



Office of the City Manager

CONSENT CALENDAR  
December 15, 2020

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the council meetings of November 2, 2020 (closed), November 10, 2020 (closed and regular), November 16, 2020 (closed) and November 17, 2020 (closed and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. November 2, 2020 – Closed City Council Meeting
2. November 10, 2020 – Closed City Council Meeting
3. November 10, 2020 – Regular City Council Meeting
4. November 16, 2020 – Closed City Council Meeting
5. November 17, 2020 – Closed City Council Meeting
6. November 17, 2020 – Regular City Council Meeting

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

MONDAY, NOVEMBER 2, 2020

4:00 P.M.

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 closed session 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.*

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/83603197143>. 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); enter Meeting ID: 836 0319 7143. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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**Preliminary Matters**

**Roll Call:** 4:03 p.m.

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

**Absent:** Bartlett, Droste

Councilmember Droste present at 4:12 p.m.

**Public Comment - Limited to items on this agenda only – 0 speakers**

**CLOSED SESSION:**

The City Council will convene in closed session to meet concerning the following:

**1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8**

Property address:	1761 University Avenue, Berkeley, CA
Agency Negotiators:	Dee Williams-Ridley, City Manager, David White, Deputy City Manager, Lisa Warhuus, Director of Health, Housing and Community Services
Negotiating parties:	City of Berkeley, 2180 Milvia Street, Berkeley, CA County of Alameda and Property Owner – Rajputana Hospitality Investments, LLC
Under negotiation:	Price and terms

**Action:** No reportable action.

**OPEN SESSION:**

No reportable action taken.

**Adjournment**

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

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

Adjourned at 5:53 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on November 2, 2020.

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Mark Numainville  
City Clerk

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, NOVEMBER 10, 2020

3:30 P.M.

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

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## Preliminary Matters

**Roll Call:** 3:33 p.m.

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

**Absent:** Bartlett

Councilmember Bartlett present at 3:44 p.m.

**Public Comment - Limited to items on this agenda only – 0 speakers**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)

- a. *1444 Fifth Street LLC v. City of Berkeley*, Alameda County Superior Court Case No. 19032434

**Action:** No reportable action taken.

- b. *Sandoval v. City of Berkeley, et al. Alameda County Superior Court, Case No. RG19016889*

**Action:** No reportable action taken.

- c. *Schulz, Christopher v. City of Berkeley, WCAB Case # ADJ12125804*

**Action:** M/S/C (Arreguin/Droste) to direct outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release, with a release of future medical care, as to a workers' compensation matter Schulz, Christopher v. City of Berkeley, WCAB Case #: ADJ12125804.

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

- d. *Jackson, Willie v. City of Berkeley, WCAB Case #ADJ3231307*

**Action:** M/S/C (Arreguin/Robinson) to direct outside counsel and approved settlement of \$86K by Compromise and Release with a release of future medical care, as to a workers' compensation matter Jackson, Willie v. City of Berkeley, WCAB Case #: ADJ3231307.

**Vote:** All Ayes.

## OPEN SESSION:

The City Council met in closed session Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release, with a release of future medical care, as to a workers' compensation matter Schulz, Christopher v. City of Berkeley, WCAB Case #: ADJ12125804.

The City Council met in closed session Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved settlement by Compromise and Release with a release of future medical care, as to a workers' compensation matter Jackson, Willie v. City of Berkeley, WCAB Case #: ADJ3231307.ublic Reports of actions taken pursuant to Government Code section 54957.1.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 5:26 p.m.

I hereby certify that the forgoing is a true and correct record of the closed session meeting held on November 10, 2020.

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Mark Numainville  
City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

- None

## Supplemental Communications and Reports 3

**Item #1: Conference with Legal Counsel – Pending Pursuant to Government Code Sections 54956.9(a) and 54956.9(d)(1)**

**a). 1444 Fifth Street LLC v. City of Berkeley, Alameda County Superior Court Case No. 19032434**

1. Rachel Doughty, on behalf of Greenfire Law

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, November 10, 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  
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*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

**Roll Call:** 6:42 p.m.

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

**Absent:** None

## Report from Closed Session

The City Council met in closed session Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release, with a release of future medical care, as to a workers' compensation matter Schulz, Christopher v. City of Berkeley, WCAB Case #: ADJ12125804.

The City Council met in closed session Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved settlement by Compromise and Release with a release of future medical care, as to a workers' compensation matter Jackson, Willie v. City of Berkeley, WCAB Case #: ADJ3231307. Public Reports of actions taken pursuant to Government Code section 54957.1.

### Ceremonial Matters:

1. Adjourned in Memory of Adam David "A.D." Miller, Berkeley Resident and Author
2. Adjourned in Memory of Eddie Mae Eddings, Berkeley Resident and Photographer
3. Adjourned in Memory of Dave Altman, Berkeley Resident
4. Adjourned in Memory of victims of COVID-19, suicide, and other causes
5. Recognition of the election of Berkeley native Kamala Harris to the office of Vice-President of the United States

### City Manager Comments:

The City Manager provided an update on the Reimagining Public Safety process.

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



## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 30 speakers.

**Action:** M/S/C (Arreguin/Hahn) to accept revised agenda material from Councilmember Kesarwani on Item 12.

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

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

**Vote:** All Ayes.

**1. Amending Berkeley Municipal Code Chapter 12.70 Sections 12.70.020 V, 12.70.035 E and 12.70.037 C to be in accordance with California Health and Safety Code**

**From:** City Manager

**Recommendation:** Adopt second reading of Ordinance No. 7,736-N.S. amending Berkeley Municipal Code Chapter 12.70 to update Section 12.70.020 Definitions section V and repealing Section 12.70.035.E and 12.70.037.C and adjusting the definition of "smoke" or "smoking" to include medical cannabis to align with the State of California Health and Safety code.

