



Office of the City Manager

CONSENT CALENDAR
January 19, 2021

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 December 1, 2020 (closed and regular), December 3, 2020 (closed), December 8, 2020 (4pm-special and 6pm-special) and December 15, 2020 (closed, special and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. December 1, 2020 – Closed City Council Meeting
2. December 1, 2020 – Regular City Council Meeting
3. December 3, 2020 – Closed City Council Meeting
4. December 8, 2020 (4pm) – Special City Council Meeting
5. December 8, 2020 (6pm) – Special City Council Meeting
6. December 15, 2020 – Closed City Council Meeting
7. December 15, 2020 – Special City Council Meeting
8. December 15, 2020 – Regular City Council Meeting

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, DECEMBER 1, 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.

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/82542038081>. 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: 825 4203 8081. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

Preliminary Matters

Roll Call: 4:03 p.m. All present.

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. *Chen v. City of Berkeley – case # RG19019359 Alameda Superior Court; Claim No. 0223BC2019*

Action: M/S/C (Arreguin/Harrison) to authorize the settlement in the amount of \$37,000.

Vote: All Ayes.

- b. *Herman v. City of Berkeley – Claim No. 0349BC2019-0001*

Action: M/S/C (Arreguin/Robinson) to authorize the settlement in the amount of \$75,000.

Vote: All Ayes.

2. CONFERENCE REGARDING POTENTIAL THREAT TO PUBLIC SERVICES OR FACILITIES PURSUANT TO GOVERNMENT CODE SECTION 54957(a)

- a. *Consultation with: Information Technology Department*

Action: No action taken.

OPEN SESSION:

The City Council met in closed session and authorized the City Attorney to settle Chen v. City of Berkeley (Alameda Superior Court Case No. RG19019359) for \$37,000, and Herman v. City of Berkeley (Claim No. 0349BC2019-001) for \$75,000.

Adjournment

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

Vote: All Ayes.

Adjourned at 5:30 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on December 1, 2020.

Mark Numainville
City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, December 1, 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
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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: 6:06 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 and authorized the City Attorney to settle Chen v. City of Berkeley (Alameda Superior Court Case No.RG19019359) for \$37,000, and Herman v. City of Berkeley (Claim No. 0349BC2019-001) for \$75,000.

Ceremonial Matters:

1. Recognition of Pam Grossman, Berkeley Volunteer
2. Recognition of Carl C. Anthony and Dr. M. Paloma Pavel, Community Leaders and Activists
3. Recognition of Barbara Brust of Consider the Homeless!
4. Adjourn in memory of Dr. Stephen Rader, Berkeley Resident
5. Adjourn in Memory of Dennis Imoto, Berkeley Resident
6. Adjourn in Memory of Sincere Pierce and A.J. Crooms, victims of police shootings
7. Adjourn in Memory of J.C. Hendricks, Berkeley Resident
8. Adjourn in Memory of Diego Maradona, Soccer Legend
9. Adjourn in Memory of victims of the massacre in Mai Kadra, Ethiopia
10. Recognition of outgoing Councilmember Cheryl Davila

Recess 8:39pm – 8:49 p.m.

City Manager Comments:

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

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 14 speakers.

Action: M/S/C (Arreguin/Hahn) to add an item to the agenda related to CARES Act funding from Mayor Arreguin and Councilmember Bartlett pursuant to Government Code Section 54954.2(b)(2).

Vote: All Ayes.

Consent Calendar

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

Vote: All Ayes.

Urgent Item: Accept \$232,500 from East Bay Community Foundation and Allocate \$200,000 to County CARES Act Matching Grant Program and \$50,000 to Outdoor Dining Support Grant Program

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

Recommendation: Adopt a Resolution accepting a \$232,500 payment from the East Bay Community Foundation of funds raised by the Berkeley Relief Fund, and:

1) Allocate \$200,000 to finance grant payments for eligible Berkeley businesses through the Alameda County CARES Grant Program and authorize the City Manager, subject to the review and approval of the City Attorney, to enter into a Memorandum of Understanding or any other agreement necessary for the city to allocate \$200,000 from the Berkeley Relief Fund in order to participate in the grant matching program proposed by Alameda County as part of the Alameda County CARES Grant Program.

2) Allocate \$50,000 (\$32,500 from East Bay Community Foundation and \$17,500 from the prior phase of Berkeley Relief Fund) to provide grants to enable businesses to transition to outdoor commerce.

Financial Implications: See report

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

Action: Vice-Mayor Hahn and Councilmember Robinson added as co-sponsors.

Adopted Resolution No. 69,619–N.S.

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

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,737-N.S. 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.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,737–N.S.

Consent Calendar

- 2. Closure of the crossing at Camelia Street/Union Pacific (UP) Railroad Corridor; Amending Berkeley Municipal Code Chapter 14.24**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,738-N.S. amending Berkeley Municipal Code Chapter 14.24, to close the existing Union Pacific (UP) railroad crossing at Camelia Street to all traffic.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,738–N.S.
- 3. Mental Health Services Act (MHSA) Fiscal Years 2020/2021 – 2022/2023 Three Year Program and Expenditure Plan**
From: City Manager
Recommendation: Adopt a Resolution approving the Mental Health Services Act (MHSA) Fiscal Years 2020/2021 – 2022/2023 Three Year Program and Expenditure Plan (MHSA Three Year Plan), which provides information on current and proposed uses of funds for mental health programming, and forwarding the MHSA Three Year Plan to appropriate state officials.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,620–N.S.
- 4. Contract: Resource Development Associates for Specialized Care Unit**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Resource Development Associates (RDA) to facilitate the design of a Specialized Care Unit (SCU) for a total contract limit of \$185,000 for the period beginning January 1, 2021 and ending June 30, 2022. The contract will serve the City of Berkeley by analyzing the current mental health crisis system, engaging community members in visioning an improved system, researching best practice models and gathering local data, and developing a program to re-assign non-criminal police service calls to a Specialized Care Unit (SCU) that will respond without law enforcement.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Moved to Action Calendar. M/S/C (Arreguin/Harrison) to adopt Resolution No. 69,621–N.S.
Vote: All Ayes.

Consent Calendar

- 5. Contract Amendment: Fred Finch Youth Center for Turning Point Transitional Housing for Transition Age Youth**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend an existing contract with Fred Finch Youth Center (“Fred Finch”) for their Turning Point Transitional Housing Program (“Turning Point”), adding \$200,000 total for fiscal years 2021 and 2022, at a rate of \$100,000 per year, to enable Fred Finch to sustain the Turning Point program.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,622–N.S.
- 6. Amending Berkeley Municipal Code Chapter 11.28 – Food Establishments**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 11.28, Section 11.28.010 Statutory Provisions, Section 11.28.020 Definitions and adding Section 11.28.370 Microenterprise Home Kitchen Operation (MHKO).
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopt first reading of Ordinance No. 7,739–N.S. Second reading scheduled for December 15, 2020.
- 7. Grant Application: FEMA Hazard Mitigation Program for Seismic Retrofit of Martin Luther King (MLK) Jr. Youth Services Center/Young Adult Project (YAP)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant application to FEMA for funds in the amount not to exceed of \$1,237,500 for the seismic retrofit of the Martin Luther King (MLK) Jr. Youth Services Center/Young Adult Project (YAP); authorizing the City Manager to accept the grant; to execute any resultant revenue agreement and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: \$1,237,500 in revenue
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,623–N.S.

Consent Calendar

- 8. Grant Application: the San Francisco Restoration Authority Measure AA Grant Program for Technical Feasibility Studies of Potential Improvement Projects at Aquatic Park**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: submit a grant application in the amount of \$897,000 to the San Francisco Restoration Authority Measure AA Grant Program to conduct feasibility studies for improvements at Aquatic Park; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,624–N.S.
- 9. Grant Application: the California Proposition 68 Statewide Parks Program for new park development at selected Santa Fe Right-of-Way parcels**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: submit a grant application in the amount of up to \$8,000,000 to the California Proposition 68 Statewide Parks Program for new park development at selected Santa Fe Right-of-Way parcels; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,625–N.S.
- 10. Contract No. 31900040 Amendment: Freitas Landscaping and Maintenance for Hazardous Vegetation Reduction Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 31900040 with Freitas Landscaping and Maintenance for additional reduction of hazardous vegetation in high-risk areas of City-owned parks, pathways and landscaped areas during high-risk fire season, by increasing the contract by \$410,000 for a not-to-exceed amount of \$1,235,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,626–N.S.

Consent Calendar

11. Measure T1 Loan

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to loan \$198,400 from the Mental Health Realignment Fund balance to complete the Phase 1 Mental Health Adult Clinic renovation project and that authorizes the City Manager to repay the loan to the Mental Health Realignment Fund balance from the Phase 2 Measure T1 bond proceeds once they are available.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700; Teresa Berkeley-Simmons, City Manager's Office, (510) 981-7000; Liam Garland, Public Works, (510) 981-6300

Action: Adopted Resolution No. 69,627–N.S.

12. Donation: Regan Nursery Rose Bushes

From: City Manager

Recommendation: Adopt a Resolution accepting a donation of 44 potted roses from Regan Nursery, valued at \$1099.78, for replacement of roses stolen from the Berkeley Rose Garden.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,628–N.S.

13. Proposed Amendments to the Building Energy Saving Ordinance (BESO)

From: City Manager

Recommendation: Adopt first reading of amendments to the Building Energy Saving Ordinance (BESO), Chapter 19.81 of the Berkeley Municipal Code, to align with building electrification goals, leverage upcoming rebates and incentives, improve transparency in real estate sales process, and develop mandatory energy requirements to be phased in.

Financial Implications: See report

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

Action: Adopt first reading of Ordinance No. 7,740–N.S. Second reading scheduled for December 15, 2020.

14. Revenue Grant: Reach Code support from East Bay Community Energy

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager, or her designee, to submit a grant agreement and accept a \$10,000 grant award from East Bay Community Energy (EBCE) for reach code support.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,629–N.S.

Consent Calendar

- 15. Lease Agreement: Berkeley Housing Authority at 1947 Center Street, Fifth Floor, Southwest Corner**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Berkeley Housing Authority to use and occupy the City property at 1947 Center Street, 5th floor Southwest Corner for a ten-year lease term with an option to extend for two additional ten-year terms.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopt first reading of Ordinance No. 7,741–N.S. Second reading scheduled for December 15, 2020.
- 16. Final Map of Tract 8533: 1500 San Pablo Avenue**
From: City Manager
Recommendation: Adopt a Resolution approving the final map of Tract Map 8533, a one hundred seventy-five (175) unit condominium project consisting of one hundred seventy (170) residential units and five (5) commercial units at 1500 San Pablo Avenue.
Financial Implications: None
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,630–N.S.
- 17. Contract: Andes Construction, Inc. for Sanitary Sewer Rehabilitation at Various Locations**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Ashby Avenue, MLK Jr. Way, Benvenue Avenue, Hillegass Avenue, Parker Street, Telegraph Avenue, Bowditch Street, College Avenue, Spruce Street, and Keith Avenue; accepting the bid of the lowest responsive and responsible bidder, Andes Construction, Inc.; and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$4,968,764, which includes a 10% contingency of \$451,706.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,631–N.S.

