager is further recommended to partner with the Berkeley Chamber, Downtown Berkeley Association, Visit Berkeley, and Business Improvement Districts (BIDs) to ensure that eligible small businesses and nonprofits are aware of this opportunity, and receive any technical assistance they need in order to apply and participate in a timely manner. The City Manager is also recommended to partner with the Haas Business School at UC Berkeley for additional guidance.  
**Financial Implications:** Staff time  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

## Council Consent Items

- 28. Resolution: No Police Revolving Door** *(Reviewed by the Public Safety Committee)*  
**From: Councilmember Robinson (Author), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt a resolution designating a history of serious misconduct and the act of previously resigning in the middle of a serious misconduct investigation as immediate disqualifiers in the Berkeley Police Department recruitment and selection process.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 29. Resolution: Opposition to Proposition 20**  
**From: Councilmember Robinson (Author), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution opposing Proposition 20 on the November 2020 ballot, which would authorize felony charges for repeat or organized petty theft, require tougher penalties for noncriminal parole violations, expand DNA collection for people convicted of certain nonviolent crimes, and exclude those who have been convicted of domestic violence and certain nonviolent crimes from early parole consideration. Copies of the resolution are to be sent to Assemblymember Buffy Wicks and State Senator Nancy Skinner.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 30. Chancellor's Community Partnership Fund Grant for Paid Internships**  
**From: Councilmember Robinson (Author)**  
**Recommendation:** Adopt a Resolution accepting a \$15,000 grant from the UC Berkeley Chancellor's Community Partnership Fund (CCPF) to fund paid City internships for high school and college students, in partnership with the ASUC, the Public Service Center, and the Institute for Governmental Studies.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 31. Preserving Our Children's Recreation Areas**  
**From: Councilmember Droste (Author), Mayor Arreguin (Author)**  
**Recommendation:** Request the City Manager to implement the following recommendations for Willard Park and utilize them for other parks where appropriate: 1. Increase nighttime enforcement and enable the police to enforce park rules and ordinances. 2. Consider the presence of needles and feces a Public Health threat and enable the Public Health Department to cordon off areas of encampment for the purpose of clearing the areas of contamination and ensuring the areas are safe for public use. 3. Determine where additional signage is needed to clarify rules regarding camping and park hours, as well as compliance with public health orders regarding COVID, included but not limited to facial coverings.  
**Financial Implications:** Staff time  
Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

## 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 line up at the podium 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, line up at the podium 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.*

## Action Calendar – Public Hearings

**32. Substantial Amendment to the 2020-2025 Consolidated Plan including the PY20 (FY21) Annual Action Plan in Response to the Addition of Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds**

**From: City Manager**

**Recommendation:** Conduct a Public Hearing on the proposed Substantial Amendment to the 2020-2025 Consolidated Plan including the PY20 (FY21) Annual Action Plan in response to the addition of Coronavirus Aid, Relief, and Economic Security (CARES) Act funds, and upon conclusion adopt a Resolution authorizing the City Manager, or her designee, to:

1. Accept the CARES Act funding totaling the amount of \$8,259,408, including \$1,610,805 in Community Development Block Grant (CDBG-CV) and \$6,648,603 in Emergency Solutions Grant (ESG-CV) and reallocate \$535,998 of PY20 CDBG funds to provide support for the City of Berkeley's response to COVID-19; and
2. Allocate up to 10% of the PY20 HOME funds (not to exceed \$77,838) for Community Housing Development Organization (CHDO) operating funds, up to 25% for program administration, and the remaining to the to the Housing Trust Fund; and
3. Execute resultant agreements and amendments for the above-mentioned funds to implement proposed programs below; and
4. Submit the approved Substantial Amendment to the 2020-2025 Consolidated Plan and PY20 Annual Action Plan, to the U.S. Department of Housing and Urban Development (HUD) including public comments, and accept any resulting agreements with HUD; and
5. Adopt the revised Berkeley Citizen Participation Plan.