**First Reading Vote:** All Ayes.

**Financial Implications:** None

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

**Action:** Adopted second reading of Ordinance No. 7,736–N.S.

**2. Memorandum of Understanding for a Winter Relief Program**

**From:** City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a memorandum of understanding (MOU) between Alameda County and the City of Berkeley for a Winter Relief Program, consisting of \$25,000 allotted from Alameda County to the City, which will provide homeless people on the streets of Berkeley housing respite through May 31, 2021.

**Financial Implications:**

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

**Action:** Adopted Resolution No. 69,602–N.S.

## Consent Calendar

**3. Memorandum of Understanding: Berkeley Fire Fighters Association, Local 1227**

**From: City Manager**

**Recommendation:** Adopt one Resolution approving a new one (1) year Memorandum of Understanding (hereafter referred to as “MOU”) with the Berkeley Fire Fighters Association/I.A.F.F. Local 1227 (hereafter referred to as the “Association”) with a term of June 28, 2020 through June 30, 2021 and authorizing the City Manager to make non-substantive edits to the format and language of the Memorandum of Understanding in alignment with the tentative agreement, and conforming to legal requirements.

**Financial Implications:** See report

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 69,603–N.S.

**4. Lease for 5385 Cazadero Hwy, Cazadero, CA 95421 – Cazadero Performing Arts Camp (CPAC)**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement and necessary amendments with Cazadero Performing Arts Camp, at 5385 Cazadero Hwy, Cazadero, CA 95421 for a term of twenty-five (25) years, with an option to renew for ten (10) years.

**Financial Implications:** See report

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

**Action:** Adopt first reading of Ordinance No. 7,737–N.S. Second reading scheduled for December 1, 2020.

**5. Referral Response: Including Climate Impacts in City Council Reports**

**From: City Manager**

**Recommendation:** Request that the City Manager update the templates and associated training materials to add “Climate Impacts” in the “Environmental Sustainability” section of reports to the City Council, and codify the changes in Appendix B in the next update to the Berkeley City Council Rules of Procedure. This recommendation is a partial response to a January 21, 2020 referral, sponsored by Councilmembers Davila and Bartlett, to require that all City Council items and staff reports include “climate impacts” in addition to environmental sustainability.

**Financial Implications:** See report

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

**Action:** Approved recommendation.

## Consent Calendar

- 6. Acceptance of \$20,000 Grant for utility bill management software analysis**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to accept a \$20,000 grant award from the Energy Council through East Bay Energy Watch Partnership, to support staff analysis of online utility bill database management services.  
**Financial Implications:** See report  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Adopted Resolution No. 69,604–N.S.
- 7. Resumption of Fees at Oregon Park Senior Apartments** *(Continued from October 13, 2020)*  
**From: City Manager**  
**Recommendation:** Authorize the City Manager to resume charging fees, including housing inspection service fees, at Oregon Park Senior Apartments (OPSA), located at 1425 Oregon Street, to increase the effectiveness of housing code enforcement.  
**Financial Implications:** See report  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Item 7 removed from the agenda by the City Manager.
- 8. Purchase Order: Pape Machinery, Inc. for One (1) John Deere 310SL Backhoe Loader**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell Contract No. 032119-JDC and authorizing the City Manager to execute a purchase order for one 2020 John Deere 310SL Backhoe Loader with Pape Machinery, Inc. in an amount not to exceed \$150,000.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,605–N.S.
- 9. Purchase Order: Altec Industries, Inc. for One Aerial Bucket Truck**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Sections 67.2 allowing the City to participate in Sourcewell contract bid procedures, and authorizing the City Manager to execute a purchase order for one (1) aerial bucket truck with Altec Industries, Inc. in an amount not to exceed \$200,000.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,606–N.S.

## Council Consent Items

10. **Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Mayor Arreguin (Author), Councilmember Davila (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin to the Berkeley Holiday Fund's annual campaign with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Councilmember Hahn added as a co-sponsor. Adopted Resolution No. 69,607–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison - \$150; Councilmember Robinson - \$200; Councilmember Hahn - \$500; Councilmember Wengraf - \$500; Councilmember Bartlett - \$250; Councilmember Kesarwani - \$200; Councilmember Davila - \$500; Councilmember Droste - \$500.
11. **Four Way Stop Signs on Eighth Street at Carleton Street and Pardee Street**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Refer to the City Manager a proposal to install stop signs at the intersections of Eighth Street and Carleton Street and Eighth Street and Pardee Street.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Approved recommendation.
12. **Authorize Installation of Security Cameras at Major Berkeley Arterial Streets Serving as Entry and Exit Points for the City and Request an Environmental Safety Assessment in High Crime Areas of the City**  
**From: Councilmember Kesarwani (Author), Mayor Arreguin (Co-Sponsor)**  
**Recommendation:** In order to deter would-be perpetrators of gun violence and apprehend those engaging in gun violence, adopt the following recommendations:  
1. Request that the City Manager install security cameras and increased lighting at appropriate arterial streets serving as entry into and exit out of the City of Berkeley in conjunction with prominently displayed signage;  
2. Refer to the City Manager to perform an environmental safety assessment of the high crime areas specifically in South and West Berkeley;  
3. Refer costs for security cameras and lighting to the mid-year budget process for FY 2020-21.  
**Financial Implications:** See report  
Contact: Rashi Kesarwani, Councilmember, District 1 (510) 981-7110  
**Action:** Moved to Action Calendar. Item automatically referred to the Agenda & Rules Committee as Unfinished Business. (Item includes supplemental material)