Consent Calendar

18. **Contract: Glosage Engineering Inc. for Sanitary Sewer Rehabilitation at Walnut Street, Vine Street, Rose Street, Spruce Street, and Glen Avenue**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Rehabilitation at Walnut Street, Vine Street, Rose Street, Spruce Street, and Glen Avenue; accepting the bid of the lowest responsive and responsible bidder, Glosage Engineering, Inc. (Glosage) and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$2,711,556, which includes a 10% contingency of \$246,505.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,632–N.S.
19. **Grant Applications: Highway Safety Improvement Program Cycle 10**
From: City Manager
Recommendation: Adopt Resolutions authorizing the City Manager to submit grant applications to the California Highway Safety Improvement Program Cycle 10 for the following projects: Protected Left-Turn Signals at multiple signalized intersections for up to \$6 million and Sacramento Street Pedestrian Crossings for up to \$250,000; accept the grants awarded; and execute any resultant agreements and amendments. This item updates resolutions previously approved by the Berkeley City Council on the July 28, 2020 Consent Calendar in order to increase the grant funds requested to improve more intersections and enhance the pedestrian safety treatments proposed.
Financial Implications: See Report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,633–N.S. (Protected Left-Turn Signals) and Resolution No. 69,634–N.S. (Sacramento Street).
20. **Appointment of boona cheema and Margaret Fine to Mental Health Commission**
From: Mental Health Commission
Recommendation: Adopt a Resolution appointing: boona cheema as a representative of the Special Public Interest Category (family), to complete her second 3- year term beginning December 2, 2020 and ending December 1, 2023; and Margaret Fine as a representative of the General Public Interest Category, to complete her second 3-year term beginning December 2, 2020 and ending December 1, 2023.
Financial Implications: None
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400
Action: Adopted Resolution No. 69,635–N.S.

Council Consent Items

21. **State Alignment on the Treaty on the Prohibition of Nuclear Weapons**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)

Recommendation: Adopt a Resolution calling on the California State Legislature to introduce a bill to align the State with the UN Treaty on the Prohibition of Nuclear Weapons by creating a non-partisan, advisory Prohibition of Nuclear Weapons Citizens Commission. Copies of this resolution will be sent to Governor Gavin Newsom, Senator Nancy Skinner and Assemblymember Buffy Wicks.

Financial Implications: None

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

Action: Adopted Resolution No. 69,636–N.S.

22. **Urgency Ordinance Amending Berkeley Municipal Code 13.111.020(a) (Ordinance No. 7,727-N.S.) to Further Limit Third-Party Food Delivery Service Fees**

From: Councilmember Kesarwani (Author), Councilmember Hahn (Co-Sponsor)

Recommendation: Adopt an Urgency Ordinance amending Berkeley Municipal Code Section 13.111.020(a) (Ordinance No. 7,727-N.S.)—which establishes a temporary limit on the charges imposed by third-party delivery services on retail food establishments for the duration of the declared COVID-19 local state of emergency—by reducing the delivery fee cap from 15 percent to 10 percent, while maintaining the limit on other fees, commissions, or costs at 5 percent.

Financial Implications: See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Action: Councilmember Harrison added as a co-sponsor. Adopt Urgency Ordinance No. 7,742–N.S.

Council Consent Items

- 23. Budget Referral to Prioritize Enhanced Lighting in Areas of Elevated Violent Crime**
From: Councilmember Kesarwani (Author), Mayor Arreguin (Co-Sponsor), and Councilmember Bartlett (Co-Sponsor)
Recommendation: In an effort to immediately address safety concerns in blocks where elevated levels of violent crime--including robbery, aggravated assault (including shootings), rape, and homicide--have occurred during the COVID-19 pandemic, adopt the recommendations listed below:
1. Refer to the City Manager to prioritize resident requests for enhanced lighting when such requests come from blocks where elevated violent crime has occurred during the COVID-19 pandemic.
 2. Refer to the City Manager to perform an environmental safety assessment of areas where gun violence has been concentrated specifically in South and West Berkeley, including but not limited to:
 - a) Tenth, Ninth, Eighth, and Seventh Streets between Bancroft Way and Dwight Way;
 - b) Residential streets in the area from Russell Street to Carrison/Tyler Streets between San Pablo Avenue and California Street;
 - c) Other blocks where elevated violent crime is found to have occurred during the period from March to November 2020 based on Berkeley Police data.
 3. Refer costs for additional lighting and environmental safety assessments to the mid-year budget process for FY 2020-21.
- Financial Implications:** None
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Councilmember Wengraf added as a co-sponsor. Approved recommendation as revised in Supplemental Communications Packet #1 from Councilmember Kesarwani.
- 24. Striking Racially Restrictive Covenants in Certain Property Deeds**
From: Councilmember Davila (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a Resolution and send a letter to the Alameda County Board of Supervisors and the Governor of California with the following actions:
1. The City calls upon the County of Alameda to determine which parcels of real property have deeds that have racially restrictive covenants associated with them and to proactively strike from those covenants the racially restrictive language, thereby relieving homeowners of the burden of removing such language.
 2. The City urges the California legislature and governor to pass legislation requiring the same actions in every California county.
- Financial Implications:** See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Adopted Resolution No. 69,637–N.S.

Council Consent Items

- 25. Personal Liability Protection for Small Businesses**
From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor)
Recommendation: 1. Direct the City Manager and City Attorney to draft and submit to the City Council for consideration an emergency ordinance to prohibit the enforcement of personal liability provisions in commercial leases and commercial rental agreements in the City of Berkeley for lessees/renters who have experienced financial impacts related to the Covid-19 pandemic.
 2. Direct the City Manager to conduct outreach to all commercial tenants regarding any protections enacted by the City Council, with a particular focus on businesses that were required to stop serving food or beverages (e.g., restaurants, bars); close to the public (e.g., hair salons, barbershops, tattoo parlors); cease operations (e.g., gyms, fitness centers); or sharply limit operations (e.g., schools, retail shops, nurseries) due to the COVID-19 crisis.
Financial Implications: See report
 Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Mayor Arreguin and Councilmember Bartlett added as co-sponsors. Approved recommendation revised to strike “lessees/renters” and add “when failure to pay rent results from COVID-19 pandemic.”
- 26. Resolution calling on the BUSD Board and Superintendent to Consider Renaming Thousand Oaks Elementary to Kamala Harris Elementary School**
From: Councilmember Hahn (Author)
Recommendation: Adopt a Resolution calling on the Berkeley Unified School District (BUSD) Board and Superintendent to consider initiating a process, pursuant to BUSD Board Policy and Administrative Regulation 7310, to rename Thousand Oaks Elementary School to Kamala Harris Elementary School in honor of Vice President-Elect Kamala Harris.
Financial Implications: None
 Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Councilmembers Davila and Bartlett added as co-sponsors. Adopted Resolution No. 69,638–N.S.
Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Kesarwani.
- 27. California Recycling and Plastic Pollution Reduction Act: Endorsement of the 2022 Ballot Initiative**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-sponsor)
Recommendation: Approve the Resolution endorsing the "California Recycling and Plastic Pollution Reduction Act of 2020", also referred to as “Plastics Free California” so the Ballot Measure campaign can include the City of Berkeley in its list of supporters in campaign literature from now until the 2022 election.
Financial Implications: None
 Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Councilmember Davila added as a co-sponsor. Adopted Resolution No. 69,639–N.S.

Council Consent Items

28. Referral: Commission Low-Income Stipend Reform

From: Councilmember Robinson (Author)

Recommendation: Refer to the City Manager to develop and return to Council with a plan to improve equity, accessibility, and representation in City of Berkeley commissions by modernizing the low-income stipend program, and in doing so consider:

1. Increasing the annual household income cap for stipend eligibility from \$20,000 to align with the 50% Area Median Income (AMI) guidelines for Alameda County and reflect household size, and updating it annually with the latest HUD data.
2. Increasing the low-income stipend from \$40 to \$78 per meeting, and updating it annually with the City of Berkeley minimum wage to correspond to compensation for 2.5 hours of work.

Financial Implications: See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action: Approved recommendation as revised in Supplemental Communications Packet #1 from Councilmember Robinson.

Action Calendar – Public Hearings

29. Correction to Fee Increases for Traffic Engineering Hourly Rates

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 68,939-N.S. to include the rates discussed in the accompanying report in Chapter E of Attachment A that was inadvertently omitted during production of the agenda item.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 0 speakers.

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

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

Councilmember Bartlett absent 10:38- p.m. – 10:39 p.m.

Action: M/S/C (Arreguin/Hahn) to adopt Resolution No. 69,640–N.S.

Vote: All Ayes.

Action Calendar – Public Hearings

- 30. Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion select among proposed ordinance language options and take the following action:
Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Title 14 and Title 23 which would:
1. Modify Minimum Residential Off-street Parking Requirements
 2. Impose Residential Parking Maximums in Transit-rich Areas
 3. Amend the Residential Preferential Parking (RPP) Permit Program
 4. Institute Transportation Demand Management (TDM) Requirements
- Financial Implications:** See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- Action:** M/S/C (Arreguin/Harrison) to continue Item 30 to December 15, 2020 as the first item on the Action Calendar.
Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Kesarwani.

Information Reports

- 31. City Council Short Term Referral Process – Quarterly Update**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Received and filed.
- 32. LPO NOD: 2136-2154 San Pablo Avenue/#LMIN2020-0004**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

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

Adjournment

Action: M/S/C (Robinson/Droste) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 10:47 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on December 1, 2020.