**Financial Implications:** See report

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

## Action Calendar – Old Business

**33. Annual Housing Pipeline Report** *(Continued from July 28, 2020)*

**From: City Manager**

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

**34. Contract 9274A Amendment: Ascentis Corporation 9274A for Biometric Time Card Services** *(Continued from July 28, 2020)*

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9730A with Ascentis Corporation for biometric time card services to extend the contract term by one year to June 30, 2022, and increase the contract amount by \$25,000 for a total contract amount not to exceed \$75,000.

**Financial Implications:** Various Funds - \$25,000

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

## Action Calendar – Old Business

- 35. Urgency Ordinance: Updates to the COVID-19 Emergency Response Ordinance; Resolution: Request UC Berkeley Voluntarily Comply with Local Ordinances Restricting Evictions, Delaying Rent Payments, and Empowering Tenants to Terminate their Leases Without Penalty** (*Continued from July 28, 2020*)  
**From: Councilmember Davila (Author), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:**  
1. Adopt an urgency ordinance amending Berkeley Municipal Code 13.110, Title 13, “The COVID-19 Emergency Response Ordinance,” to enhance emergency tenant protections consistent with recently adopted Alameda County laws, action in other jurisdictions, and consultation with community stakeholders.  
2. Adopt a Resolution Requesting University of California at Berkeley voluntarily comply with local eviction moratoriums and rent suspension ordinances.  
**Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

## Council Action Items

- 36. Vote of No Confidence in the Police Chief**  
**From: Councilmember Davila (Author)**  
**Recommendation:** Adopt a resolution taking a Vote of No Confidence in the Police Chief.  
**Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

## Information Reports

- 37. City Council Short Term Referral Process – Quarterly Update**  
**From: City Manager**  
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 38. FY 2021 Civic Arts Grant Awards**  
**From: City Manager**  
Contact: Dave White, City Manager's Office, (510) 981-7000
- 39. Berkeley Public Library Uses Tax Funds by the Book, But More Internal Controls Needed**  
**From: Auditor**  
Contact: Jenny Wong, Auditor, (510) 981-6750