## Council Consent Items

13. **Budget Referral to Reinstate Partial Funding for the Gun Buyback Program Previously Authorized by City Council**  
**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  
**Action:** Moved to Action Calendar. Item automatically referred to the Agenda & Rules Committee as Unfinished Business.
14. **Open Pathways (including laundry services), West Campus Pool and Martin Luther King Jr. Pool (King pool) to implement the City of Berkeley Shower Program at these locations and provide the ability for our community to shower during the COVID 19 pandemic** *(Item contains revised materials. Reviewed by the Budget & Finance Committee)*  
**From: Councilmember Davila (Author)**  
**Recommendation:** Direct the City Manager to open the Pathways (including laundry services), West Campus Pool and Martin Luther King Jr. Middle School (King pool) Pool to implement the City of Berkeley Shower Program at these locations. Opening these locations will provide the ability for our community to shower during the COVID 19 Pandemic, a humane action required during this crisis.  
*(On October 8, 2020, the Budget & Finance Committee took action to send the item to Council with a qualified positive recommendation acknowledging that the City Manager is already implementing a shower program and to thank the City Manager for initiating this program and to encourage its continued operation during the COVID emergency. Vote: All Ayes.)*  
**Financial Implications:** \$270,100  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation of the Budget & Finance Committee.

## Council Consent Items

15. **Refer to the City Manager the design of a companion Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements to low-income residents** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Refer to the City Manager the design of a Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements to low-income residents as a companion to the Council referral to expand the Seismic Transfer Tax Rebate Program to include efficiency and electrification retrofit measures.  
*(On October 7, 2020, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action: M/S/C (Harrison/Robinson) to move recommendation two to "Refer to the City Manager the design of a Companion Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements for low income residents" to the City Council with a positive recommendation. Vote: All Ayes.)*  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Councilmembers Hahn and Bartlett added as co-sponsors. Approved recommendation of the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.
16. **Budget Referral - \$20,000 radar speed feedback sign for Wildcat Canyon Road**  
**From: Councilmember Wengraf (Author)**  
**Recommendation:** Referral to the City Manager for a solar powered radar speed feedback sign to be installed on Wildcat Canyon Road at the cost of \$20,000 to be considered during the Mid-Year Budget Process.  
**Financial Implications:** \$20,000  
Contact: Susan Wengraf, Councilmember, District 6 (510) 981-7160  
**Action:** Councilmember Harrison added as a co-sponsor. Approved recommendation.
17. **Consider Fire Safety Options for Fire Pit at Codornices Park**  
**From: Councilmember Wengraf (Author)**  
**Recommendation:** Referral to the Parks & Waterfront Commission to consider safety options regarding the future of the fire pit at Codornices Park. Please consider 1) Complete removal of fire pit or 2) Manufacture of a cover that can be secured and locked.  
**Financial Implications:** See report  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Councilmember Hahn added as a co-sponsor. Approved recommendation.

## Action Calendar

18. **Presentation: Report on Homeless Outreach during COVID 19 Pandemic**  
**From: City Manager**  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Item automatically referred to the Agenda & Rules Committee as Unfinished Business.
19. **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**  
**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.  
**Action:** Item automatically referred to the Agenda & Rules Committee as Unfinished Business.
20. **Annual Commission Attendance and Meeting Frequency Report** (*Continued from October 27, 2020*)  
**From: City Manager**  
**Recommendation:** Review and accept the annual Commission Attendance and Meeting Frequency Report.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6908  
**Action:** Item automatically referred to the Agenda & Rules Committee as Unfinished Business. (Item includes supplemental material)
21. **Support Community Refrigerators** (*Continued from September 22, 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  
**Action:** Item automatically referred to the Agenda & Rules Committee as Unfinished Business.

## Action Calendar

22. **Vote of No Confidence in the Police Chief** (*Continued from September 15, 2020*)  
**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  
**Action:** Item automatically referred to the Agenda & Rules Committee as Unfinished Business.

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

## Adjournment

Adjourned at 11:00 p.m.

I hereby certify that the forgoing is a true and correct record of the regular session meeting held on November 10, 2020.

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Mark Numainville  
City Clerk

## Communications

### Housing at North Berkeley and Ashby BART Stations

1. 20 identical form letters
2. Steve Gilmartin
3. Janice Schroeder
4. Mary Behm-Steinberg
5. Daniel Borgstrom
6. Shirley Dean
7. Virginia Browning
8. Kurk Ribak
9. Claire Broome
10. Sloane and Nick Morgan
11. Vicki Sommer
12. Phil Allen
13. Kenneth Gross
14. Catherine Fox
15. Eileen Hughes

### Inside Arts Venues

16. Lisa Bullwinkel



17. Sharon Dolan, Chair, Berkeley Cultural Trust (2)
18. Blake Parker, on behalf of Freight & Salvage
19. Karen Elliot
20. Barbara Higbie
21. Celia Ramsay
22. Evie Ladin
23. Andrea Hirsig
24. Suzy Thompson
25. Stephen Leake
26. Dan Warrick
27. Hali Hammer
28. Fritzi Drosten
29. Susan Wengrofsky
30. Gail Husson
31. Julie Greenfield
32. Tobie Lurie
33. Sharon and Richard Tamm (2)
34. Dee Williams-Ridley, City Manager
35. Virginia Browning
36. Brenda Larabee
37. Esther Lerman
38. Yvonne Martinez
39. Susan Rudio
40. Katy Waffle
41. Sara Sunstein
42. Kathleen Archambeau
43. Diana Dominguez

**1155-1173 Hearst**

44. Teal Major (2)
45. Dale Anania
46. Councilmember Harrison
47. Pam Ormsby
48. Mark Rhoades
49. Yashu Jiang
50. Stacey Shulman