Mark Numainville
City Clerk

Communications

Item #4: Contract: Resource Development Associates for Specialized Care Unit

1. Cindy Shamban

Item #14: Revenue Grant: Reach Code Support from East Bay Community Energy

2. Tom Kelly, on behalf of Kyoto USA (2)

Dumpster at University and Frontage Road

3. Janet Cobb
4. Helen and Paul Canin

North Berkeley BART Development

5. Melissa and Michael Fitzgerald
6. Junko and Robert Kenmotsu

T-1 Phase 2

7. John Caner, on behalf of Citizens for a Cultural Civic Center (2)
8. Ben, Liza, Chuck and Karen, on behalf of Walk Bike Berkeley
9. Kelly Hammargren

UC Berkeley's Policing

10. Russbumper

Constructive Fraud in Berkeley

11. Arthur Stopes III (2)

Agenda Deficiency – Financial Implications

12. Barbara Gilbert

Meth in Encampments

13. Eric Friedman

Council Meeting Concerns

14. Holly Marlin
15. Michai Freeman

5G

16. Vivian Warkentin (2)

Another Horse Fatality at the Golden Gate Fields

17. Joe Kaplan

Homeless Pooping in Front of Commercial Kitchen – Need Porta Potties

18. Marie and Tom Banis, owners of Certified Kitchens (2)

19. Councilmember Harrison (3)

Support the African-American Holistic Resource Center

20. C.W. Devers

21. Carol Perez

PG&E's Misdeeds

22. Sheila Goldmacher

Police Budget/Reimagining Community Safety

23. Tryn Brown

24. Elana Auerbach

OpenGov/Berkeley Considers

25. Jack Litewka

Supplemental Communications and Reports 1

Item #1: Lease for 5385 Cazadero Hwy, Cazadero, CA 95421 – Cazadero Performing Arts Camp (CPAC)

26. Al Bergstein

27. Ellen Jean Winograd

Item #21: State Alignment on the Treaty on the Prohibition of Nuclear Weapons

28. Diana Bohn

Item #23: Budget Referral to Prioritize Lighting in Areas of Elevated Violent Crime

29. Supplemental material, submitted by Councilmember Kesarwani

Item #28: Commission Low-Income Stipend Reform

30. Revised material, submitted by Councilmember Robinson

Item #30: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23

31. Cheryl White

32. Jordan Burns

33. Charles Siegel, on behalf of Walk Bike Berkeley

Supplemental Communications and Reports 2

Item #1: Lease for 5385 Cazadero Hwy, Cazadero, CA 95421 – Cazadero Performing Arts Camp (CPAC)

- 34. Carol Belcher
- 35. Natalie Couch

Item #30: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23

- 36. Jean Hohl
- 37. Vicki Sommer
- 38. Tommaso Sciortino
- 39. Gary Miguel
- 40. Teresa Clarke
- 41. Pablo Diaz-Gutierrez
- 42. Mathew Lewis
- 43. Jane Scantlebury
- 44. Carol Hirth
- 45. Libby Lee-Egan
- 46. Kevin Burke
- 47. Maud Engel
- 48. Laura Graham
- 49. Ariella Granett
- 50. Scott Peterson
- 51. Matthew Solomon
- 52. Michael Katz
- 53. David Kellogg
- 54. Ben Grant
- 55. Theo Posselt
- 56. David Campbell

Supplemental Communications and Reports 3

Recognition of Outgoing City Councilmember(s)

- 57. Alex Mabanta
- 58. Mary Nash
- 59. Peter Woiwode
- 60. Kelly Hammargren
- 61. Moni Law
- 62. Donna Mickleson
- 63. Danielle Epifani
- 64. Andrea Mullarkey
- 65. Eduardo Martinez
- 66. Martin Nicolaus
- 67. Michael Smith
- 68. Sheila Jordan
- 69. Connie Anderson (2)
- 70. Stephanie Thomas

71. Jovi Tseng

Item #1: Lease for 5385 Cazadero Hwy, Cazadero, CA 95421 – Cazadero Performing Arts Camp (CPAC)

72. Barbara Fairweather

73. Ricki Blau

74. Karen Wells

75. Andrew Grishaw

76. Melanie Green

Item #4: Contract: Resource Development Associates for Specialized Care Unit

77. Carole Marasovic

78. Gene Turitz

Item #13: Proposed Amendments to the Building Energy Saving Ordinance (BESO)

79. Stan Momtchev

80. Helene Barkin

81. Sandi Porter

82. Stephanie Christmas

83. Fran Haselsteiner

84. Helen Nicholas

85. Marion Henon

Item #25: Personal Liability Protection for Small Businesses

86. Randdep Rekhi (2)

87. Unknown

Item #30: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 & Title 23

88. Elizabeth Baker

89. Jonathan Singh

90. Liza Lutzker

91. Vicki Sommer

92. Jeffrey Wescott

93. Scott MacDougall

94. George Porter

95. Marjory Keenan

96. David Brandon

97. Marjorie Alvord

98. Igor Tregub

99. Lee Bishop

100. Laura Klein

101. Tony Corman

102. Dorothy Walker

103. Savlan Hauser

Accept \$232,500 from East Bay Community Foundation and Allocate \$200,000 to County CARES Act Matching Grant Program and \$50,000 to Outdoor Dining Support Grant Program

104. Urgent Item Agenda Material, submitted by Councilmember Bartlett and Mayor Arreguin

Plant-Based Food and Climate Crisis

105. Matthew Mckeefry

106. Victoria Gu

107. Rasa Petrauskaite

108. Rocky Chau

Tonight's Meeting a Disaster

109. Barbara Gilbert

**MINUTES
BERKELEY CITY COUNCIL
THURSDAY, DECEMBER 3, 2020
4:00 P.M.**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this 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/87650462081>. 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: 876 5046 2081. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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Preliminary Matters

Roll Call: 4:02 p.m.

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

Absent: Bartlett

Councilmember Bartlett present at 4:06 p.m.

Public Comment - Limited to items on this agenda only – 12 speakers

CLOSED SESSION:

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

1. 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 taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 7:42 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on December 3, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Conference with Labor Negotiators; Government Code Section 54957.6

1. Kathy Cassidy

Supplemental Communications and Reports 3

Item #1: Conference with Labor Negotiators; Government Code Section 54957.6

2. Fawn Downs
3. Nick Cartagena
4. Evelyn Chan
5. Adrian Merry
6. Jon Pettus
7. Barbara Ann White
8. Alisa Shen
9. Katie Van Dyke
10. Jenny McNulty
11. Sarah Moore
12. Alene Pearson
13. Jesse Peoples
14. Roberto Terrones
15. Dechen Tsering
16. Kathy Cassidy

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Tuesday, December 8, 2020

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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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: 4:03 p.m.

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

Absent: Kesarwani

Councilmember Kesarwani present at 4:04 p.m.

Action: M/S/C (Harrison/Bartlett) to accept an urgency item from Councilmember Harrison pursuant to Government Code Section 54954.2(b)(2) entitled Resolution Establishing Local Law Enforcement Policy Pursuant to the November 19, 2020 California Department of Public Health Limited Stay At Home Order and the December 3, 2020 Regional Stay At Home Order.

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

Action: M/S/C (Arreguin/Robinson) to accept revised materials from Councilmember Harrison on Item 1.

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

Action Calendar

1. **Updates to the COVID-19 Emergency Response Ordinance** (*Continued from November 17, 2020. Item contains revised material.*)

From: 4x4 Joint Task Force Committee on Housing

Recommendation:

1. 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.
2. Adopt a resolution, directing the City Manager to promptly issue a written statement, pursuant to Alameda County Municipal Code 6.120.110, affirming or declaring in writing that the City of Berkeley intends to "opt-out" of the County ordinance, enumerating the specific provisions of the County's ordinance from which the City intends to opt out, and including a finding that the City ordinance is stronger.

Financial Implications: See report

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

Action: 20 speakers. M/S/C (Harrison/Arreguin) to adopt Ordinance No. 7,743-N.S. as written in the revised materials submitted by Councilmember Harrison at the meeting with amendments in Section 13.110.040.B.1 (reference to state law), Section 13.110.050 (remove Ellis Act exemption), Section 13.110.050.C (intent to damage credit rating), and Section 13.110.080.B (changing "tenant" to "resident"). Second reading scheduled for December 15, 2020.

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

Urgency Item: Resolution Establishing Local Law Enforcement Policy Pursuant to the November 19, 2020 California Department of Public Health Limited Stay At Home Order and the December 3, 2020 Regional Stay At Home Order

From: Councilmember Harrison

Recommendation: State Health officials have recently issued two vaguely worded Stay At Home Orders that closely resemble curfews. The State's Orders lack critical specificity regarding enforcement procedures and mechanisms. The Orders, if enforced vigorously, could disproportionately impact low-income people, unhoused people, and people of color, and have the potential to increase the frequency of interactions between law enforcement and marginalized and vulnerable communities.

The December 3, 2020 order was issued after the deadline for Council items and has the potential to immediately impact community members. In addition, the November 19, 2020 Order is currently in effect and warrants immediate Council action.

Data analyses suggest that the June 2020 curfew correlated with significant increases law enforcement racial disparities within Berkeley. Across the Bay Area, certain law enforcement leaders, including police chiefs and sheriffs, have stated they do not intend to indiscriminately and unconstitutionally stop people encountered away from home merely on suspicion of violating the State's curfew orders. It is in the public interest for the Council and City to adopt a similar policy.

Financial Implications: See report

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

Action: M/S/C (Arreguin/Droste) to continue the item to December 15, 2020.

Vote: All Ayes.

Adjournment

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

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

Councilmember Kesarwani absent at 6:00 p.m. – 6:02 p.m.

Adjourned at 6:02 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on December 8, 2020.

Mark Numainville
City Clerk

Communications

Item #1: Updates to the COVID-19 Emergency Response Ordinance

1. Matthew Lewis, on behalf of the Berkeley Tenants Union

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Resolution Establishing Local Law Enforcement Policy Pursuant to the November 19, 2020 California Department of Public Health Limited Stay At Home Order and the December 3, 2020 Regional Stay At Home Order

2. Late agenda material, submitted by Councilmember Harrison

Supplemental Communications and Reports 3

Item #1: Updates to the COVID-19 Emergency Response Ordinance

3. Supplemental material, submitted by Councilmember Harrison
4. 13 similarly worded form letters
5. Mathew Lewis
6. Jane Doe
7. Moni Law
8. Sakura Sakura
9. Jeffrey Carter
10. Alfred Twu
11. Marc Janowitz
12. Judy MacLean
13. Barbara Stebbins
14. Kirsten Rose
15. Nancy Stark
16. Elsa Ramos

Urgency Item: Resolution Establishing Local Law Enforcement Policy Pursuant to the November 19, 2020 California Department of Public Health Limited Stay At Home Order and the December 3, 2020 Regional Stay At Home Order
17. Kitty Calavita

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Tuesday, December 8, 2020

6:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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Preliminary Matters

Roll Call: 6:17 p.m.

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

Absent: None.

Action Calendar – Public Hearing

1. Adoption of the Adeline Corridor Specific Plan and associated General Plan and Municipal Code (Zoning) Amendments and Certification of the Final Environmental Impact Report; Adding Berkeley Municipal Code Chapter 23E.70

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

1. Adopt a Resolution, as recommended by the Planning Commission, to: a. Certify the Environmental Impact Report and make related California Environmental Quality Act (CEQA) findings; and b. Adopt the Adeline Corridor Specific Plan (ACSP) and related General Plan text and map amendments.

2. Adopt first reading of an Ordinance, as recommended by the Planning Commission, amending the Berkeley Municipal Code (BMC) to create the Commercial – Adeline Corridor District regulations and make conforming changes to other BMC sections, as well as adopt Zoning Map changes; adding Berkeley Municipal Code Chapter 23E.70.

3. Authorize the City Manager to make non-substantive, technical conforming edits (e.g. correction of typographical errors and/or clerical errors) to the ACSP, including but not limited to page, figure or table numbering, or zoning regulations in the Municipal Code that may have been overlooked in deleting old sections and cross-referencing new sections of the proposed Adeline Corridor zoning district prior to formal publication of the amendments in the Berkeley Municipal Code, and to return to the Planning Commission and City Council for major revisions only.

4. Authorize staff to create updated versions of the ACSP Implementation Plan (Chapter 8, Table 8.1) as part of the annual progress report on implementation actions to reflect prevailing changes in laws, economic conditions, and the availability of City and other funding sources, which could potentially affect timeframes, responsibilities and potential funding mechanisms.

5. Consider a set of companion recommendations from the Planning Commission.

Financial Implications: No direct fiscal impacts

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

Recess 8:35 p.m. – 8:48 p.m.