## 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 September 3, 2020.***

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](#).*

### **Item #12: Civil Enforcement of Face Covering Order; Amending BMC Section 2.55.040**

1. David Lerman (3)
2. Alexandra Crisafulli
3. Steven Schuyler

### **Evictions – Residential and Commercial**

4. Kem Loong
5. Katrina Uy
6. Jane Lee

### **Redistricting**

7. Phil Allen

### **Support of Transportation Network Companies (TNC) Tax**

8. Ben Paulos

### **Residential Preferred Parking**

9. David Lerman

### **Property Tax Disparity Based on Square Footage**

10. Bob Flasher
11. Roxanne Schwartz

### **Climate Funding and Climate Change**

12. Sheila Jacobs
13. Vivian Warkentin

### **Housing at 2650 Telegraph**

14. Kayle Barnes

### **Sugar Sweetened Beverage Tax**

15. Schneider Consulting

### **Unbound Mini-Fest**

16. Cherilyn Parsons on behalf of the Bay Area Book Festival

### **Brown Act and Public Meeting Callers**

17. Katarine Vidt
18. Councilmember Kesarwani
19. Thomas Lord

### **Electric Mobility Roadmap**



20. Donna Graves

**Distance Learning**

21. George Torgun (2)

22. Nathan Francis

**Fund Housing Project at 1367 University Avenue**

23. Diana Bohn

**AC Transit**

24. Kevin Burke

**In Memory of John Lewis**

25. Melissa Weaver

**Board of Immigration Appeals Overturned**

26. Diana Bohn

**Satellite Affordable Housing Associates (SAHA)**

27. TLM

**Arson at The Way Church**

28. Betsy Strode

**Mental Health**

29. Boona Cheema

30. Margaret Fine

31. Elisa Mikiten

32. Andrea Prichett

**Wild Fires and Smoke**

33. Moni Law

34. Phoebe Anne Sorgen

**North Berkeley and Ashby BART**

35. Laura Klein

36. Walter Wood

37. Alisa Foster

38. David Brandon

39. Liz Horowitz (2)

40. Janice Schroeder

41. Steve Gilmartin

42. Melissa Riley

43. Wanda Warkentin

44. Toni Casal

45. Eileen Hughes

46. Deborah Gouailhardou
47. Lynda Caesara
48. Andrea Altschuler
49. Kathy Labriola
50. Sheila Goldmacher
51. Donald Goldmacher
52. Linda Franklin

### **Adeline Corridor**

53. 29 form-letters
54. Matthew Lewis
55. Brian Troutwine
56. Watson Ladd
57. Matt Nichols
58. Peter Waller
59. Eric Smillie
60. David Soffa
61. Ariella Granett
62. Caleb Jones
63. Jeremy and Shelly Kaller
64. Claire Norris
65. Laura Stevens
66. Betsy Thagard

### **5G and Telecom**

67. KO
68. Aria Cahir
69. Shirley Shelagnoski
70. Jeff Strahl
71. Rosemary Bensko
72. Vivian Warkentin (2)
73. Jennifer LaPorta
74. Carla Sienna
75. Blair Beekman
76. Alfred Twu
77. Tommaso Sciortino
78. Steve Jackson and Kori Kody
79. Diana Bohn
80. Max Ventura
81. Lloyd Morgan
82. Sandy N.
83. Phoebe Anne Sorgen

### **Encampments and Homelessness**

84. Thomas Lord
85. Chris Denny-Brown

86. Liz Wiener
87. Peter Wen
88. Max Ventura
89. Remi Omodele
90. Russbumper

**Black Lives Matter**

91. Monica Jones
92. Avram Gur Arye
93. James Wood

**COVID-19 Related Communications**

94. David Lerman (4)
95. Alice Lee
96. Sharon Donovan
97. Blair Beekman
98. Ryan Bradley
99. Thomas Lord (2)
100. Camille Watts-Zagha
101. Evan Hamilton DeSerio
102. Will Schieber
103. Ruben Lizardo, on behalf of Cal
104. Vivian Warkentin
105. Anne Herrick
106. Hilary Pinkston
107. City of Berkeley and Rainbow Rubin
108. Bryce Nesbitt
109. George Torgun

**Police Funding, Matters, Etc.**

110. Jane Dulay
111. Richard Martin
112. Randy Parker
113. Gene Hendrix
114. Steven Schuyler
115. Tony Corman
116. Mimi Mougovan
117. Jeru Fend
118. June Greenawalt
119. Barbara Boyka
120. Julia Beers
121. Fran Haselsteiner
122. Florence Kragen
123. Barbara Fisher
124. Juli Dickey
125. Catherine Epstein

126. Tree Fitzpatrick
127. Rabi'a Keeble
128. Sally Hendrickson
129. Christine Garibian
130. Alina Fryer
131. Ellen Widess
132. Steve Block
133. Mark Etzbach
134. Charles Smith
135. Margo Tolins-Mejia
136. Jonathan Simon
137. Ellen Zucker
138. Irving Zucker
139. Barbara Fisher
140. Carol Denney
141. Three Stone Hearth
142. Lola Aruda
143. Shauna Wright
144. Josn Buswell-Charkow
145. Maris Arnold
146. 21 similarly worded form letters (I demand)

#### **ADU/Golden Duplexes**

147. Judi Sui
148. Alisa Foster
149. Bella Feldman
150. Tiffany Cotter

#### **Ashby Flea Market**

151. Enythe Green

#### **Addison Street Bike Blvd**

152. Bill Kristy
153. Beth Thomas, City of Berkeley Transportation

#### **Illegal Removal of Five Coast Live Oak at 1915 Berryman Street**

154. Deborah Kropp

#### **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.