**Homelessness and Encampments**

51. Eric Friedman (2)
52. Hillary Kilimnik
53. Erwan Illian

**Vision 2025**

54. Emily Raap, on behalf of PETA
55. Kathleen Willey

**Public Swimming Pools**

- 56. Paul Preston
- 57. Donna Mickleson
- 58. Linda Worthman

**Affordable Housing**

- 59. Barbara Fisher

**5G and the Berkeley Police Department**

- 60. Virginia Hollins-Davidson
- 61. Phoebe Anne Sorgen (2)

**Taxation**

- 62. Arthur Stopes III (2)

**1811 Delaware**

- 63. Loren Fono, et al neighbors

**Caren Act**

- 64. Louis Lin
- 65. Russbumper

**Mail Not Being Collected**

- 66. Nina Ruymaker
- 67. Councilmember Robinson

**Cal Students Party**

- 68. Anne Herrick (2)
- 69. Jen Loy, on behalf of the University of California, Berkeley

**Electric Mobility**

- 70. Tom Lent, on behalf of Walk Bike Berkeley (2)

**Berkeley Lab Proposal**

- 71. Dana Perls, on behalf of Friends of the Earth

**Berkeley Police Association Request – Chemical Agents**

- 72. Emily Murphy, on behalf of the Berkeley Police Association

**Plastic Bag Ban**

- 73. Ciara Khor-Brogan

**Ward Street Crosswalk**

- 74. George Torgun

**Red Flag Event – Berkeley Hills**

- 75. Ben Glickstein
- 76. Thomas Lord
- 77. Phoebe Anne Sorgen
- 78. David Lerman (2)

### **Berkeley High School Distance Learning Challenges**

- 79. Sara Woods

### **Removing Cops from Behavioral Crisis Calls**

- 80. Russbumper

### **Zachary Running Wolf Hate Crime Felonies**

- 81. Russbumper

## **Supplemental Communications and Reports 1**

### **Item #4: Lease for 5385 Cazadero Hwy, Cazadero, CA 95421 – Cazadero Performing Arts Camp (CPAC)**

- 82. Larisa Cummings
- 83. Robert Hodges
- 84. Shelley Horwitz
- 85. Rebecca Whitney
- 86. David Lerman

### **Item #11: Four Way Stop Signs on Eighth Street at Carleton Street and Pardee Street**

- 87. Dianna Dar
- 88. Birgitta Durell
- 89. Jennifer Lynch
- 90. Sadie Scheffer
- 91. Jesse Marsh
- 92. Nicole Mion

### **Item #12: Authorize Installation of Security Cameras at Major Berkeley Arterial Streets Serving as Entry and Exit Points for the City and Request an Environmental Safety Assessment in High Crime Areas of the City**

- 93. Steve Kromer

### **Item #22: Vote of No Confidence in the Police Chief**

- 94. Paul Lee, on behalf of Friends of Adeline
- 95. Peter Shelton (In Support of the Berkeley Police Department)
- 96. Police Chief Greenwood (Reply to Mr. Shelton)

## **Supplemental Communications and Reports 2**

### **Item #4: Lease for 5385 Cazadero Hwy, Cazadero, CA 95421 – Cazadero Performing Arts Camp (CPAC)**

- 97. Radha Seshagiri

- 98. Patti Kjonaas
- 99. Frank Nappi
- 100. Bruce Lowry
- 101. Carlotta Jacobs
- 102. David Wooley

**Item #11: Four Way Stop Signs on Eighth Street at Carleton Street and Pardee Street**

- 103. Olivia Brayan

**Item #12: Authorize Installation of Security Cameras at Major Berkeley Arterial Streets Serving as Entry and Exit Points for the City and Request an Environmental Safety Assessment in High Crime Areas of the City**

- 104. Sally Nelson

**Item #16: Budget Referral - \$20,000 Radar Speed feedback Sign for Wildcat Canyon Road**

- 105. David Cohn
- 106. David Biale
- 107. Rachel Biale
- 108. Craig Peterson
- 109. Joe Lurie
- 110. Maya Trilling
- 111. Valerie Gilbert-Perens
- 112. Gail Machlis
- 113. Jerry Beckerman
- 114. Donna Rosenthal
- 115. Evan and Erika Mills
- 116. Fred Bamber (2)
- 117. Cameron Mitchell
- 118. Lola Vollen
- 119. Svetlana Livdan
- 120. Terry Pink Alexander

**Item #17: Consider Fire Safety Options for Fire Pit at Codornices Park**

- 121. Paul Teicholz
- 122. Susan Reinold
- 123. Jon Ann Driscoll
- 124. Steve Tracy
- 125. Wendy Stock

**Item #18: Presentation: Report on Homeless Outreach During COVID-19 Pandemic**

- 126. John Caner, on behalf of the Berkeley Chamber, Downtown Berkeley Association and Visit Berkeley

**Item #20: Annual Commission Attendance and Meeting Frequency Report**

- 127. Supplemental material, submitted by the City Clerk

**Item #22: Vote of No Confidence in the Police Chief**

128. Shauna Wright

### **Supplemental Communications and Reports 3**

#### **Item #4: Lease for 5385 Cazadero Hwy, Cazadero, CA 95421 – Cazadero Performing Arts Camp (CPAC)**

- 129. Diane Fukawa
- 130. Frank Bliss
- 131. Jeremy Steinkoler
- 132. Rachel Medanic
- 133. Kristen Burmester
- 134. Joan Bell
- 135. Susan Brooks
- 136. Doris Fuawa
- 137. Radha Seshagiri
- 138. George Gaebler
- 139. Michael Ely
- 140. Debbie Chin Rokeach
- 141. Anne Wolf
- 142. Marianne Bilter
- 143. James Lovekin
- 144. Andrea Fuchilieri
- 145. Catherine Epstein