Public Testimony: The Mayor opened the public hearing. 62 speakers.

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

Vote: All Ayes.

Action Calendar – Public Hearing

Action: M/S/Failed (Bartlett/Hahn) to:

1. Adopt staff recommendations 1, 2, 3, and 4 as written.
2. Take action on the Planning Commission supplemental recommendations as follows:
 - #1 \$50 million set aside – referred to the Housing Advisory Commission and the Measure O Oversight Committee
 - #2 Affordable Housing Mitigation Fee Ordinance revisions for Moderate Income Level - referred to the City Manager
 - #3 Two-lane street option for Adeline Avenue - referred to the City Manager
 - #4 Funding for parks in the Adeline Corridor - referred to the City Manager
3. Refer to the City Manager to develop a policy for the Affordable Housing Mitigation Fees collected from projects in the Adeline Corridor Planning Area to be placed in a fund dedicated for affordable housing at the Ashby BART site.
4. Re-evaluate the status of the Zoning Ordinance amendments and Adeline Corridor Specific Plan in one year to determine if there is a need for modification.

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

Action: M/S/Carried (Arreguin/Droste) to adopt the staff recommendation with certain noted amendments.

1. Adopt Resolution No. 69,642–N.S. certifying the Environmental Impact Report and make related California Environmental Quality Act (CEQA) findings, and adopting the Adeline Corridor Specific Plan (ACSP) and related General Plan text and map amendments with the following sentence deleted from page 3-26 “The City will oppose the relocation of the Flea Market away from the BART parking lot without the consent of the designated representative of the vendors, currently Community Services United.”
2. Adopt Ordinance No. 7,744–N.S. amending the Berkeley Municipal Code (BMC) to create the Commercial – Adeline Corridor District regulations and make conforming changes to other BMC sections, as well as adopt Zoning Map changes; adding Berkeley Municipal Code Chapter 23E.70. Amended to increase the stories, feet, floor area ratio, maximum density, and interior lot coverage in Tiers 2, 3, and 4 as written in the modified proposal presented by staff. Second reading scheduled for December 15, 2020.
3. Authorizing the City Manager to make non-substantive, technical conforming edits (e.g. correction of typographical errors and/or clerical errors) to the ACSP, including but not limited to page, figure or table numbering, or zoning regulations in the Municipal Code that may have been overlooked in deleting old sections and cross-referencing new sections of the proposed Adeline Corridor zoning district prior to formal publication of the amendments in the Berkeley Municipal Code, and to return to the Planning Commission and City Council for major revisions only.
4. Authorize staff to create updated versions of the ACSP Implementation Plan (Chapter 8, Table 8.1) as part of the annual progress report on implementation actions to reflect prevailing changes in laws, economic conditions, and the availability of City and other funding sources, which could potentially affect timeframes, responsibilities and potential funding mechanisms.
5. To take action on the Planning Commission supplemental recommendations as follows:

Action Calendar – Public Hearing

- #1 \$50 million set aside – referred to the Housing Advisory Commission and the Measure O Oversight Committee
 - #2 Affordable Housing Mitigation Fee Ordinance revisions for Moderate Income Level - referred to the City Manager
 - #3 Two-lane street option for Adeline Avenue - referred to the City Manager
 - #4 Funding for parks in the Adeline Corridor - referred to the City Manager
6. To refer to the City Manager to develop a policy for the Affordable Housing Mitigation Fees collected from projects in the Adeline Corridor Planning Area to be placed in a fund dedicated for affordable housing in the Adeline Corridor Planning Area.

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

Adjournment

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

Vote: All Ayes.

Adjourned at 10:50 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on December 8, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Adoption of the Adeline Corridor Specific Plan and associated General Plan and Municipal Code (Zoning) Amendments and Certification of the Final Environmental Impact Report

1. 38 similarly worded form-letters (without further delay)
2. 5 similarly worded form-letters (Ashby BART)
3. Charles Siegel, on behalf of Walk Bike Berkeley
4. Steve Martinot
5. Rachel Terp

6. Teresa Clarke
7. Matthew Lewis
8. Jonathan Singh
9. Zipporah Collins
10. Karen Anderson
11. Charis Baz
12. Chris Duncan
13. Laura Stevens
14. Gary Miguel
15. Michael Katz
16. Owen Poindexter
17. Liat Zavodivker
18. Nico Calavita

Supplemental Communications and Reports 3

Item #1: Adoption of the Adeline Corridor Specific Plan and associated General Plan and Municipal Code (Zoning) Amendments and Certification of the Final Environmental Impact Report

19. Joshua Sperry
20. Andrew Collins
21. Abby Thorne-Lyman, on behalf of BART
22. Paul Bickmore
23. Jeffrey Carter
24. Lee Bishop
25. Bonnie Gold
26. Julia Cato
27. Elana Auerbach
28. Chimey Lee
29. Jenna Rubin
30. Todd Darling
31. Mark Rhoades
32. Serena Lim
33. Jeannette McNeil (2)
34. Elaine Bloom
35. Diana Lee
36. Louise Rosenkrantz
37. Andy Pinost
38. Alex Ghenis
39. Heidi Fuchs
40. Jennifer Natali
41. Andrew Fox
42. Sophia DeWitt, on behalf of the East Bay Housing Organization
43. Carol Mancke
44. Teresa Clarke (2)

**BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

TUESDAY, DECEMBER 15, 2020

3:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this 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: **899 9440 1971**. 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: 4:04 p.m.

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

Absent: Bartlett

Councilmember Bartlett present at 3:22 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 – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2):

Significant exposure to litigation

Action: No reportable action taken.

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

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

Action: M/S/C (Hahn/Robinson) to authorize the City Attorney to settle Sandoval v. City of Berkeley (Alameda Superior Court Case No. RG19016889) for \$300,000.

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

b. Moore v. City of Berkeley Alameda County Superior Court, Case No. RG17 863897

Action: M/S/C (Arreguin/Robinson) approved the settlement of \$140,000 in the case of Moore v. City of Berkeley, Alameda County Superior Court No. RG 17 863897, contingent on the plaintiff cooperating with the City Attorney in disclosing and resolving any Medicare lien for medical expenses.

Vote: All Ayes.

c. City of Berkeley v. Regents of the University of California, Alameda Superior Court Case No. RG19023058

Action: No reportable action taken.

OPEN SESSION:

The City Council met in closed session and authorized the City Attorney to settle Sandoval v. City of Berkeley (Alameda Superior Court Case No. RG19016889) for \$300,000.

The City Council met in closed session and authorized the City Attorney to settle for \$140,000 in the case of Moore v. City of Berkeley, Alameda County Superior Court No. RG 17 863897, contingent on the plaintiff cooperating with the City Attorney in disclosing and resolving any Medicare lien for medical expenses.

Adjournment

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

Vote: All Ayes.

Adjourned at 5:44 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting of December 15, 2020.

Mark Numainville
City Clerk

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Tuesday, December 15, 2020

5:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 811 2784 9616. 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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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: 5:56 p.m.

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

Absent: Bartlett

Councilmember Bartlett present at 5:59 p.m.

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

Consent Calendar

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

Vote: All Ayes.

1. Confirming the Results of the November 3, 2020, General Municipal Election

From: City Manager

Recommendation:

1. Adopt a Resolution: a) Confirming the results of the November 3, 2020, General Municipal Election; and b) Declaring the passage of Measure FF – Fire, Emergency Services and Wildfire Prevention Tax, Measure GG – Tax on Transportation Network Company Trips, Measure II – Police Accountability Charter Amendment, Measure JJ – Charter Amendment: Mayor and Council Compensation, Measure KK - Charter Amendment: Administrative Provisions and City Attorney, Measure LL - GANN Limit Spending Authority, and Measure MM - Rent Stabilization Ordinance.

2. Adopt three Ordinances amending the Berkeley Municipal Code to incorporate the passage of Measure FF – Fire, Emergency Services and Wildfire Prevention Tax, Measure GG - Tax on Transportation Network Company Trips, and Measure MM - Rent Stabilization Ordinance.

3. Adopt a Resolution codifying the text of Measure LL – GANN Limit Spending Authority.

Financial Implications: None

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

Action: 1. Adopted Resolution No. 69,643–N.S. (Confirming Results of Election); 2. Adopted Ordinance No. 7,745–N.S. (Measure FF), Ordinance No. 7,746–N.S. (Measure GG), Ordinance No. 7,747–N.S. (Measure MM); 3. Adopted Resolution No. 69,644–N.S. Measure LL.

Council Consent Items

- 2. 2021-2022 City Council Committee and Regional Body Appointments**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution approving the appointment of Council representatives to City Council Standing Policy Committees, Partnership Committees, Regional Bodies and Liaisons to City Boards and Commissions for a two-year term beginning on January 1, 2021 and ending on December 31, 2022 or until new appointments are made.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted Resolution No. 69,645–N.S.
- 3. Appointment of Vice-President of the Council for 2021 and 2022**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution appointing Councilmember Lori Droste to be the Vice-President of the Council for a term of one-year effective immediately and ending December 15, 2021 and appointing Councilmember Kate Harrison to be the Vice President of the Council for a term of one-year beginning December 15, 2021 to December 15, 2022 or until new appointments are made.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted Resolution No. 69,646–N.S.
- 4. 2021 Seating Arrangements for Councilmembers during City Council Meetings**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution rescinding Resolution No. 68,718–N.S and changing the seating placement of City Councilmembers on the dais for calendar year 2021, to accommodate the newly-elected councilmember and newly appointed Vice-Mayor, as follows (From left to right, facing the dais): Kesarwani, Harrison, Bartlett, Droste, Arreguin, Wengraf, Hahn, Robinson, Taplin.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted Resolution No. 69,647–N.S.

Adjournment

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

Vote: All Ayes.

Adjourned at 6:04 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on December 15, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

- None

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, December 15, 2020
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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Preliminary Matters

Roll Call: 6:05 p.m.

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

Absent: None

Report from Closed Session

The City Council met in closed session and authorized the City Attorney to settle Sandoval v. City of Berkeley (Alameda Superior Court Case No. RG19016889) for \$300,000.

The City Council met in closed session and authorized the City Attorney to settle for \$140,000 in the case of Moore v. City of Berkeley, Alameda County Superior Court No. RG 17 863897, contingent on the plaintiff cooperating with the City Attorney in disclosing and resolving any Medicare lien for medical expenses.

Ceremonial Matters:

1. Swearing in of newly elected officials
2. Recognition of Vice-Mayor Sophie Hahn
3. Adjourned in memory of Bob Hess, Sr., Berkeley Resident
4. Adjourned in memory of Sean McCabe, Berkeley Resident

City Auditor Comments:

The City Auditor provided a presentation on her Streets Audit (Item 27)

City Manager Comments:

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

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 26 speakers.

Action: M/S/C (Arreguin/Harrison) to accept revised materials from the Mayor (Item 32) and City Manager (Item 43).

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to adopt the Consent Calendar in one motion except as indicated with amended by supplemental items and policy committees as noted.

Vote: All Ayes.