#### **Item #12: Authorize Installation of Security Cameras at Major Berkeley Arterial Streets Serving as Entry and Exit Points for the City and Request an Environmental Safety Assessment in High Crime Areas of the City**

- 146. Revised material, submitted by Councilmember Kesarwani
- 147. Sivan Orr
- 148. Elliot Halpern
- 149. Gloria Park
- 150. Mansour Id-Deen
- 151. Kelly Hammargren
- 152. Elana Auerbach
- 153. Elizabeth Ferguson
- 154. Ambrose Carroll
- 155. Alice Rosenthal
- 156. Sylvia Santillanez-Robson
- 157. Barbara
- 158. Christopher Kohler
- 159. Isabel Barbera
- 160. Julia Sen

#### **Item #16: Budget Referral - \$20,000 Radar Speed feedback Sign for Wildcat Canyon Road**

- 161. Bruce Perens
- 162. Victoira Hritonenko

**Item #18: Presentation: Report on Homeless Outreach During COVID-19 Pandemic**

163. Jack Hlavac, Managing Director of DoubleTree Hilton Berkeley Marina

**Item #19: 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**

164. Alecia Harger

165. Isabel Cholbi

166. Uma Channer

**Item #21: Support Community Refrigerators**

167. Isabel Cholbi

168. Derek Imai, ASUC External Affairs Vice President

169. Anna Tseselsky

170. Sylvia Santillanez-Robson

171. Samantha Warren

172. Alecia Harger

173. Sahand Hassanipour

174. Isabel Barbera

**Item #22: Vote of No Confidence in the Police Chief**

175. Berkeley Copwatch

176. Naomi Levinthal

177. Diana Bohn

178. Alice Rosenthal

179. Derek Imai, ASUC External Affairs Vice President

180. Anna Tseselsky (2)

181. Sylvia Santillanez-Robson

182. Naji Amro

183. Friends of Adeline (2)

184. Uma Channer

185. Isabel Cholbi

186. Alecia Harger

187. Mark Mis

188. Chimey Lee

189. Lynn Cooper

190. Julia Bleier

191. Isabel Barbera

192. Negeene Mosaed

**Miscellaneous Communications**

**Gun Violence**

193. Moni Law (2)

**Trash Clean Up**

194. Narendra Dev

**Telecom Laws**

195. Stephanie Thomas

**Problem Solving**

196. Enrique Martinez

**You Should Be Ashamed**

197. Mari Mendonca

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

MONDAY, NOVEMBER 16, 2020

4:00 P.M.

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 closed session 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.*

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To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)**; enter Meeting ID: **817 4728 3367**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.

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## Preliminary Matters

**Roll Call:** 4:03 p.m.

**Present:** Davila, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Kesarwani, Bartlett, Harrison

**Public Comment - Limited to items on this agenda only – 0 speakers**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2)

#### a. *One case*

**Action:** M/S/C (Hahn/Droste) to authorize the City Attorney to continue discussions with Alameda County regarding the County's breach of the City's contract with the County for behavior health services and, if necessary, to initiate litigation to remedy the breach of contract.

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

## OPEN SESSION:

The City Council authorized the City Attorney to continue discussions with Alameda County regarding the County's breach of the City's contract with the County for behavior health services and, if necessary, to initiate litigation to remedy the breach of contract.

## Adjournment

**Action:** M/S/C (Hahn/Davila) to adjourn the meeting.

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

Adjourned at 5:16 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on November 16, 2020.

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Mark Numainville  
City Clerk

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES**

**TUESDAY, NOVEMBER 17, 2020**

**3:30 P.M.**

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**

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*To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)**; enter Meeting ID: **864 1510 5179**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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## Preliminary Matters

**Roll Call:** 3:32 p.m.

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

**Absent:** Bartlett

Councilmember Bartlett present at 3:42 p.m.

**Public Comment - Limited to items on this agenda only – 3 speakers**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)

- a. *1444 Fifth Street LLC v. City of Berkeley*, Alameda County Superior Court Case No. 19032434

**Action:** No reportable action.

### 2. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, David White, Deputy City Manager, LaTanya Bellow, Human Resources Director, Dania Torres-Wong, Chief Labor Negotiator, Burke Dunphy, Chief Labor Negotiator, David Brannigan, Fire Chief.

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Public Employees Union Local 1.

**Action:** No reportable action.

### 3. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)

- b. *Shipp, Theresa v. City of Berkeley WCAB Case # DJ10911597*

**Action:** No reportable action.

## OPEN SESSION:

No reportable action taken.

## Adjournment

**Action:** M/S/C (Wengraf/Droste) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 5:41 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on November 17, 2020.

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Mark Numainville  
City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

- None

## Supplemental Communications and Reports 3

**Item #2: Conference with Labor Negotiators; Government Code Section 5497.6**

1. Alene Pearson
2. Shannon Allen

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, November 17, 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

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

## Preliminary Matters

**Roll Call:** 6:05 p.m.

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

**Absent:** None.

## Report from Closed Session

The City Council met in closed session on November 16, 2020 and authorized the City Attorney to continue discussions with Alameda County regarding the County's breach of the City's contract with the County for behavior health services and, if necessary, to initiate litigation to remedy the breach of contract.

## Ceremonial Matters:

1. Recognition of United Against Hate Week 2020

## City Manager Comments:

The City Manager provided an update on the Reimagining Public Safety Process.

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

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 9 speakers.

**Action:** M/S/C (Arreguin/Droste) to accept revised materials from the City Manager on Item 19 and Item 22.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

## Consent Calendar

**1. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Cause by a Novel (New) Coronavirus (COVID-19)**

**From: City Manager**

**Recommendation:** Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020 and September 22, 2020.

**Financial Implications:** See report

Contact: Farimah Brown, City Attorney, (510) 981-6950

**Action:** Adopted Resolution No. 69,608–N.S.

**2. Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the council meetings of October 1, 2020 (closed), October 6, 2020 (closed), October 8, 2020 (closed), October 13, 2020 (special and regular), October 20, 2020 (closed and special), and October 27, 2020 (closed and regular).

**Financial Implications:** None

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

**Action:** Approved the minutes as submitted.

**3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 17, 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:** Various Funds - \$7,429,349

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

**Action:** Approved recommendation.

## Consent Calendar

**4. Revenue Contract: The Center at Sierra Health Foundation for \$100,000 for Information Technology Equipment, Telehealth Licenses, and Personal Protective Equipment**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to apply for funding provided by The California Department of Health Care Services through the Behavioral Health Telehealth Request for Applications and accept the funding and execute any resultant revenue agreements and amendments to purchase Information Technology equipment, Telehealth licenses, and Personal Protective Equipment up to \$100,000 total in fiscal year 2021 and fiscal year 2022.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,609–N.S.

**5. Contract No. 32100021 Amendment: Telfords for Tyler Munis ERP System (locally referred to as ERMA) Implementation Support**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32100021 with Telfords, for Consulting Services for Tyler Munis ERP system project management and implementation support services and to increase the contract amount by \$50,000 for a total not to exceed \$100,000 and to extend the contract through June 30, 2021.

**Financial Implications:** See report

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 69,610–N.S.

**6. Refer to the Planning Commission to Amend the General Plan Land Use Classification and Rezone Parcels Located at 1709 Alcatraz Street, 3404 King Street, 3244 Ellis Street, 1717 Alcatraz Avenue and 2024 Ashby Avenue**

**From: City Manager**

**Recommendation:** Refer to the Planning Commission consideration that the parcels located at 1709 Alcatraz Street (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 052-1533-005-00) and 2024 Ashby Avenue (APN 053-1592-022-00) be reclassified to the new Adeline Corridor Mixed Use General Plan Land Use Classification; and consideration that the same areas be rezoned to the new Commercial – Adeline Corridor District.

**Financial Implications:** None

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

**Action:** Approved recommendation.



## Consent Calendar

- 7. Contract No. 103266-1 Amendment: Karste Consulting, Inc. for Emergency Preparedness Services and Training**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 103266-1 (Contract No. 9786C in FUND\$) with Karste Consulting, Inc. to increase the amount by \$100,000 for a total amount not to exceed \$350,000 and to extend the term through December 31, 2022.  
**Financial Implications:** Various Funds - \$100,000  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,611–N.S.
- 8. Contract No. 108747-1 Amendment: Acumen Industrial Hygiene for Industrial Hygiene Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 108747-1 (Contract No. 10203A in FUND\$) with Acumen Industrial Hygiene for industrial hygiene services, increasing the amount by \$100,000 for a new total contract amount not to exceed \$250,000 and extending the contract through June 30, 2022.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,612–N.S.
- 9. Contract No. 108007-1 Amendment: Don’s Tire Service, Inc. for Tire Repair Services for City Fleet Vehicles**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 108007-1 (Contract No. 10140 in FUND\$) with Don’s Tire Services, Inc. for repair and replacement services for automobile and truck tires for City of Berkeley fleet vehicles for an additional \$123,534, for a new total not to exceed \$273,534, and extend the authorized term through June 30, 2021.  
**Financial Implications:** Equipment Maintenance Fund - \$123,534  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,613–N.S.
- 10. Purchase Order: Bruce’s Tire, Inc. for New Automobile and Truck Tires for City Fleet Vehicles**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to increase the available spending with Bruce’s Tire Inc. for the purchase of automobile and truck tires for City of Berkeley fleet vehicles for an additional \$317,563, for a new total not to exceed \$1,192,563, and extend the authorized term through June 30, 2021.  
**Financial Implications:** Equipment Maintenance Fund - \$317,563  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,614–N.S.

## Consent Calendar

11. **Annual Report on Gifts Received in Excess of \$1,000 Aggregate Value**  
**From: Board of Library Trustees**  
**Recommendation:** Adopt a Resolution accepting the Library's annual gift report to the Berkeley City Council as presented and recommended by the Board of Library Trustees.  
**Financial Implications:** None  
Contact: Tess Mayer, Commission Secretary, (510) 981-6100  
**Action:** Adopted Resolution No. 69,615–N.S.

## Council Consent Items

12. **Budget Referral: Berkeley Age-Friendly Continuum**  
**From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** Refer to the FY21 Annual Appropriations Ordinance process \$20,000 for the Berkeley Age-Friendly Continuum.  
**Financial Implications:** \$20,000  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Councilmembers Harrison and Kesarwani added as co-sponsors. Approved recommendation.