Consent Calendar – Continued Business

- A. Updates to the COVID-19 Emergency Response Ordinance; Amending Berkeley Municipal Code Chapter 13.110** *(Continued from December 8, 2020.)*
From: 4x4 Joint Task Force Committee on Housing
Recommendation: Adopt second reading of Ordinance No. 7,743-N.S. (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.
First Reading Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – None; Abstain – Kesarwani, Wengraf, Droste.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Adopted second reading of Ordinance No. 7,743–N.S.
- B. Adoption of the Adeline Corridor Specific Plan and associated General Plan and Municipal Code (Zoning) Amendments and Certification of the Final Environmental Impact Report; Adding Berkeley Municipal Code Chapter 23E.70** *(Continued from December 8, 2020.)*
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,744-N.S., as recommended by the Planning Commission, amending the Berkeley Municipal Code (BMC) to create the Commercial – Adeline Corridor District regulations and make conforming changes to other BMC sections, as well as adopt Zoning Map changes; adding Berkeley Municipal Code Chapter 23E.70.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Harrison.
Financial Implications: No direct fiscal impacts
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,744–N.S.

Consent Calendar

- 1. Amending Berkeley Municipal Code Chapter 11.28 – Food Establishments**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,739-N.S. amending Berkeley Municipal Code Chapter 11.28, Section 11.28.010 Statutory Provisions, Section 11.28.020 Definitions and adding Section 11.28.370 Microenterprise Home Kitchen Operation (MHKO).
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted second reading of Ordinance No. 7,739–N.S.

Consent Calendar

- 2. Proposed Amendments to the Building Energy Saving Ordinance (BESO); Amending Berkeley Municipal Code Chapter 19.81**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,740-N.S. amending the Building Energy Saving Ordinance (BESO), Chapter 19.81 of the Berkeley Municipal Code, to align with building electrification goals, leverage upcoming rebates and incentives, improve transparency in real estate sales process, and develop mandatory energy requirements to be phased in.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,740–N.S.
- 3. Lease Agreement: Berkeley Housing Authority at 1947 Center Street, Fifth Floor, Southwest Corner**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,741-N.S. authorizing the City Manager to execute a lease agreement with Berkeley Housing Authority to use and occupy the City property at 1947 Center Street, 5th floor Southwest Corner for a ten-year lease term with an option to extend for two additional ten-year terms.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,741–N.S.
- 4. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**
From: City Manager
Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020 and November 17, 2020.
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 69,648–N.S.

Consent Calendar

- 5. 1444 Fifth Street, LLC v. City of Berkeley, Case No. RG19032434**
From: City Manager
Recommendation: Adopt a Resolution approving the settlement of the action entitled 1444 Fifth Street, LLC v. City of Berkeley, Case No. RG19032434.
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 69,649–N.S.
- 6. Minutes for Approval**
From: City Manager
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).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved the minutes as submitted.
- 7. Contract: National Institute for Criminal Justice Reform to Manage and Lead a Community Engagement Process to Develop a New Paradigm of Public Safety in Berkeley**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with the National Institute for Criminal Justice Reform in an amount not-to-exceed \$270,000 for the period beginning January 1, 2021 and ending June 30, 2022.
Financial Implications: See report
Contact: Dave White, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 69,650–N.S. as revised in Supplemental Communications Packet #2 by the City Manager.
- 8. Contract No. 31900009 Amendment: Building Opportunities for Self-Sufficiency (BOSS) for McKinley House (2111 McKinley Avenue, Berkeley, CA 94703)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900009 with Building Opportunities for Self-Sufficiency (BOSS) through November 1, 2021, adding \$120,000 for a total contract Not to Exceed (NTE) of \$370,000, to fund Mental Health clients living at 2111 McKinley Avenue in Berkeley. This will extend the contract by one year.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,651–N.S.

Consent Calendar

- 9. Contract No. 32000232 Amendment: Worldwide Travel Staffing for Nurse Registry Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000232 with Worldwide Travel Staffing for nurse registry services. The total not to exceed limit will be \$1,272,580 and the contract end date will be extended to June 30, 2025. The contract will serve the needs of the Health, Housing and Community Services Department, providing fill-in nursing services as necessary at the Mental Health Clinic, Berkeley High School Health Center, COVID-19 Disease Containment Unit, the Public Health Emergency Preparedness' COVID-19 vaccine readiness planning, and the Berkeley Respite Program's nursing services.
Financial Implications: See report
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,652–N.S.
- 10. Revenue: Federal COVID-19 Funding from HHS CARES Act Provider Relief Fund**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept payments from the Health and Human Services (HHS) CARES Act Provider Relief Fund and to execute any resultant revenue agreements and amendments; which enables City Departments to conduct and implement mitigation strategies in response to COVID-19 in the estimated amount of \$181,962 for FY 2021.
Financial Implications: See report
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400, David Brannigan, Fire, (510) 981-3473
Action: Adopted Resolution No. 69,653–N.S.
- 11. Kovarus, LLC: Using the California Department of General Services' (DGS) Software Licensing Program (SLP) for Software License Purchases**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase spending authority with Kovarus LLC ("Kovarus") for the purchase of Varonis software licenses, utilizing pricing and contracts, amendments, and extensions from the California Department of General Services (DGS) Software Licensing Program (SLP) for an amount not-to-exceed \$165,000, and the period beginning December 16, 2020 through June 30, 2021.
Financial Implications: Cost Allocation Fund - \$165,000
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,654–N.S.

Consent Calendar

- 12. Donation: Friends of Berkeley Tuolumne Camp for Berkeley Tuolumne Camp Construction**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation from the Friends of Berkeley Tuolumne Camp up to the amount of \$700,000 for the Berkeley Tuolumne Camp construction.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,655–N.S.
- 13. Joint Use Agreement Between the City of Berkeley and Berkeley Unified School District**
From: City Manager
Recommendation: Adopt a Resolution executing a Joint Use Agreement between the City of Berkeley and the Berkeley Unified School District (BUSD) for use of BUSD playgrounds, pools and buildings and City park facilities.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,656–N.S.
- 14. Recommendations for Implementing Phase 2 of the Measure T1 Infrastructure Bond Program**
From: City Manager
Recommendation: Adopt a Resolution to implement the City Manager, Parks and Waterfront Commission, and Public Works Commission Final List of Projects for phase 2 of the Measure T1 infrastructure bond program.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700;
Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,657–N.S.
- 15. FEMA Hazard Mitigation Grant Application for Seismic Retrofit of the South Berkeley Senior Center**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant application to the Federal Emergency Management Agency for funds in the amount of \$1,875,000 for the seismic retrofit of the South Berkeley Senior Center; authorizing the City Manager to accept the grant; to execute any resultant revenue agreement and amendments; authorizing an amount of \$625,000 in local matching funds; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,658–N.S.

Consent Calendar

- 16. Receipt of and Funding Agreement Authorization for the Bay Area Air Quality Management District West Oakland Zero-Emission Grant Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept \$100,914 in grant funds from the Bay Area Air Quality Management District West Oakland Zero-Emission Grant Program (Project #19RFG23) and to enter into a Funding Agreement in order to support the electrification of the City's fleet vehicles.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,659–N.S.
- 17. Grant Application: COVID-19 Rapid Response Bicycle and Pedestrian Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant application for up to \$52,000 to the Alameda County Transportation Commission COVID-19 Rapid Response Bicycle and Pedestrian Grant Program for the Berkeley Healthy Streets project, and accept the grant awarded, and execute any resultant agreements and amendments.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,660–N.S.
- 18. Extending the Community Workforce Agreement with Building & Construction Trades Council, et al, for Construction Projects Over \$500,000**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment to the Community Workforce Agreement with the Alameda County Building & Construction Trades Council, and twenty-two labor organizations on City capital improvement projects with an estimated value in excess of \$500,000 to extend the agreement through June 30, 2023.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,661–N.S.
- 19. Sole Source Contract Negotiations – Community Conservation Center, Inc. and Ecology Center, Inc.**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to continue sole source negotiations with Ecology Center, Inc. and Community Conservation Centers, Inc.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,662–N.S.

Consent Calendar

- 20. Contract: Alameda-Contra Costa County Transit District (AC Transit) for EasyPass Program 2021 to 2025**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Alameda-Contra Costa County Transit District (AC Transit) for the EasyPass bus transit pass program for City of Berkeley employees in an amount not to exceed \$774,453 for the five-year period commencing January 1, 2021 through December 31, 2025.
Financial Implications: Payroll Deduction Trust Fund - \$774,453
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,663–N.S.
- 21. Contract: Benefit Resource, Inc. for Third-Party Administrator of the Employee Commute Benefit Program; Contract No. 8746A Amendment: Edenred USA**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to:
1. Execute a contract and any amendments with Benefit Resource, Inc., (BRI) to provide third-party administrator services for the City of Berkeley's Employee Commute Benefit Program for an amount not to exceed \$28,974 for the period of March 1, 2021 through February 28, 2023; and
2. Amend Contract No. 8746A with the City's current third-party administrator, Edenred Commuter Benefit Solutions, a subsidiary of Edenred USA, increasing the contract amount by \$6,000 for a total amount not to exceed \$276,000, and extending the contract period three months through March 31, 2021 to ensure a seamless transition to BRI, the new third-party administrator.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,664–N.S. (Benefit Resource, Inc.), and Resolution No. 69,665–N.S. (Edenred USA).
- 22. Purchase Order: TYMCO, Inc. for three Model 600X Regenerative Air Sweeper**
From: City Manager
Recommendation: Adopt a Resolution satisfying City Charter Article XI Section 67.2 requirements allowing the City to participate in Houston-Galveston Area Council contact bid procedures, and authorizing the City Manager to execute a purchase order with TYMCO, Inc. for three Model 600X Regenerative Air Sweeper in an amount not to exceed \$962,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,666–N.S.

Consent Calendar

- 23. Purchase Order: Arata Equipment Company for Eleven Side Loader Collection Trucks**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell (previously NJPA) contract bid procedures, and authorizing the City Manager to execute a purchase order for eleven (11) Side Loader Collection Trucks with Arata Equipment Company in an amount not to exceed \$4,554,575.
Financial Implications: Equipment Replacement Fund - \$4,554,575
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,667–N.S.
- 24. Purchase Order: Owen Equipment Sales for One Vactor Combination Sewer Cleaner Truck**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell (formerly NJPA) contract # 122017-FSC and authorizing the City Manager to execute a purchase order for one Vactor Combination Sewer Cleaner with Owen Equipment Sales in an amount not to exceed \$327,000.
Financial Implications: Various Funds - \$327,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,668–N.S.

Consent Calendar

25. **Prohibition on the Resale of Used Combustion Vehicles in 2040** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*

From: Community Environmental Advisory Commission

Recommendation: Review and refer to the City Attorney for finalization the attached ordinance prohibiting the resale of used, existing combustion-powered vehicles beginning in 2040.

(On November 18, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to refer to the City Manager for review of the attached ordinance prohibiting the resale of used, existing combustion-powered vehicles beginning in 2040, to the extent legally possible.)

Financial Implications: See report

Contact: Viviana Garcia, Commission Secretary, (510) 981-7460

Action: Approved the recommendation of the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee with the referral modified to provide two options of the ordinance: 1) as proposed by the policy committee, and 2) with the proposed additions below:

1. *Replace the word "vehicle" with "passenger vehicle" throughout the Resolution*
2. *Add a section that requires that all purchasers of combustion passenger vehicles in Berkeley be notified of this regulation at point of sale starting 60 days after the passage of this ordinance. (request that Legal craft the language to be used in the disclosure)*
3. *In 0.97.030 Definitions, include "Passenger Vehicle" shall be used as defined in California Vehicle Code 465*
4. *In Section, 9.97.040 Prohibition, clarify that exceptions shall include sales for trade-in and for sales as scrap metal.*

Consent Calendar

- 26. Allocation of \$3 Million Over Two Years, FY22 and FY23, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs) From: Sugar Sweetened Beverage Product Panel of Experts**
- Recommendation:** Adopt a Resolution allocating \$3 million from the General Fund in FY22 (July 1, 2021 through June 30, 2022) and FY23 (July 1, 2022 through June 30, 2023) that shall be invested in a grant program administered and coordinated by the Berkeley Public Health Division consistent with the SSBPPE's goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the effects of SSB consumption. The total of \$3 million will be distributed in two installments of \$1.5 million per year for FY22 and FY23. In each of these years, the funds will be distributed as follows: a. Direct the City Manager to award up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs. The BUSD funding process is separate from the RFP process for the general community-based organization funding process and shall be guided by the SSBPPE Commission's Criteria for BUSD Funding (Attachment 2 to the report). b. Direct the City Manager to award at least 42.5% of the allocated funds through an RFP process managed by the Public Health Division for grants to community-based organizations consistent with the SSBPPE's goals to reduce the consumption of SSBs and to address the effects of SSB consumption. The community-based organization funding RFP process is separate from the BUSD funding process and shall be guided by the SSBPPE Commission's Criteria for Community Agency Grants (Attachment 3 to the report). c. Direct the City Manager to utilize 15% of the allocated funds to support the Berkeley Public Health Division (BPHD) to coordinate and monitor the grant process, coordinate the overall program evaluation, and produce an annual report that disseminates process and outcome data from the epidemiologist resulting from the SSBPPE funding program.
- Financial Implications:** See report
 Contact: Dechen Tsering, Commission Secretary, (510) 981-5300
- Action:** Adopted Resolution No. 69,669–N.S. with the allocation set at total of \$2,662,506 for Fiscal Years 2022 and 2023 combined.
- 27. Rocky Road: Berkeley Streets at Risk and Significantly Underfunded From: Auditor**
- Recommendation:** We recommend City Council request that the City Manager report back by June 15, 2021, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Public Works Department.
- Financial Implications:** None
 Contact: Jenny Wong, Auditor, (510) 981-6750
- Action:** Approved recommendation.

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28. Tenth Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund

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

Recommendation:

1. Adopt a Resolution co-sponsoring the 10th Annual Martin Luther King Jr. Celebration on January 18, 2021.
2. Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Mayor Arreguin, to the Berkeley Rotary Endowment, the fiscal sponsor of the 10th Annual Martin Luther King Jr. celebration, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.

Financial Implications: Mayor's Discretionary Funds - \$250

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

Action: Adopted Resolution No. 69,670–N.S. (Co-Sponsor), and Resolution No. 69,671–N.S. (Relinquishment of Funds) revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$250; Councilmember Harrison - \$250; Councilmember Robinson - \$200; Vice-Mayor Droste - \$100; Councilmember Kesarwani - \$100; Mayor Arreguin - \$250.

29. Appoint Alexandria Thomas-Rodriguez to the Berkeley Housing Authority Board

From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution appointing Alexandria Thomas-Rodriguez to serve as a tenant Commissioner on the Berkeley Housing Authority Board of Commissioners for a two-year term.

Financial Implications: None

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

Action: Adopted Resolution No. 69,672–N.S.

30. Establishment of Reimagining Public Safety Task Force

From: Mayor Arreguin (Author), Councilmember Hahn (Author), Councilmember Bartlett (Author), Councilmember Harrison (Author)

Recommendation:

1. Establish a Reimagining Public Safety Task Force, comprised of: one representative appointed by each member of the City Council and Mayor, one representative appointed by the Mental Health, Police Review and Youth Commissions, one representative appointed by the Associated Students of the University of California (ASUC), one representative appointed by the Berkeley Community Safety Coalition (BCSC), and three additional members to be appointed "At Large" by the Task Force. The Task Force will be guided by a professional consultant, and will include the participation of City Staff from the City Manager's Office, Human Resources, Health, Housing and Community Services, Berkeley Fire Department, Berkeley Police Department, and Public Works Department. For visual,

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see Attachment 1.

2. Appointments to the Task Force should be made by January 31, 2021, and reflect a diverse range of experiences, knowledge, expertise and representation. To maintain the Council's July 14, 2020, commitment to centering the voices of those most impacted in our process of reimagining community safety appointments should be made with the goal of achieving a balance of the following criteria: a. Active Members of Berkeley Community (Required of All)*, b. Representation from Impacted Communities - Formerly incarcerated individuals, - Victims/family members of violent crime - Immigrant community, - Communities impacted by high crime, over-policing and police violence, - Individuals experiencing homelessness, - Historically marginalized populations, c. Faith-Based Community Leaders, d.

Expertise/Leadership in Violence Prevention, Youth Services, Crisis Intervention, and Restorative or Transformative Justice, e. Health/ Public Health Expertise, f. City of Berkeley labor/union representation, g. Law Enforcement Operation Knowledge, h. City Budget Operations/Knowledge, i. Committed to the Goals and Success of The Taskforce (Required of All)

3. The charge of the Task Force is as outlined in the July 14, 2020, City Council Omnibus Action, and should include but is not limited to: I. Building on the work of the City Council, the City Manager, BPD, the PRC and other City commissions and other working groups addressing community health and safety. II. Research and engagement to define a holistic, anti-racist approach to community safety, including a review and analysis of emerging models, programs and practices that could be applied in Berkeley. III. Recommend a new, community-centered safety paradigm as a foundation for deep and lasting change, grounded in the principles of Reduce, Improve and Reinvest as proposed by the National Institute for Criminal Justice Reform considering, among other things: A. The social determinants of health and changes required to deliver a holistic approach to community-centered safety. B. The appropriate response to community calls for help including size, scope of operation and power and duties of a well-trained police force. C. Limiting militarized weaponry and equipment. D. Identifying alternatives to policing and enforcement to reduce conflict, harm, and institutionalization, introduce alternative and restorative justice models, and reduce or eliminate use of fines and incarceration. E. Options to reduce police contacts, stops, arrests, tickets, fines and incarceration and replace these, to the greatest extent possible, with educational, community serving, restorative and other positive programs, policies and systems. F. Reducing the Berkeley Police Department budget to reflect its revised mandates, with a goal of a 50% reduction, based on the results of requested analysis and achieved through programs such as the Specialized Care Unit.

4. Direct the City Manager to ensure that the working group of City Staff as outlined in her October 28th Off-Agenda Memo is coordinating with the Task Force.

The Task Force's goal/output will be a set of recommended programs, structures and initiatives to incorporate into upcoming budget processes for FY 2022-23 and, as a second phase, in the FY 2024-2025 budget processes to ensure that recommended changes will be achieved. The Task Force shall return to City Council an initial plan and timeline by April 1, 2021, to ensure the first phase of changes can be incorporated into the FY 2022-23 Budget Process.

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Financial Implications: See report

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

Action: Adopted Resolution No. 69,673–N.S. and approved recommendation as revised in Supplemental Communications #2 by Mayor Arreguin.

- 31. Adopt a Resolution Advocating for More Effective Methods of Traffic Enforcement**
From: Mayor Arreguin (Author), Councilmember Droste (Author), Councilmember Robinson (Author), Councilmember Taplin (Co-Sponsor)
Recommendation: Adopt a Resolution supporting the California State Legislature to enact legislation that would give municipalities greater flexibility to enforce speeding and vehicle code enforcement laws and send copies of the resolution to Governor Gavin Newsom, Senator Nancy Skinner and Assemblymember Buffy Wicks
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 69,674–N.S.
- 32. Deferral of Remaining Permit Fees for 2009 Addison Street**
From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor),
Recommendation: Approve the deferral of \$720,000 in remaining permit and inspection fees for Berkeley Repertory Theater’s housing project at 2009 Addison Street for a period of ten years, after which point the fees will be repaid to the City of Berkeley. Authorize the City Manager to execute a written agreement to memorialize this deferral and repayment requirements.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Approved recommendation as revised in supplemental materials from Mayor Arreguin accepted at the meeting to read as follows:
- Refer to the City Manager to conduct a feasibility analysis and develop an MOU with the Berkeley Repertory Theater to defer \$720,000 in remaining permit and inspection fees for Berkeley Repertory Theater’s housing project at 2009 Addison Street (leaving flexibility for timing, setting of interest, schedule of payments, and fund sources).*
- 33. Support the Installation of a Plaque recognizing United States Vice President-Elect Kamala Harris in front of her childhood home in District 2**
From: Councilmember Davila (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution supporting the installation of a plaque recognizing United States Vice President-Elect Kamala Harris in front of her childhood home in District 2, and refer to the City Manager to start the process.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Adopted Resolution No. 69,675–N.S.

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- 34. Support calling upon food companies within Berkeley to implement the requirements of Proposition 12 as soon as possible by only selling eggs and meat from cage-free facilities**
From: Councilmember Davila (Author), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a Resolution calling upon supermarkets, restaurant companies, and other food corporations with locations in Berkeley, CA to implement the requirements of Proposition 12 as soon as possible by only selling eggs and meat from cage-free facilities.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Item 34 continued to January 19, 2021.
- 35. Potential Bonding and Funding Opportunities for Improving the PCI of Residential Streets, and Creating a Paving Master Plan** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Harrison (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Refer to the to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee (FITES) to continue working with the Public Works Department and the Commission to explore potential bonding and funding opportunities for improving the PCI of residential streets, create a paving master plan, and consider the Public Works Commission Paving Policy, once complete. *(On November 18, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to the City Council requesting that the item be referred back to the Facilities committee for further consideration and to request that Council refer the Paving Plan from the Public Works Commission to the committee when the item comes before Council in January.)*
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Approved the recommendation as adopted by the policy committee.
- 36. Reserving \$2.5M in Housing Trust Funds for the Small Sites Program**
From: Councilmember Hahn (Author), Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a Resolution reserving \$2.5 million in Housing Trust Funds for the Small Sites Program.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Councilmember Wengraf added as a co-sponsor. Adopted Resolution No. 69,676 –N.S. as revised in Supplemental Communications Packet #1 by Councilmember Hahn to add a request for the City Manager to provide a status report on the Small Sites Program in six months so that Council can decide on future funding allocations, and adds Councilmember Wengraf as a co-author.
Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Kesarwani, Droste.