## Council Consent Items

### 13. **Improving Hate Crimes Reporting and Response** *(Reviewed by the Public Safety Committee)*

**From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)**

**Recommendation:** Refer to the City Manager to review the following proposals and implement new systems for reporting and response to hate incidents and crimes: - Develop a Hate Crimes Reporting Hotline (modeled after the San Francisco District Attorney's hotline) to be staffed by the Berkeley Mental Health Division or a non-profit community partner. The Hotline will provide support for victims and those reporting hate crimes/incidents, and direct victims to resources and how to report hate crimes or incidents. Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline. -Explore adding hate crimes to the BPD Online Crime Reporting System to allow individuals to report specific hate related criminal acts or incidents. -Launch a public information campaign including the production of informational videos, posters, and ads in different languages about what is a hate crime and how to report it to Berkeley Police. -Conduct proactive outreach and develop partnerships with religious leaders, community service providers and organizations that work with groups which have historically been the target of hate crimes/incidents. -Refer to the Police Review Commission to review existing BPD policy on hate crimes (BPD Policy 319), request a report from BPD on hate crimes statistics and its implementation of BPD Policy 319, and review: privacy policies/procedures for reporting; culturally appropriate personnel structures to respond to incidents that will encourage reporting, reduce fear and provide support; The creation of accessible and multilingual reporting procedures and resources that deliver the clear message that hate has no place in Berkeley. -Refer to the Peace and Justice Commission, Youth Commission and Police Review Commission to develop a citywide campaign to promote outreach, education and dialogue regarding bullying, hate incidents and hate crimes. -Develop a public facing mapping tool that indicates patterns of hate incidents and crimes to help with outreach and prevention; -Coordinate with educational institutions (e.g. UC Berkeley and BUSD) to achieve goals. -Review other emerging policies and best practices in other communities that support an inclusive and safe community.

*(On November 2, 2020 the Public Safety Committee made a positive recommendation to send the item to the City Council, as submitted in the revised material received on November 2, 2020 and further revised to include: Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline; and to coordinate with educational institutions (e.g. UC Berkeley and BUSD) to achieve goals.)*

**Financial Implications:** Unknown

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

**Action:** Approved the recommendation as written on the agenda.

## Council Consent Items

14. **Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley**  
**From: Councilmember Hahn (Author), Councilmember Robinson (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**

**Recommendation:**

1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information.
2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments.

**Financial Implications:** Staff time

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

**Action:** Councilmember Harrison added as a co-sponsor. Approved recommendation.

## Action Calendar – Public Hearings

15. **Renewal of the Elmwood Avenue BID for Calendar Year 2021**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Elmwood Business Improvement District (hereafter, “the District”, “the Elmwood BID” or “the BID”) for 2020-21 and, if no majority protest exists, levy annual assessments in the District for calendar year 2021 to finance services and improvements and authorize a fiscal agency contract with Elmwood Business Association for receipt and expenditure of District funds.

**Financial Implications:** See Report

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

**Public Testimony:** The Mayor opened the public hearing. 1 speaker.

M/S/C (Arreguin/Wengraf) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Wengraf/Robinson) to adopt Resolution No. 69,616–N.S. confirming the Annual Report and Budget for the Elmwood Business Improvement District (hereafter, “the District”, “the Elmwood BID” or “the BID”) for 2020-21 and, if no majority protest exists, levy annual assessments in the District for calendar year 2021 to finance services and improvements and authorize a fiscal agency contract with Elmwood Business Association for receipt and expenditure of District funds.

**Vote:** All Ayes.

## Action Calendar – Public Hearings

### 16. Renewal of the Solano Avenue BID for Calendar Year 2021

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Solano Avenue Business Improvement District (hereafter, “Solano BID Advisory Board” or “the BID”) for 2020-2021 and, if no majority protest exists, levy annual assessments in the District for calendar year 2021 to finance services and improvements and authorize a fiscal agency contract for receipt and expenditure of District funds.

**Financial Implications:** See Report

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

**Public Testimony:** The Mayor opened the public hearing. 2 speakers.  
M/S/C (Arreguin/Droste) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Hahn/Wengraf) to adopt Resolution No. 69,617–N.S. confirming the Annual Report and Budget for the Solano Avenue Business Improvement District (hereafter, “Solano BID Advisory Board” or “the BID”) for 2020-2021 and, if no majority protest exists, levy annual assessments in the District for calendar year 2021 to finance services and improvements and authorize a fiscal agency contract for receipt and expenditure of District funds.

**Vote:** All Ayes.

### 17. Closure of the crossing at Camelia Street/Union Pacific (UP) Railroad Corridor; Amending Berkeley Municipal Code Chapter 14.24

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 14.24, to close the existing Union Pacific (UP) railroad crossing at Camelia Street to all traffic.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 1 speaker.  
M/S/C (Droste/Harrison) to close the public hearing.

**Vote:**

**Action:** M/S/C (Wengraf/Davila) to adopt first reading of Ordinance No. 7,738–N.S. Second reading scheduled for December 1, 2020.

**Vote:** All Ayes.

## Action Calendar – Public Hearings

**18. General Plan Amendment: Vehicle Miles Traveled for Transportation Impact Analysis under the California Environmental Quality Act**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving a General Plan amendment that replaces Level of Service (LOS) with Vehicle Miles Traveled (VMT) as the criteria used to determine transportation-related environmental impacts under the California Environmental Quality Act (CEQA). This update is required by Senate Bill (SB) 743. Findings for the General Plan amendment are included in the report.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 0 speakers. M/S/C (Arreguin/Harrison) to close the public hearing.

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

Councilmember Wengraf absent 7:51 p.m. – 7:54 p.m.

**Action:** M/S/C (Hahn/Davila) to adopt Resolution No. 69,618–N.S. approving a General Plan amendment that replaces Level of Service (LOS) with Vehicle Miles Traveled (VMT) as the criteria used to determine transportation-related environmental impacts under the California Environmental Quality Act (CEQA). This update is required by Senate Bill (SB) 743. Findings for the General Plan amendment are included in the report.

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

Recess 7:54 p.m. – 8:06 p.m.

## Action Calendar – New Business

**19. Amendment: FY 2021 Annual Appropriations Ordinance**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance amending FY 2021 Annual Appropriations Ordinance No. 7,724 - N.S. for fiscal year 2021 based upon recommended re-appropriation of committed FY 2020 funding and other adjustments since July 1, 2020 in the amount of \$184,267,388 (gross) and \$179,848,051 (net).

**Financial Implications:** See report

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

**Action:** 4 speakers. Discussion held. Item continued to December 15, 2020.

## Council Action Items

### 20. Updates to the COVID-19 Emergency Response Ordinance

#### From: 4x4 Joint Task Force Committee on Housing

**Recommendation:** Adopt first reading of an ordinance (effective February 1) 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 representing marginalized groups.

**Financial Implications:** See report

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

**Action:** 7 speakers. M/S/C (Hahn/Harrison) to:

1) Refer the ordinance as presented in Supplemental Communications Packet #2 to the City Attorney to present a revised ordinance for a first reading at a special meeting on December 8, 2020 at 4:00 p.m. with the second reading to occur on December 15, 2020.

2) Request that the City Attorney retain the intent of the proposed ordinance and the comments by Council on 11/17, clarify the applicability of the ordinance (residents, boarders, tenants), conform the ordinance to state law and adhere closely to the county laws while meeting Berkeley needs, include an Ellis Act carve out option, request collaboration with the Councilmembers on the 4x4 Committee, the City Manager, and Rent Board legal staff.

3) Request that the City Attorney issue a legal memo or schedule a closed session meeting to review legal considerations on the Ellis Act carve out.

**Vote:** All Ayes.

### 21. Contract: Youth Listen Campaign with Voices Against Violence, A Program of the McGee Center for Food, Faith & Justice

#### From: Councilmember Davila (Author)

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments for the Youth Listen Campaign with Voices Against Violence: A Program of the McGee Center for Food, Faith & Justice, for the period October 15, 2020 through June 15, 2021, for an amount not to exceed \$50,000.

**Financial Implications:** \$50,000

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

**Action:** Moved to Consent Calendar. Amended to be a budget referral (no resolution adopted). Approved recommendation from Supplemental Communications Packet #1.

## Information Reports

### 22. FY 2020 Year-End Results and FY 2021 First Quarter Budget Update

#### From: City Manager

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

**Action:** Item continued to December 15, 2020 to be heard directly before the AAO item.

**Public Comment – Items Not Listed on the Agenda - 6 speakers.**

**Adjournment**

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

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

Councilmember Droste absent 10:16 p.m. – 10:22 p.m.

Adjourned at 10:22 p.m.

I hereby certify that the forgoing is a true and correct record of the regular session meeting held on November 17, 2020.

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Mark Numainville  
City Clerk

**Communications**

**North Berkeley BART Development Plans**

1. 16 form letters
2. Laura Klein
3. Michael Katz
4. Virginia Browning
5. Eileen Hughes
6. Julieta Pisani McCarthy
7. Norma Harrison
8. Kelly Hammargren

**Vision 2025**

9. Philip le Roux
10. Andrew Sharo
11. Pathma Venasithamby
12. Karen Musalo
13. Maria Steinmann

**Artificially Sweetened Drinks**

14. Holly Scheider
15. Pauline Bondonno

**Overtaxed and Overgoverned**

16. Judy Hunt



**Animal Welfare**

17. Margaret McGarrahan

**Mental Health Services**

18. Eric Friedman

**South Berkeley Street Cleaning and Housing**

19. Ann Einstein

**Berkeley Mutual Aid**

20. Karen Dewald

**Barbeques During Red Flag Days**

21. Barbara Freeman

**Sharp Containers for People's Park**

22. Christopher Kohler

**5G**

23. Vivian Warkentin (2)

24. Phoebe Anne Sorgen

25. Judy Ann Alberti

**International Day of Tolerance**

26. Mina Karimabadi

**Supplemental Communications and Reports 1**

**Item #20: Updates to the COVID-19 Emergency Response Ordinance**

27. Revised material, submitted by Councilmember Davila

**Item #21: Contract: Youth Listen Campaign with Voices Against Violence, A Program of the McGee Center for Food, Faith & Justice**

28. Revised material, submitted by Councilmember Davila

**Supplemental Communications and Reports 2**

**Item #1: Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Cause by a Novel (New) Coronavirus (COVID-19)**

29. Kelly Hammargren

**Item #20: Updates to the COVID-19 Emergency Response Ordinance**

30. Revised material, submitted by Councilmember Davila

31. Nelson G. Nelson

32. Thomas Luce

**Supplemental Communications and Reports 3**

**Item #6: Refer to the Planning Commission to Amend the General Plan Land Use Classification and Rezone Parcels Located at 1709 Alcatraz Street, 3404 King Street, 3244 Ellis Street, 1717 Alcatraz Avenue and 2024 Ashby Avenue**

33. Dana Perls

34. Tracey Brieger

**Item #18: General Plan Amendment: Vehicle Miles Traveled for Transportation Impact Analysis under the California Environmental Quality Act**

35. Presentation, submitted by Planning

**Item #19: Amendment FY 2021 Annual Appropriations Ordinance**

36. Revised material, submitted by Budget

**Item #20: Updates to the COVID-19 Emergency Response Ordinance**

37. William Bogert

38. Lisa Camasi

39. Andrew Reichart

40. Diana Bohn

41. Berkeley Tenants Union

42. Peter Selawsky

43. Elsa Ramos

44. Marc Janowitz

45. Evelina Nava, on behalf of the East Bay Community Law Center

46. Hale Zukas

47. Chimey Lee

**Item #21: Contract: Youth Listen Campaign with Voices Against Violence, A Program of the McGee Center for Food, Faith & Justice**

48. Rev. Angela Jernigan

49. Alan Roselius

50. Rev. Molly Baskette

**Item #22: FY 2020 Year-End Results and FY 2021 First Quarter Budget Update**

51. Revised material, submitted by Budget