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- 37. The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$125 per Councilmember, including \$125 from Councilmember Wengraf, to support the Berkeley Baby Book Project, a non-profit, with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Wengraf and all other Councilmembers who would like to contribute, will provide books to Berkeley children aged 0-5 years. The books are delivered by USPS and addressed to the child who owns them at no cost to their family. \$125 covers 5 years of monthly delivery costs.
Financial Implications: See report
 Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Councilmember Bartlett added as a co-sponsor. Adopted Resolution No. 69,677–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Kesarwani - \$125; Councilmember Robinson - \$125; Councilmember Harrison - \$125; Councilmember Bartlett - \$125; Vice-Mayor Droste - \$100; Mayor Arreguin \$125.
- 38. Resolution: Support of S. 4571 - 2020 Census Deadline Extensions Act**
From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution supporting S. 4571, the 2020 Census Deadline Extensions Act, which would extend the Census Bureau's statutory deadlines for delivering apportionment and redistricting data to April and July 2021, respectively.
Financial Implications: None
 Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Adopted Resolution No. 69,678–N.S.
- 39. Path to Permanence for Outdoor Dining and Commerce Permits Granted Under COVID-19 Public Health Emergency Declaration** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Droste (Author), Mayor Arreguin (Author), Councilmember Robinson (Author), Councilmember Harrison (Co-Sponsor)
Recommendation: Refer to the City Manager to develop a program, and if necessary, ordinance language to facilitate the transition of temporary outdoor dining and commerce permits that were obtained under the City's declaration of emergency to permanent status. Consider criteria for transitioning spaces for public vs. private outdoor use: - Consider the structural, materials, safety and other criteria for temporary vs. permanent outdoor spaces - Consider costs and benefits of private outdoor spaces adjacent to specific businesses on customer access, parking availability, parking revenues, and all other factors. - Consider merchant opt-out vs. opt-in: To encourage and support the use of outdoor commerce, upon the conclusion of the City declaration of emergency, outdoor commerce permit holders might

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automatically be transitioned to permanent permit status unless the permit holder chooses to remove the installation, or the city might reach out to temporary permit holders and offer an opt-in or quick transition program. - Consider fees and potential fee waivers for temporary spaces transitioning to permanent status: Fees associated with the minor encroachment permits or sidewalk seating typically necessary for outdoor dining and commerce permits could be waived for all transitioning permits. - Consider and bring forward any and all suggestions to help transition temporary spaces to permanent with as few hurdles and costs possible. - Request the Agenda Committee consider sharing this item on Berkeley Considers. - Consider removing the prohibition of parklets on State Highways (Ashby Ave, San Pablo Ave., for example)

(On November 2, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to the City Council with the recommendation language as amended by the committee. The revised recommendation language includes: Refer to the City Manager to develop a program and, if necessary, ordinance language to facilitate the transition of temporary outdoor dining and commerce permits that were obtained under the City's declaration of emergency to permanent status. - Consider criteria for transitioning spaces for Public vs. Private outdoor use. - Consider the structural, materials, safety and other criteria for temporary vs. permanent outdoor spaces. - Consider costs and benefits of private outdoor spaces adjacent to specific businesses on customer access, parking availability, parking revenues, and all other factors. - Consider Merchant opt-out vs. opt-in: To encourage and support the use of outdoor commerce, upon the conclusion of the City declaration of emergency, outdoor commerce permit holders might automatically be transitioned to permanent permit status unless the permit holder chooses to remove the installation, or the City might reach out to temporary permit holders and offer an opt-in or quick transition program. - Consider Fees and potential Fee waivers for temporary spaces transitioning to permanent status: Fees associated with the minor encroachment permits or sidewalk seating typically necessary for outdoor dining and commerce permits could be waived for all transitioning permits. - Consider Protocols for transfer of private use parklets if businesses change, turn over, etc. - Consider and bring forward any and all suggestions to help transition temporary spaces to permanent with as few hurdles and costs possible. - Request the Agenda Committee consider sharing this item on Berkeley Considers.)

Financial Implications: See report

Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

Action: Approved the recommendation as adopted by the policy committee.

Recess 9:06 p.m. – 9:16 p.m.

Action Calendar – Public Hearings

- 40. Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23**
(Continued from December 1, 2020. Item contains revised material.)

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion select among proposed ordinance language options and take the following action:

Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Title 14 and Title 23 which would:

1. Modify Minimum Residential Off-street Parking Requirements
2. Impose Residential Parking Maximums in Transit-rich Areas
3. Amend the Residential Preferential Parking (RPP) Permit Program
4. Institute Transportation Demand Management (TDM) Requirements

Financial Implications: See report

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

Action: The Mayor opened the public hearing. M/S/C (Arreguin/Wengraf) to continue the public hearing to a special meeting on January 26, 2021 at 4:00 p.m. including supplemental material submitted in Supplemental Communications Packet #2 from Councilmember Hahn.

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

Councilmember Bartlett absent 9:16 p.m. – 9:19 p.m.

- 41. Referral Response: Amendments to the Home Occupations Ordinance; Amending BMC Sub-Titles 23C, 23D, 23E, and 23F**

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance amending the Zoning Ordinance to streamline the permitting process for Home Occupations and amending Berkeley Municipal Code Chapter 23C.16 Home Occupations, Chapter 23E.84 MU-R Mixed Use-Residential District Provisions, Chapter 23F.04 Definitions, and Use Tables in Applicable Zoning Districts.

Financial Implications: See report

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

Action: The Mayor opened the public hearing. M/S/C (Arreguin/Wengraf) to continue the public hearing to February 9, 2021.

Vote: All Ayes.

Action Calendar

42. **FY 2020 Year-End Results and FY 2021 First Quarter Budget Update** *(Continued from November 17, 2020. Item contains revised material.)*

From: City Manager

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

Action: See Item 43.

43. **Amendment: FY 2021 Annual Appropriations Ordinance** *(Continued from November 17, 2020. Item contains revised material.)*

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: M/S/C (Arreguin/Hahn) to adopt a temporary rule limiting public comment to one minute per speaker.

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

Action: 19 speakers. M/S/C (Arreguin/Harrison) to adopt first reading of Ordinance No. 7,748-N.S. with re-appropriations in the amount of \$198,706,198 (gross) and \$194,286,861 (net) and as amended at the meeting based on revised materials submitted by the City Manager. Second reading scheduled for January 19, 2021.

Vote: All Ayes.

44. **Support Loan Forgiveness to Berkeley Youth Alternatives**

From: Councilmember Davila (Author)

Recommendation: Adopt a Resolution supporting the forgiveness of the City's \$100,000 loan to Berkeley Youth Alternatives (BYA), and direct the City Manager or her designee to process the loan forgiveness to BYA and release the deed of trust.

Financial Implications: \$100,000

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

Action: Moved to Consent Calendar. Adopted Resolution No. 69,679–N.S.

Action Calendar

45. Amendments to Berkeley Police Department Policy 300, Use of Force

From: City Manager

Recommendation:

A) Adopt the proposed amendments to Policy 300 as proposed by the City Manager, in order to comply with state law, and to provide additional definitions, and to clarify existing language within Policy 300, including the Department's recommendation for section 300.1.2;

-OR-

B) Adopt the proposed amendments to Policy 300 as proposed by the Police Review Commission, in order to comply with state law, and to provide additional definitions, and to clarify existing language within Policy 300, including the Police Review Commission's recommendation for Sections 300.1.2 and 300.1.3.

Financial Implications: See report

Contact: Andrew Greenwood, Police, (510) 981-5900

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:00 a.m.

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:30 a.m.

Vote: All Ayes.

Action: 17 speakers. M/S/C (Harrison/Hahn) to adopt Policy 300 as written by the Police Review Commission with the amendments noted below.

300.1.2 USE OF FORCE STANDARD

In dealing with suspects, officers shall ~~strive to~~ use alternatives to physical force whenever reasonably possible. In all cases where physical force is used, officers shall ~~strive to use the~~ a minimum amount of force that is objectively reasonable, objectively necessary, and proportional to effectively and safely resolve a conflict.

300.1.2 USE OF FORCE STANDARD

First, it imposes a higher duty upon officers to ~~strive to use the~~ a minimal amount of force objectively necessary to safely achieve their legitimate law enforcement objective.

300.1.3 CORE PRINCIPLES

A. DE-ESCALATION AND FORCE MINIMIZATION. Every officer's goal, throughout an encounter with a member of the public, shall be to de-escalate wherever possible and resolve the encounter without resorting to the use of force. Wherever possible, officers shall employ de-escalation techniques to increase the likelihood of voluntary compliance with law enforcement requests or directives and, thereby, decrease the likelihood that a use of force will become necessary during an incident. Further, in any encounters that do call for applying force, officers must always ~~strive to use the~~ a minimal amount of force that is objectively reasonable and objectively necessary to safely achieve their legitimate law enforcement objective.

300.1.4 DEFINITIONS

Minimal amount necessary – The least amount of force within a range that is objectively reasonable and objectively necessary to safely effect an arrest or achieve some other legitimate law enforcement purpose.

Vote: All Ayes.

Action Calendar – Continued Business

C. **Urgency Item: Resolution Establishing Local Law Enforcement Policy Pursuant to the November 19, 2020 California Department of Public Health Limited Stay At Home Order and the December 3, 2020 Regional Stay At Home Order**

(Continued from December 8, 2020.)

From: Councilmember Harrison (Author)

Recommendation: State Health officials have recently issued two vaguely worded Stay At Home Orders that closely resemble curfews. The State's Orders lack critical specificity regarding enforcement procedures and mechanisms. The Orders, if enforced vigorously, could disproportionately impact low-income people, unhoused people, and people of color, and have the potential to increase the frequency of interactions between law enforcement and marginalized and vulnerable communities.

The December 3, 2020 order was issued after the deadline for Council items and has the potential to immediately impact community members. In addition, the November 19, 2020 Order is currently in effect and warrants immediate Council action.

Data analyses suggest that the June 2020 curfew correlated with significant increases law enforcement racial disparities within Berkeley. Across the Bay Area, certain law enforcement leaders, including police chiefs and sheriffs, have stated they do not intend to indiscriminately and unconstitutionally stop people encountered away from home merely on suspicion of violating the State's curfew orders. It is in the public interest for the Council and City to adopt a similar policy.

Financial Implications: See report

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

Action: Moved to Consent Calendar. Adopted Resolution No. 69,680–N.S. with resolved clauses to read as follows:

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that City of Berkeley police will not stop individuals driving, or biking, walking or otherwise circulating outside of their homes during curfew hours solely on suspicion of violating curfew terms, November 19, 2020 Limited Stay At Home Order, or the State's December 3, 2020 Regional Stay at Home Order, and the Department will not dispatch or stop or question for these purposes unless there is reasonable suspicion of criminal behavior separate and apart from a curfew violation. Nothing in this resolution shall preclude City enforcement of unpermitted gatherings of groups of individuals of multiple households, or any other provisions of any local Health Order or State Health Order.

BE IT FURTHER RESOLVED that members of the public reporting alleged violations of the State's November 19, 2020 Limited Stay At Home Order or the State's December 3, 2020 Regional Stay at Home Order to the City of Berkeley will be advised to call or email 3-1-1 or Police Non-Emergency number after business hours to report their observations and concerns, and such reports shall be routed to the City Manager's office or appropriate city personnel for consideration of appropriate enforcement.

Public Comment – Items Not Listed on the Agenda - 2 speakers.

Adjournment

Adjourned at 12:30 a.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on December 15, 2020.

Mark Numainville
City Clerk

Communications

Item #27: Rocky Road: Berkeley Streets at Risk and Significantly Underfunded

1. Steve Kromer

Item #34: Support calling upon food companies within Berkeley to implement the requirements of Proposition 12 as soon as possible by only selling eggs and meat from cage-free facilities

2. Sabrina Ashjian, on behalf of the California Humane Society

Item #37: The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

3. Seena Hawley, on behalf of The Berkeley Baby Book Project

Berkeley Firefighters Staffing

4. Colin Arnold, on behalf of the Berkeley Firefighters Association

COVID-19 Concerns

5. Vivian Warkentin
6. Steven Schuyler
7. Nathan Francis

Needle Disposal Boxes

8. Maxina Ventura
9. 11 form-letters

Pickleball Courts

10. Elaine
11. Matt Ruby
12. Neil Collier

13. Christy Shepard
14. Fran Wickner
15. Lisa Vogel
16. Mike Hines
17. Gillie Tillson
18. Carmen Figueras
19. Kirk McCarthy
20. Carol Maga
21. Sean O'Doherty
22. Nancy Kaspar
23. Pat Kaspar
24. Nancy Ellis
25. Tess Eisley
26. Soleil Taylor
27. Frank Gilbert
28. Duston Richards
29. David Johnson
30. Holly Coates-Bash
31. Phyllis Mace
32. Chip Wasson
33. R'Sue Caron
34. Paul Kramer
35. Mary Reed Johnson
36. Gina Rieger
37. Naomi Torres
38. Shasta Phillips
39. Gregory Becker
40. Rosie Cohan
41. Jan Stafford
42. Monica Rohrer
43. Catherine Cassel
44. Nancy Cosentino
45. Dana Tillson

Gun Violence

46. Moni Law

Racial Disparities and Curfews

47. Racial and Criminal Justice Reform Group (2)
48. Sheila Jordan
49. Moni Law
50. Mansour Id-Dean
51. Janice Schroeder
52. Jane Martin

Pool Problems

53. Cris Barrere

Berkeley's Financial Status per State Auditor

54. Barbara Gilbert

African American Holistic Resource Center

55. Dr. M. Angelica Garcia, President, Berkeley City College

Kayla Moore

56. Gemma Medlam-Cooke

Horse Fatalities at Golden Gate Fields

57. Heather Wilson

58. Latinos Unidos de Berkeley

Surveillance Cameras

59. Vivian Warkentin

5G

60. Elana Levy

61. Vivian Warkentin (2)

62. Protect Berkeley Consortium

63. Stephanie Thomas

Vision 2025

64. Nilang

BUSD Reopening

65. Summi Kaipa

66. Maxine Skaggs Kennedy

Actions Unbecoming of Elected Officials

67. Margo Smtih

68. Russbumper

North Berkeley Crime

69. Vicki Sommer

Second Hand Smoke

70. Carol Denny

Construction Site Fire Safety

71. David Lerman

72. Dianne Maddox

N. Berkeley BART

73. David Brandon

Letter from Girl Scout Troop 33984

74. Annabelle, Eliana, Zella, Siena, Nina and Annika

Supplemental Communications and Reports 1

Item #26: Allocation of \$3 Million Over Two Years, FY22 and FY23, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs)

75. Revised material, submitted by HHCS

76. Holly Scheider, Chair, Sugar-Sweetened Beverage Products Panel of Experts
Commission (SSBPPE)

77. Pauline Bondonno

78. Eric Friedman

Item #36: Reserving \$2.5M in Housing Trust Funds for the Small Sites Program

79. Supplemental material, submitted by Councilmember Hahn

Item #37: The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

80. Kristin Chew

81. Namita Dodeja

82. Elizabeth

83. Del Parker

84. Pablo Diaz-Gutierrez

85. Ashely Dorsett

86. Matthew Percival

87. Caitlin Collins

88. Maura Fitzgerald

89. Nirmala Ramalingam

90. Liza Young

91. Christine Mattsson

92. Cecile Bastide

93. Tom Buoye

94. Lizzie Hager-Barnard

95. Zoe Corocran

Item #39: Path to Permanence for Outdoor Dining and Commerce Permits Granted Under COVID-19 Public Health Emergency Declaration

96. Carol Denney

Item #40: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23

97. Robert Smith

98. Denise Carlson

99. Jonathan Bailey

100. Mary Ruth Quinn
101. Lisa and Tim Goodman
102. Steven Segal
103. Bob Flasher
104. Susan Scherer
105. Laura Graham
106. Chuck and Mary Ann Wenger
107. Nicholas
108. Guy and Karen Benveniste
109. Joel Huff
110. Victoria Kahn
111. Ethan Karp
112. Rebecca Trumbull

Item #41: Referral Response: Amendments to the Home Occupations Ordinance; Amending BMC Sub-Titles 23C, 23D, 23E and 23F

113. Juliana Kramer

Item #45: Amendments to Berkeley Police Department Policy 300, Use of Force

114. Supplemental material, submitted by Councilmember Harrison
115. Supplemental material, submitted by the Police Review Commission

Supplemental Communications and Reports 2

Item A: Updates to the COVID-19 Emergency Response Ordinance; Amending Berkeley Municipal Code Chapter 13.110

116. Rain Sussman
117. Diana Bohn

Item B: Adoption of the Adeline Corridor Specific Plan and associated General Plan and Municipal Code (Zoning) Amendments and Certification of the Final Environmental Impact Report; Adding Berkeley Municipal Code Chapter 23E.70

118. Jane Scantlebury
119. Phyllis Orrick
120. Elliott Schwimmer
121. Mikayla Fussman
122. Paul Bickmore
123. Thomas Luce
124. Daniel Tacci
125. Forest Kaser
126. Friends of Adeline

Item #5: 1444 Fifth Street, LLC v. City of Berkeley, Case No. RG19032434

127. David Kellogg

Item #7: Contract: National Institute for Criminal Justice Reform to Manage and Lead a Community Engagement Process to Develop a New Paradigm of Public Safety in Berkeley

128. Revised material, submitted the by the City Manager's Office

Item #14: Recommendations for Implementing Phase 2 of the Measure T1 Infrastructure Bond Program

129. Kate Obenour

130. Corrina Gould

131. Deborah Durant

Item #27: Rocky Road: Berkeley Streets at Risk and Significantly Underfunded

132. Supplemental material, submitted by the Auditor

Item #30: Establishment of Reimagining Public Safety Task Force

133. Supplemental material, submitted by Mayor Arreguin

Item #37: The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

134. Helen Marcus

135. Ana Maria Mahiri

136. Lauren Pappone

137. Dora Lopez

138. Jan Volz-Kelly

139. Seena Hawley (2)

140. Marsala Williams

Item #40: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23

141. Supplemental material, submitted by Councilmember Hahn

142. Maris1000@

143. Frank Hirtz

144. George Porter

145. Steven Segal

Item #42: FY 2020 Year-End Results and FY 2021 First Quarter Budget Update

146. Revised material, submitted by the Budget Manager

147. Moni Law

148. Diana Bohn

149. russbumper

Item #43: Amendment: FY 2021 Annual Appropriations Ordinance

150. Supplemental material, submitted by Councilmember Hahn

Item #45: Amendments to Berkeley Police Department Policy 300, Use of Force

151. russbumper (5)

Item #C: Urgency Item: Resolution Establishing Local Law Enforcement Policy Pursuant to the November 19, 2020 California Department of Public Health Limited Stay At Home Order and the December 3, 2020 Regional Stay At Home Order

152. Revised material, submitted by Councilmember Harrison

Item #39: Path to Permanence for Outdoor Dining and Commerce Permits Granted Under COVID-19 Public Health Emergency Declaration

153. 243 Communications submitted via Berkeley Considers, includes summary information

Supplemental Communications and Reports 3

Item B: Adoption of the Adeline Corridor Specific Plan and associated General Plan and Municipal Code (Zoning) Amendments and Certification of the Final Environmental Impact Report; Adding Berkeley Municipal Code Chapter 23E.70

154. Diana Bohn

155. Janis Ching

Item #14: Recommendations for Implementing Phase 2 of the Measure T1 Infrastructure Bond Program

156. Kristin Leimkuhler

157. Bernard Marszalek

Item #17: Grant Application: COVID-19 Rapid Response Bicycle and Pedestrian Program

158. Lisa Lutzker, on behalf of Walk Bike Berkeley

Item #25: Prohibition on the Resale of Used Combustion Vehicles in 2040

159. Kathy Dervin

160. Todd Andrews

Item #27: Rocky Road: Berkeley Streets at Risk and Significantly Underfunded

161. Chimey Lee

162. Charles Clarke

Item #32: Deferral of Remaining Permit Fees for 2009 Addison Street

163. Revised material, submitted by Mayor Arreguin

Item #37: The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

164. Seena Hawley (2)

165. Daria Evans-Walker

**Item #39: Path to Permanence for Outdoor Dining and Commerce Permits
Granted Under COVID-19 Public Health Emergency Declaration**

166. Ben Gerhardstein, on behalf of Walk Bike Berkeley

**Item #40: Referral Response: Zoning Ordinance Amendments that Reform
Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and
Title 23**

167. Mindy Hou

168. George Porter (2)

169. Gradiva Couzin, Chair, Disaster and Fire Safety Commission

170. Nina Torcoletti

171. Norman McKnight

172. Robert Johnson

173. Erica Buhrmann & Ron Drucker

174. Mary Rose

Item #42: FY 2020 Year-End Results and FY 2021 First Quarter Budget Update

175. Lindsey Yamane

176. Laura Nguyen

177. Elana Auerbach

178. Sally Sommer

179. Adrienne Lemberger

180. Kennedy Vega

181. Maxina Ventura

182. Yael Platt

183. Sivian Orr

184. Sheila Jordan

185. Gloria Park

186. Alison Lafferty

Item #43: Amendment: FY 2021 Annual Appropriations Ordinance

187. Revised material, submitted by the City Manager

188. Janice Schroeder

189. Amy Gorman

190. Linda Worthman

191. Una Elias

192. Josie Gerst

193. Kenneth Higa

194. Councilmember Harrison

195. Patricia Williams

196. Phoebe Tanner

197. Jessica Ching

198. Rina Margolin

199. Erica Buhrmann

200. Eric Arens

201. Raquel Pinderhughes

- 202. Caroline Todd
- 203. Igor Tregub, Chair, Sierra Club Northern Alameda County Group
- 204. Ana Rasquiza
- 205. Tom Kelly
- 206. David Lerman

Item #45: Amendments to Berkeley Police Department Policy 300, Use of Force

- 207. Er Elliot
- 208. Maxina Ventura
- 209. Sivian Orr
- 210. Yael Platt
- 211. Elisa Mikiten

Item #C: Urgency Item: Resolution Establishing Local Law Enforcement Policy Pursuant to the November 19, 2020 California Department of Public Health Limited Stay At Home Order and the December 3, 2020 Regional Stay At Home Order

- 212. Diana Bohn
- 213. Sivian Orr
- 214. Yael Platt

